

[Second Reprint]
SENATE, No. 2447

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JANUARY 8, 2013

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

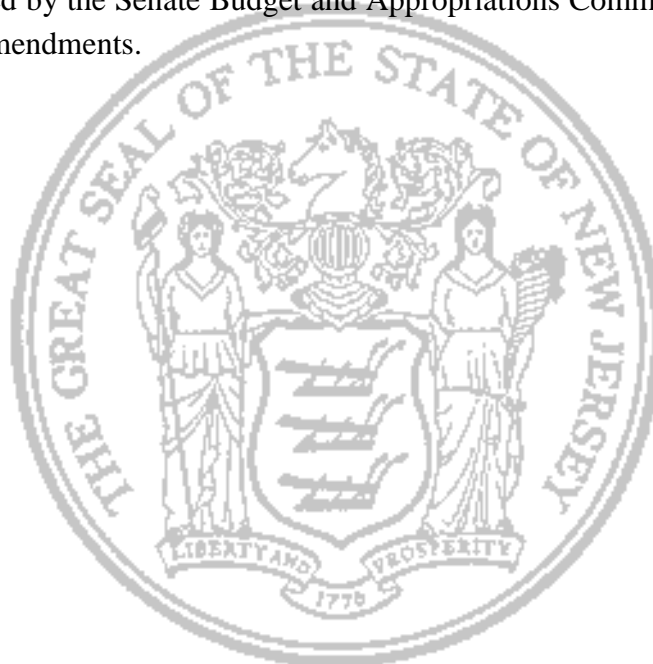
Senators Oroho, A.R.Bucco and Allen

SYNOPSIS

Codifies protections set forth in certain case law and limits use of eminent domain under the “Local Redevelopment and Housing Law.”

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 3, 2013, with amendments.



(Sponsorship Updated As Of: 6/21/2013)

- 1 AN ACT concerning procedures and powers under the “Local
2 Redevelopment and Housing Law” and amending P.L.1992,
3 c.79.
4
- 5 WHEREAS, Article VIII, Section III, paragraph 1 of the New Jersey
6 Constitution empowers the Legislature to authorize municipalities
7 to clear, replan, develop, and redevelop blighted areas; and
- 8 WHEREAS, The Legislature has authorized municipalities to undertake
9 programs to redevelop blighted areas; and
- 10 WHEREAS, Municipalities have used these programs to arrest and
11 reverse blighted conditions to promote sound planning, revitalize
12 tax bases, and improve the public safety, health, and welfare of
13 their communities; and
- 14 WHEREAS, In exercising their responsibilities and implementing
15 redevelopment programs municipalities have exercised the power
16 of eminent domain; and
- 17 WHEREAS, The 2005 United States Supreme Court decision in *Kelo v.*
18 *City of New London*, 545 U.S. 469 (2005), heightened public
19 concern with the use of eminent domain to implement municipal
20 redevelopment activities; and
- 21 WHEREAS, The New Jersey Supreme Court in *Gallenthin Realty*
22 *Development, Inc. v. Borough of Paulsboro*, 191 N.J. 344 (2007),
23 clarified one of the criterion for designating redevelopment areas in
24 New Jersey and emphasized that the use of eminent domain cannot
25 be justified to acquire property unless it is blighted, rather than
26 merely not being put to its optimal use; and
- 27 WHEREAS, The Appellate Division of the Superior Court in *Harrison*
28 *Redevelopment Agency v. DeRose*, 398 N.J. Super. 361 (App. Div.
29 2008) addressed a due process concern with the notice provision
30 under the Local Redevelopment and Housing Law, in cases where
31 eminent domain was used long after the property sought to be
32 acquired was designated as blighted and property owners were
33 precluded from challenging such designation in defense of the
34 condemnation of their properties; and
- 35 WHEREAS, The "Local Redevelopment and Housing Law" should
36 appropriately be amended to be consistent with these judicial
37 holdings and to address some of the concerns raised with respect to
38 the use of eminent domain in the implementation of redevelopment
39 programs; and
- 40 WHEREAS, Redevelopment remains a valid and important public
41 purpose and the implementation of redevelopment programs
42 continues to be a vital tool for municipal officials that must be
43 maintained to allow them to continue to meet their governmental

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 SCU committee amendments adopted March 4, 2013.

