

**ASSEMBLY, No. 4240**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MAY 2, 2024

**Sponsored by:**

**Assemblywoman DAWN FANTASIA**

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

**SYNOPSIS**

Allows for exclusion of certain properties from Highlands preservation area.

**CURRENT VERSION OF TEXT**

As introduced.



A4240 FANTASIA

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1 AN ACT concerning the preservation area of the Highlands Region  
2 and supplementing P.L.2004, c.120 (C.13:20-1 et al.).

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

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7 1. a. Notwithstanding subsection b. of section 7 of P.L.2004,  
8 c.120 (C.13:20-7) or any other law, or any rule or regulation  
9 adopted pursuant thereto, to the contrary, beginning on August 10,  
10 2024, when an owner of property located within the preservation  
11 area offers that property for sale to the State and the State rejects  
12 the offer due to the lack of available funding to purchase the  
13 property at an amount equal to a fair market value appraisal or  
14 appraisals of the value of the lands made using the land use zoning  
15 of the lands, and any State environmental laws or Department of  
16 Environmental Protection rules and regulations that may affect the  
17 value of the lands subject to the appraisal and in effect on August 9,  
18 2004, that property owner may request that the property be removed  
19 from the preservation area.

20 b. Upon a written request from the property owner to the  
21 Commissioner of Environmental Protection and the Chair of the  
22 Highlands Water Protection and Planning Council containing  
23 documentation from the State specifying that the State does not  
24 have funds available to purchase the property at a price equal to the  
25 value of the lands as appraised made using the land use zoning of  
26 the lands, and any State environmental laws or Department of  
27 Environmental Protection rules and regulations that may affect the  
28 value of the lands subject to the appraisal and in effect on August 9,  
29 2004, the property shall be exempt from the provisions of sections  
30 30 through 43 of P.L.2004, c.120 (C.13:20-28 et al.) and shall be  
31 regulated by the State and the local government unit in the same  
32 manner as property located in the planning area.

33 The property shall be excluded from the preservation area and  
34 this exclusion shall be recorded on the deed of the property, on  
35 written order of the Commissioner of Environmental Protection in  
36 conjunction with the Chair of the Highlands Water Protection and  
37 Planning Council, by the clerk or register of deeds and mortgages of  
38 the county wherein the affected property is located and shall remain  
39 attached thereto.

40 c. The Commissioner of Environmental Protection and the  
41 Chair of the Highlands Water Protection and Planning Council shall  
42 take all appropriate action to note the exclusion of a property  
43 pursuant to this section on all maps and descriptions of the  
44 preservation area prepared or published by the Department of  
45 Environmental Protection or the council.

46 d. The provisions of this section shall be applicable only to  
47 lands the owners of which at the time of the proposed sale to the  
48 State is the same person who owned the lands on the date of

1 enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned  
2 the lands continuously since that enactment date, or is an immediate  
3 family member of that person.

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill would allow, beginning on August 10, 2024, an owner  
11 of property located in the Highlands preservation area to request  
12 that the property be excluded from the preservation area under  
13 certain circumstances. Specifically, this bill would provide that  
14 when an owner of property located within the preservation area  
15 offers that property for sale to the State and the State rejects the  
16 offer due to the lack of available funding to purchase the property at  
17 an amount equal to a fair market value appraisal of the value of the  
18 lands as of August 9, 2004 (the day before the date of enactment of  
19 the “Highlands Water Protection and Planning Act,” P.L.2004,  
20 c.120), that property owner may request that the property be  
21 removed from the preservation area. Under the bill, upon written  
22 request by the property owner to the Commissioner of  
23 Environmental Protection and the Chair of the Highlands Water  
24 Protection and Planning Council containing documentation from the  
25 State that the State does not have funds available to purchase the  
26 property at a price equal to the value of the lands as of August 9,  
27 2004, the property would be exempt from the provisions of sections  
28 30 through 43 of P.L.2004, c.120 (C.13:20-28 et al.) and would be  
29 regulated by the State and the local government unit in the same  
30 manner as property located in the planning area.

31 The bill would apply to lands the owner of which, at the time of  
32 the proposed sale to the State, is the same person who owned the  
33 lands on the date of enactment of the “Highlands Water Protection  
34 and Planning Act” and who has owned the lands continuously since  
35 then, or is an immediate family member of that person.

36 The bill would require that the property be excluded from the  
37 preservation area and would require this exclusion to be recorded  
38 on the deed of the property. The bill would require the  
39 Commissioner of Environmental Protection and the Chair of the  
40 Highlands Water Protection and Planning Council to take all  
41 appropriate action to note the exclusion of such a property on all  
42 maps and descriptions of the preservation area prepared or  
43 published by the Department of Environmental Protection or the  
44 council.