

[Second Reprint]

SENATE, No. 4067

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator STEPHEN M. SWEENEY

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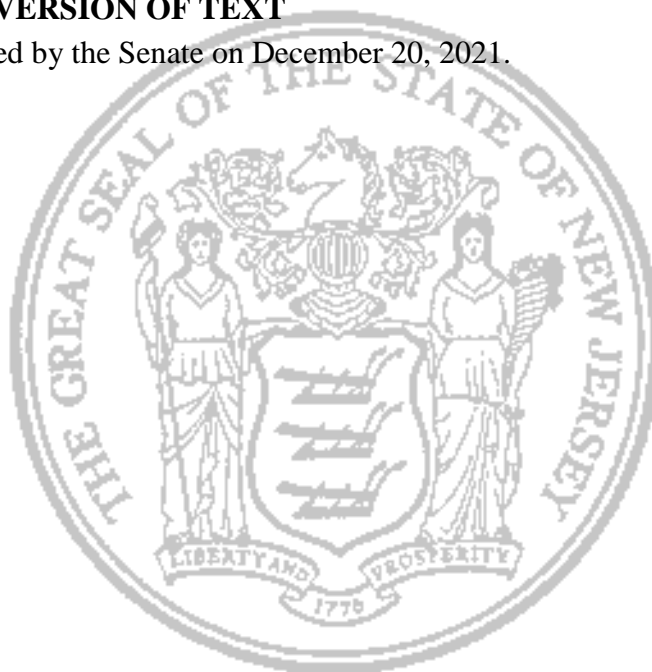
Senator Singleton

SYNOPSIS

Excludes farmland and certain other lands from definitions of “redevelopment area” and “rehabilitation area” in “Local Redevelopment and Housing Law.”

CURRENT VERSION OF TEXT

As amended by the Senate on December 20, 2021.



(Sponsorship Updated As Of: 11/15/2021)

1 AN ACT concerning the designation of farmland ²and certain other
2 land² as a redevelopment area or rehabilitation area under the
3 “Local Redevelopment and Housing Law,” and amending
4 P.L.1992, c.79.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to read
10 as follows:

11 3. As used in **[this act]** P.L.1992, c.79 (C.40A:12A-1 et seq.):

12 “Bonds” means any bonds, notes, interim certificates,
13 debentures, or other obligations issued by a municipality, county,
14 redevelopment entity, or housing authority pursuant to P.L.1992,
15 c.79 (C.40A:12A-1 ¹**[et al.] et seq.**¹).

16 “Comparable, affordable replacement housing” means newly-
17 constructed or substantially rehabilitated housing to be offered to a
18 household being displaced as a result of a redevelopment project,
19 that is affordable to that household based on its income under the
20 guidelines established by the Council on Affordable Housing in the
21 Department of Community Affairs for maximum affordable sales
22 prices or maximum fair market rents, and that is comparable to the
23 household's dwelling in the redevelopment area with respect to the
24 size and amenities of the dwelling unit, the quality of the
25 neighborhood, and the level of public services and facilities offered
26 by the municipality in which the redevelopment area is located.

27 “Development” means the division of a parcel of land into two or
28 more parcels, the construction, reconstruction, conversion,
29 structural alteration, relocation, or enlargement of any building or
30 other structure, or of any mining, excavation, or landfill, and any
31 use or change in the use of any building or other structure, or land
32 or extension of use of land, for which permission may be required
33 pursuant to the “Municipal Land Use Law,” P.L.1975, c.291
34 (C.40:55D-1 et seq.).

35 “Electric vehicle charging station” means an electric component
36 assembly or cluster of component assemblies designed specifically
37 to charge batteries within electric vehicles by permitting the transfer
38 of electric energy to a battery or other storage device in an electric
39 vehicle.

40 “Governing body” means the body exercising general legislative
41 powers in a county or municipality according to the terms and
42 procedural requirements set forth in the form of government
43 adopted by the county or municipality.

44 “Housing authority” means a housing authority created or
45 continued pursuant to **[this act]** P.L.1992, c.79 (C.40A:12A-1 et
46 seq.).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted December 9, 2021.

²Senate floor amendments adopted December 20, 2021.