²Senate SBA committee amendments adopted June 3, 2013.

1 responsibilities to prevent, arrest, and reverse deleterious property
2 conditions within their municipal borders; and

3 **WHEREAS**, The State of New Jersey is experiencing the deepest
4 economic recession since the Great Depression; and

5 **WHEREAS**, Municipalities should be encouraged to engage in
6 economic development initiatives by promoting and facilitating
7 such efforts to create local economic stimulus and job creation
8 through the tools and incentives available under the “Local
9 Redevelopment and Housing Law;” and

10 **WHEREAS**, Municipalities should be provided the opportunity to
11 pursue such programs without the use of eminent domain ²], where
12 possible, and thereby provide assurance to property owners they
13 will not be subject to eminent domain, as well as provide repose for
14 municipalities who can implement redevelopment programs
15 without resorting to eminent domain²; ²and

16 **WHEREAS**, It is in the public interest to establish certainty and repose
17 with respect to the designation of redevelopment areas, the power
18 of eminent domain, and challenges thereto;² now, therefore,

19

20 **BE IT ENACTED** by the Senate and General Assembly of the State
21 of New Jersey:

22

23 1. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to
24 read as follows:

25 5. A delineated area may be determined to be in need of
26 redevelopment if, after investigation, notice and hearing as provided
27 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body
28 of the municipality by resolution concludes that within the
29 delineated area any of the following conditions is found:

30 a. The generality of buildings are substandard, unsafe,
31 unsanitary, dilapidated, or obsolescent, or possess any of such
32 characteristics, or are so lacking in light, air, or space, as to be
33 conducive to unwholesome living or working conditions.

34 b. The discontinuance of the use of buildings previously used
35 for commercial, manufacturing, or industrial purposes; the
36 abandonment of such buildings; or the same being allowed to fall
37 into so great a state of disrepair as to be untenable.

38 c. Land that is owned by the municipality, the county, a local
39 housing authority, redevelopment agency or redevelopment entity,
40 or unimproved vacant land that has remained so for a period of ten
41 years prior to adoption of the resolution, and that by reason of its
42 location, remoteness, lack of means of access to developed sections
43 or portions of the municipality, or topography, or nature of the soil,
44 is not likely to be developed through the instrumentality of private
45 capital.

46 d. Areas with buildings or improvements which, by reason of
47 dilapidation, obsolescence, overcrowding, faulty arrangement or
48 design, lack of ventilation, light and sanitary facilities, excessive

1 land coverage, deleterious land use or obsolete layout, or any
2 combination of these or other factors, are detrimental to the safety,
3 health, morals, or welfare of the community.

4 e. A growing lack or total lack of proper utilization of areas
5 caused by the condition of the title, diverse ownership of the real
6 **【property】** properties therein or other similar conditions which
7 impede land assemblage or discourage the undertaking of
8 improvements, resulting in a stagnant **【or】** and **【not fully**
9 **productive】** unproductive condition of land potentially useful and
10 valuable for contributing to and serving the public health, safety
11 and welfare, which condition is presumed to be having a negative
12 social or economic impact or otherwise being detrimental to the
13 safety, health, morals, or welfare of the surrounding area or the
14 community in general.

15 f. Areas, in excess of five contiguous acres, whereon buildings
16 or improvements have been destroyed, consumed by fire,
17 demolished or altered by the action of storm, fire, cyclone, tornado,
18 earthquake or other casualty in such a way that the aggregate
19 assessed value of the area has been materially depreciated.

