

**ASSEMBLY, No. 2436**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 14, 2022

**Sponsored by:**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblymen Wirths, Umba, Assemblywoman Sawyer and Assemblyman  
Sauickie**

**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 introduced.



**(Sponsorship Updated As Of: 1/12/2023)**

1   **AN ACT** concerning the designation of farmland and certain other  
2   land 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  
10 read 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 **[et al.]** et seq.).

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

**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.

1 continued pursuant to **[this act]** P.L.1992, c.79 (C.40A:12A-1 et  
2 seq.).

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

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

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

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

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

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

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

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

44 “Publicly available parking space” means a parking space that is  
45 available to, and accessible by, the public and may include on-street  
46 parking spaces and parking spaces in surface lots or parking  
47 garages, but shall not include: a parking space that is part of, or  
48 associated with, a private residence; or a parking space that is

1 reserved for the exclusive use of an individual driver or vehicle or  
2 for a group of drivers or vehicles, such as employees, tenants,  
3 visitors, residents of a common interest development, or residents  
4 of an adjacent building.

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

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

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

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

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

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

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

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

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

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

46 “Rehabilitation area” or “area in need of rehabilitation” means  
47 any area determined to be in need of rehabilitation pursuant to  
48 section 14 of P.L.1992, c.79 (C.40A:12A-14). “Rehabilitation area”

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

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.

## 31 STATEMENT

32  
33 This bill amends the “Local Redevelopment and Housing Law,”  
34 P.L.1992, c.79 (C.40A:12A-1 et seq.), to specify that certain  
35 farmland and certain other lands cannot be included in a  
36 redevelopment area, an area in need of redevelopment, a  
37 rehabilitation area, or an area in need of rehabilitation under that  
38 law.

39 Specifically, this bill amends the definitions of “redevelopment  
40 area” and “rehabilitation area” used in the law to specifically  
41 exclude: (1) land actively devoted to agricultural or horticultural  
42 use that is valued, assessed, and taxed pursuant to the “Farmland  
43 Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.); (2)  
44 land valued, assessed, and taxed pursuant to the “Farmland  
45 Assessment Act of 1964” in the 10 years prior to a determination  
46 pursuant to the “Local Redevelopment and Housing Law”; and (3)  
47 land that is not classified pursuant to the requirements of  
48 N.J.A.C.18:12-2.2 as Class 2 “residential property,” Class 4A

1 “commercial property,” Class 4B “industrial property,” or Class 4C  
2 “apartments” for property tax purposes.

3 The exclusions provided in the bill from the definitions of  
4 “redevelopment area” and “rehabilitation area” would not apply to  
5 lands subject to remediation and cleanup of environmentally  
6 hazardous materials or contaminants in accordance with State or  
7 federal law.