1 “Housing project” means a project, or distinct portion of a
2 project, which is designed and intended to provide decent, safe, and
3 sanitary dwellings, apartments, or other living accommodations for
4 persons of low and moderate income; such work or undertaking
5 may include buildings, land, equipment, facilities^{1,1} and other real
6 or personal property for necessary, convenient^{1,1} or desirable
7 appurtenances, streets, sewers, water service, parks, site
8 preparation, gardening, administrative, community, health,
9 recreational, educational, welfare, or other purposes. The term
10 “housing project” also may be applied to the planning of the
11 buildings and improvements, the acquisition of property, the
12 demolition of existing structures, the construction, reconstruction,
13 alteration, and repair of the improvements and all other work in
14 connection therewith.

15 “Parking authority” means a public corporation created pursuant
16 to the “Parking Authority Law,” P.L.1948, c.198 (C.40:11A-1 et
17 seq.), and authorized to exercise redevelopment powers within the
18 municipality.

19 “Persons of low and moderate income” means persons or
20 families who are, in the case of State assisted projects or programs,
21 so defined by the Council on Affordable Housing in the Department
22 of Community Affairs, or in the case of federally assisted projects
23 or programs, defined as of “low and very low income” by the
24 United States Department of Housing and Urban Development.

25 “Public body” means the State or any county, municipality,
26 school district, authority, or other political subdivision of the State.

27 “Public electric vehicle charging station” means an electric
28 vehicle charging station located at a publicly available parking
29 space.

30 “Public housing” means any housing for persons of low and
31 moderate income owned by a municipality, county, the State, or the
32 federal government, or any agency or instrumentality thereof.

33 “Public hydrogen fueling station” means publicly available
34 equipment to store and dispense hydrogen fuel to vehicles
35 according to industry codes and standards.

36 “Publicly assisted housing” means privately owned housing
37 which receives public assistance or subsidy, which may be grants or
38 loans for construction, reconstruction, conservation, or
39 rehabilitation of the housing, or receives operational or maintenance
40 subsidies either directly or through rental subsidies to tenants, from
41 a federal, State, or local government agency or instrumentality.

42 “Publicly available parking space” means a parking space that is
43 available to, and accessible by, the public and may include on-street
44 parking spaces and parking spaces in surface lots or parking
45 garages, but shall not include: a parking space that is part of, or
46 associated with, a private residence; or a parking space that is
47 reserved for the exclusive use of an individual driver or vehicle or
48 for a group of drivers or vehicles, such as employees, tenants,

1 visitors, residents of a common interest development, or residents
2 of an adjacent building.

3 “Real property” means all lands, including improvements and
4 fixtures thereon, and property of any nature appurtenant thereto or
5 used in connection therewith, and every estate, interest and right,
6 legal or equitable, therein, including terms for years and liens by
7 way of judgment, mortgage, or otherwise, and indebtedness secured
8 by such liens.

9 “Redeveloper” means any person, firm, corporation, or public
10 body that shall enter into or propose to enter into a contract with a
11 municipality or other redevelopment entity for the redevelopment or
12 rehabilitation of an area in need of redevelopment, or an area in
13 need of rehabilitation, or any part thereof, under the provisions of
14 **[this act]** P.L.1992, c.79 (C.40A:12A-1 et seq.), or for any
15 construction or other work forming part of a redevelopment or
16 rehabilitation project.

17 “Redevelopment” means clearance, replanning, development,
18 and redevelopment; the conservation and rehabilitation of any
19 structure or improvement, the construction and provision for
20 construction of residential, commercial, industrial, public, or other
21 structures and the grant or dedication of spaces as may be
22 appropriate or necessary in the interest of the general welfare for
23 streets, parks, playgrounds, or other public purposes, including
24 recreational and other facilities incidental or appurtenant thereto, in
25 accordance with a redevelopment plan.

26 “Redevelopment agency” means a redevelopment agency created
27 pursuant to subsection a. of section 11 of P.L.1992, c.79
28 (C.40A:12A-11) or established heretofore pursuant to the
29 “Redevelopment Agencies Law,” P.L.1949, c.306 (C.40:55C-1 et
30 al.), repealed by **[this act]** P.L.1992, c.79 (C.40A:12A-1 et seq.),
31 which has been permitted in accordance with the provisions of **[this**
32 **act]** P.L.1992, c.79 (C.40A:12A-1 et seq.) to continue to exercise
33 its redevelopment functions and powers.