20 g. In any municipality in which an enterprise zone has been
21 designated pursuant to the "New Jersey Urban Enterprise Zones
22 Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the
23 actions prescribed in that act for the adoption by the municipality
24 and approval by the New Jersey Urban Enterprise Zone Authority
25 of the zone development plan for the area of the enterprise zone
26 shall be considered sufficient for the determination that the area is
27 in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,
28 c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax
29 exemptions within the enterprise zone district pursuant to the
30 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption
31 of a tax abatement and exemption ordinance pursuant to the
32 provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The
33 municipality shall not utilize any other redevelopment powers
34 within the urban enterprise zone unless the municipal governing
35 body and planning board have also taken the actions and fulfilled
36 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)
37 for determining that the area is in need of redevelopment or an area
38 in need of rehabilitation and the municipal governing body has
39 adopted a redevelopment plan ordinance including the area of the
40 enterprise zone.

41 h. The designation of the delineated area is consistent with
42 smart growth planning principles adopted pursuant to law or
43 regulation.

44 (cf: P.L.2003, c.125, s.3)

45

46 2. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to
47 read as follows:

1 6. a. No area of a municipality shall be determined a
2 redevelopment area unless the governing body of the municipality
3 shall, by resolution, authorize the planning board to undertake a
4 preliminary investigation to determine whether the proposed area is
5 a redevelopment area according to the criteria set forth in section 5
6 of P.L.1992, c.79 (C.40A:12A-5). Such determination shall be
7 made after public notice and public hearing as provided in
8 subsection b. of this section. The governing body of a municipality
9 shall assign the conduct of the investigation and hearing to the
10 planning board of the municipality. The resolution authorizing the
11 planning board to undertake a preliminary investigation shall state
12 whether the redevelopment area determination shall authorize the
13 municipality to use all those powers provided by the Legislature for
14 use in a redevelopment area other than the use of eminent domain
15 (hereinafter referred to as a "Non-Condensation Redevelopment
16 Area") or whether the redevelopment area determination shall
17 authorize the municipality to use all those powers provided by the
18 Legislature for use in a redevelopment area, including the power of
19 eminent domain (hereinafter referred to as a "Condensation
20 Redevelopment Area").

21 b. (1) Before proceeding to a public hearing on the matter, the
22 planning board shall prepare a map showing the boundaries of the
23 proposed redevelopment area and the location of the various parcels
24 of property included therein. There shall be appended to the map a
25 statement setting forth the basis for the investigation.

26 (2) The planning board shall specify a date for and give notice
27 of a hearing for the purpose of hearing persons who are interested in
28 or would be affected by a determination that the delineated area is a
29 redevelopment area.

30 (3) (a) The hearing notice shall set forth the general boundaries
31 of the area to be investigated and state that a map has been prepared
32 and can be inspected at the office of the municipal clerk.

33 (b) If the governing body resolution assigning the investigation
34 to the planning board, pursuant to subsection a. of this section,
35 stated that the redevelopment determination shall establish a Non-
36 Condensation Redevelopment Area, the notice of the hearing shall
37 specifically state that a redevelopment area determination shall not
38 authorize the municipality to exercise the power of eminent domain
39 to acquire any property in the delineated area.

40 (c) If the resolution assigning the investigation to the planning
41 board, pursuant to subsection a. of this section, stated that the
42 redevelopment determination shall establish a Condensation
43 Redevelopment Area, the notice of the hearing shall specifically
44 state that a redevelopment area determination shall authorize the
45 municipality to exercise the power of eminent domain to acquire
46 property in the delineated area.