34 “Redevelopment area” or “area in need of redevelopment” means
35 an area determined to be in need of redevelopment pursuant to
36 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6)
37 or determined heretofore to be a “blighted area” pursuant to
38 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by **[this act]**
39 P.L.1992, c.79 (C.40A:12A-1 et seq.), both determinations as made
40 pursuant to the authority of Article VIII, Section III, paragraph 1 of
41 the Constitution. A redevelopment area may include lands,
42 buildings, or improvements which of themselves are not detrimental
43 to the public health, safety, or welfare, but the inclusion of which is
44 found necessary, with or without change in their condition, for the
45 effective redevelopment of the area of which they are a part. A
46 “redevelopment area” or “area in need of redevelopment” shall not
47 include ^{2(a)} any land actively devoted to agricultural or

1 horticultural use that is valued, assessed, and taxed pursuant to the
2 “Farmland Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et
3 seq.) ², (b) any land that has been valued, assessed, and taxed
4 pursuant to the “Farmland Assessment Act of 1964,” P.L.1964, c.48
5 (C.54:4-23.1 et seq.) in the 10 years prior to a determination
6 pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and
7 C.40A:12A-6), or (c) any real property that is not classified
8 pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 2
9 “residential property,” Class 4A “commercial property,” Class 4B
10 “industrial property,” or Class 4C “apartments” for property tax
11 purposes² ¹, except when the site is subject to remediation and
12 cleanup of environmentally hazardous materials or contaminants in
13 accordance with State ²**[and]** or² federal law¹.

14 “Redevelopment entity” means a municipality or an entity
15 authorized by the governing body of a municipality pursuant to
16 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to
17 implement redevelopment plans and carry out redevelopment
18 projects in an area in need of redevelopment, or in an area in need
19 of rehabilitation, or in both.

20 “Redevelopment plan” means a plan adopted by the governing
21 body of a municipality for the redevelopment or rehabilitation of all
22 or any part of a redevelopment area, or an area in need of
23 rehabilitation, which plan shall be sufficiently complete to indicate
24 its relationship to definite municipal objectives as to appropriate
25 land uses, public transportation and utilities, recreational, and
26 municipal facilities, and other public improvements; and to indicate
27 proposed land uses and building requirements in the redevelopment
28 area or area in need of rehabilitation, or both.

29 “Redevelopment project” means any work or undertaking
30 pursuant to a redevelopment plan; such undertaking may include
31 any buildings, land, including demolition, clearance, or removal of
32 buildings from land, equipment, facilities, or other real or personal
33 properties which are necessary, convenient, or desirable
34 appurtenances, such as but not limited to streets, sewers, utilities,
35 parks, site preparation, landscaping, and administrative, community,
36 health, recreational, educational, and welfare facilities, and zero-
37 emission vehicle fueling and charging infrastructure.

38 “Rehabilitation” means an undertaking, by means of extensive
39 repair, reconstruction, or renovation of existing structures, with or
40 without the introduction of new construction or the enlargement of
41 existing structures, in any area that has been determined to be in
42 need of rehabilitation or redevelopment, to eliminate substandard
43 structural or housing conditions and arrest the deterioration of that
44 area.

45 “Rehabilitation area” or “area in need of rehabilitation” means
46 any area determined to be in need of rehabilitation pursuant to
47 section 14 of P.L.1992, c.79 (C.40A:12A-14). “Rehabilitation area”
48 or “area in need of rehabilitation” shall not include ²(a)² any land

1 actively devoted to agricultural or horticultural use that is valued,
2 assessed, and taxed pursuant to the “Farmland Assessment Act of
3 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.)², (b) any land that has
4 been valued, assessed, and taxed pursuant to the “Farmland
5 Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.) in
6 the 10 years prior to a determination pursuant to sections 5 and 6 of
7 P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6), or (c) any real
8 property that is not classified pursuant to the requirements of
9 N.J.A.C.18:12-2.2 as Class 2 “residential property,” Class 4A
10 “commercial property,” Class 4B “industrial property,” or Class 4C
11 “apartments” for property tax purposes² ¹, except when the site is
12 subject to remediation and cleanup of environmentally hazardous
13 materials or contaminants in accordance with State ²**[and]** or²
14 federal law¹.

15 “Zero-emission vehicle” means a vehicle certified as a zero
16 emission vehicle pursuant to the California Air Resources Board
17 zero emission vehicle standards for the applicable model year,
18 including but not limited to, battery electric-powered vehicles and
19 hydrogen fuel cell vehicles.

20 “Zero-emission vehicle fueling and charging infrastructure”
21 means infrastructure to charge or fuel zero-emission vehicles,
22 including but not limited to, public electric vehicle charging
23 stations and public hydrogen fueling stations.
24 (cf: P.L.2021, c.168, s.1)

25

26 2. This act shall take effect immediately and apply to any
27 redevelopment plan adopted by a governing body of a municipality
28 after the effective date of this act.