47 (d) A copy of the notice shall be published in a newspaper of
48 general circulation in the municipality once each week for two

1 consecutive weeks, and the last publication shall be not less than ten
2 days prior to the date set for the hearing. A copy of the notice shall
3 be mailed at least ten days prior to the date set for the hearing to the
4 last owner, if any, of each parcel of property within the area
5 according to the assessment records of the municipality. A notice
6 shall also be sent to all persons at their last known address, if any,
7 whose names are noted on the assessment records as claimants of an
8 interest in any such parcel. The assessor of the municipality shall
9 make a notation upon the records when requested to do so by any
10 person claiming to have an interest in any parcel of property in the
11 municipality. The notice shall be published and mailed by the
12 municipal clerk, or by such clerk or official as the planning board
13 shall otherwise designate. Failure to mail any such notice shall not
14 invalidate the investigation or determination thereon.

15 (4) At the hearing, which may be adjourned from time to time,
16 the planning board shall hear all persons who are interested in or
17 would be affected by a determination that the delineated area is a
18 redevelopment area. All objections to such a determination and
19 evidence in support of those objections, given orally or in writing,
20 shall be received and considered and made part of the public record.

21 (5) (a) After completing its hearing on this matter, the planning
22 board shall recommend that the delineated area, or any part thereof,
23 be determined, or not be determined, by the municipal governing
24 body to be a redevelopment area.

25 (b) After receiving the recommendation of the planning board,
26 the municipal governing body may adopt a resolution determining
27 that the delineated area, or any part thereof, is a redevelopment
28 area.

29 (c) Upon the adoption of a resolution, the clerk of the
30 municipality shall, forthwith, transmit a copy of the resolution to
31 the Commissioner of Community Affairs for review. If the area in
32 need of redevelopment is not situated in an area in which
33 development or redevelopment is to be encouraged pursuant to any
34 State law or regulation promulgated pursuant thereto, the
35 determination shall not take effect without first receiving the review
36 and the approval of the commissioner. If the commissioner does
37 not issue an approval or disapproval within 30 calendar days of
38 transmittal by the clerk, the determination shall be deemed to be
39 approved. If the area in need of redevelopment is situated in an
40 area in which development or redevelopment is to be encouraged
41 pursuant to any State law or regulation promulgated pursuant
42 thereto, then the determination shall take effect after the clerk has
43 transmitted a copy of the resolution to the commissioner. The
44 determination, if supported by substantial evidence and, if required,
45 approved by the commissioner, shall be binding and conclusive
46 upon all persons affected by the determination.

47 (d) Notice of the determination shall be served, within 10 days
48 after the determination, upon all record owners of property located

1 within the delineated area, those whose names are listed on the tax
2 assessor's records, and upon each person who filed a written
3 objection thereto and stated, in or upon the written submission, an
4 address to which notice of determination may be sent.

5 (e) If the governing body resolution assigning the investigation
6 to the planning board, pursuant to subsection a. of this section,
7 stated that the redevelopment determination shall establish a
8 Condemnation Redevelopment Area, the notice of the determination
9 required pursuant to subparagraph (d) of this paragraph shall
10 indicate that:

11 (i) the determination operates as a finding of public purpose and
12 authorizes the municipality to exercise the power of eminent
13 domain to acquire property in the redevelopment area, and

14 (ii) legal action to challenge the determination ² must be
15 commenced within 45 days of receipt of notice and that failure to
16 do so shall preclude an owner from later raising such challenge.

17 (f) No municipality ¹or redevelopment entity¹ shall ¹be
18 authorized to¹ exercise the power of eminent domain to acquire
19 property ¹for redevelopment purposes¹ within a ¹ redevelopment
20 area on or after 90 days from the effective date of P.L. _____,
21 c. (C.) (pending before the Legislature as this bill) unless
22 notice to property owners within the redevelopment area was
23 provided pursuant to subparagraph (e) of this paragraph. This
24 provision shall not apply to property located within an area
25 determined to be in need of redevelopment prior to the effective
26 date of P.L. _____, c. (C.) (pending before the Legislature as this
27 bill)] Non-Condemnation Redevelopment Area¹.

28 (g) If a municipal governing body has determined an area to be
29 a Non-Condemnation Redevelopment Area and is unable to acquire
30 property that is necessary for the redevelopment project, the
31 municipality may initiate and follow the process set forth in this
32 section to determine whether the area or property is a
33 Condemnation Redevelopment Area. Such determination shall be
34 based upon the then-existing conditions and not based upon the
35 condition of the area or property at the time of the prior Non-
36 Condemnation Redevelopment Area determination.

37 (h) A property owner who has received notice pursuant to this
38 section who does not file a legal challenge to the redevelopment
39 determination affecting his or her property within 45 days of receipt
40 of such notice shall thereafter be barred from filing such a challenge
41 and, in the case of a Condemnation Redevelopment Area and upon
42 compliance with the notice provisions of subparagraph (e) of this
43 paragraph, shall further be barred from asserting a challenge to the
44 redevelopment determination as a defense in any condemnation
45 proceeding to acquire the property ²unless the municipality and the
46 property owner agree otherwise².

1 (6) **【If written objections were filed in connection with the**
2 **hearing the】** The municipality shall, for 45 days next following its
3 determination **【to which the objections were filed】**, take no further
4 action to acquire any property by condemnation within the
5 redevelopment area.

6 (7) If **【a】** any person **【who filed a written objection to a**
7 determination by the municipality pursuant to this subsection】
8 shall, within 45 days after the adoption by the municipality of the
9 determination **【to which the person objected】**, apply to the Superior
10 Court, the court may grant further review of the determination by
11 procedure in lieu of prerogative writ; and in any such action the
12 court may make any incidental order that it deems proper.

13 c. An area determined to be in need of redevelopment pursuant
14 to this section shall be deemed to be a "blighted area" for the
15 purposes of Article VIII, Section III, paragraph 1 of the
16 Constitution. If an area is determined to be a redevelopment area
17 and a redevelopment plan is adopted for that area in accordance
18 with the provisions of this act, the municipality is authorized to
19 utilize all those powers provided in section 8 of P.L.1992, c.79
20 (C.40A:12A-8), except that a municipality may not acquire any land
21 or building by condemnation pursuant to subsection c. of that
22 section unless the ¹land or building is located within (1) an area that
23 was determined to be in need of redevelopment prior to the
24 effective date of P.L. , c. (C.) (pending before the Legislature
25 as this bill), or (2) a Condemnation Redevelopment Area for which
26 the¹ municipality has complied with the provisions of subparagraph
27 (e) of paragraph (5) of subsection b. of this section.

28 (cf: P.L.2003, c.125, s.4)

29
30 3. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to
31 read as follows:

32 8. Upon the adoption of a redevelopment plan pursuant to
33 section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or
34 redevelopment entity designated by the governing body may
35 proceed with the clearance, replanning, development and
36 redevelopment of the area designated in that plan. In order to carry
37 out and effectuate the purposes of this act and the terms of the
38 redevelopment plan, the municipality or designated redevelopment
39 entity may:

40 a. Undertake redevelopment projects, and for this purpose issue
41 bonds in accordance with the provisions of section 29 of P.L.1992,
42 c.79 (C.40A:12A-29).

43 b. Acquire property pursuant to subsection i. of section 22 of
44 P.L.1992, c.79 (C.40A:12A-22).

45 c. Acquire, by condemnation, any land or building which is
46 necessary for the redevelopment project, pursuant to the provisions
47 of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et

1 seq.), provided ¹it has complied with the notice requirements in
2 subparagraph (e) of paragraph (5) of subsection b. of section 6 of
3 P.L.1992, c.79 (40A:12A-6)] that the land or building is located
4 within (1) an area that was determined to be in need of
5 redevelopment prior to the effective date of P.L. , c. (C.)
6 (pending before the Legislature as this bill), or (2) a Condemnation
7 Redevelopment Area¹.

8 d. Clear any area owned or acquired and install, construct or
9 reconstruct streets, facilities, utilities, and site improvements
10 essential to the preparation of sites for use in accordance with the
11 redevelopment plan.

12 e. Prepare or arrange by contract for the provision of
13 professional services and the preparation of plans by registered
14 architects, licensed professional engineers or planners, or other
15 consultants for the carrying out of redevelopment projects.

16 f. Arrange or contract with public agencies or redevelopers for
17 the planning, replanning, construction, or undertaking of any
18 project or redevelopment work, or any part thereof; negotiate and
19 collect revenue from a redeveloper to defray the costs of the
20 redevelopment entity, including where applicable the costs incurred
21 in conjunction with bonds, notes or other obligations issued by the
22 redevelopment entity, and to secure payment of such revenue; as
23 part of any such arrangement or contract, provide for extension of
24 credit, or making of loans, to redevelopers to finance any project or
25 redevelopment work, or upon a finding that the project or
26 redevelopment work would not be undertaken but for the provision
27 of financial assistance, or would not be undertaken in its intended
28 scope without the provision of financial assistance, provide as part
29 of an arrangement or contract for capital grants to redevelopers; and
30 arrange or contract with public agencies or redevelopers for the
31 opening, grading or closing of streets, roads, roadways, alleys, or
32 other places or for the furnishing of facilities or for the acquisition
33 by such agency of property options or property rights or for the
34 furnishing of property or services in connection with a
35 redevelopment area.

36 g. Except with regard to property subject to the requirements of
37 P.L.2008, c.65 (C.40A:5-14.2 et al.), lease or convey property or
38 improvements to any other party pursuant to this section, without
39 public bidding and at such prices and upon such terms as it deems
40 reasonable, provided that the lease or conveyance is made in
41 conjunction with a redevelopment plan, notwithstanding the
42 provisions of any law, rule, or regulation to the contrary.

43 h. Enter upon any building or property in any redevelopment
44 area in order to conduct investigations or make surveys, sounding or
45 test borings necessary to carry out the purposes of this act.

46 i. Arrange or contract with a public agency for the relocation,
47 pursuant to the "Relocation Assistance Law of 1967," P.L.1967,
48 c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act,"

1 P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or
2 commerce displaced from a redevelopment area.

3 j. Make, consistent with the redevelopment plan: (1) plans for
4 carrying out a program of voluntary repair and rehabilitation of
5 buildings and improvements; and (2) plans for the enforcement of
6 laws, codes, and regulations relating to the use and occupancy of
7 buildings and improvements, and to the compulsory repair,
8 rehabilitation, demolition, or removal of buildings and
9 improvements.

10 k. Request that the planning board recommend and governing
11 body designate particular areas as being in need of redevelopment
12 or rehabilitation in accordance with the provisions of this act and
13 make recommendations for the redevelopment or rehabilitation of
14 such areas.

15 l. Study the recommendations of the planning board or
16 governing body for redevelopment of the area.

17 m. Publish and disseminate information concerning any
18 redevelopment area, plan or project.

19 n. Do all things necessary or convenient to carry out its powers.
20 (cf: P.L.2008, c.65, s.8)

21

22 4. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to
23 read as follows:

24 14. a. A delineated area may be determined to be in need of
25 rehabilitation if the governing body of the municipality determines
26 by resolution that a program of rehabilitation, as defined in section
27 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent
28 further deterioration and promote the overall development of the
29 community; and that there exist in that area any of the following
30 conditions such that (1) a significant portion of structures therein
31 are in a deteriorated or substandard condition [and] ; (2) more than
32 half of the housing stock in the delineated area is at least 50 years
33 old; (3) there is a [continuing] pattern of vacancy, abandonment or
34 underutilization of properties in the area[, with] ; (4) there is a
35 persistent arrearage of property tax payments [thereon or (2) more
36 than half of the housing stock in the delineated area is at least 50
37 years old,] on properties in the area; (5) environmental
38 contamination is discouraging improvements and investment in
39 properties in the area; or (6) a majority of the water and sewer
40 infrastructure in the delineated area is at least 50 years old and is in
41 need of repair or substantial maintenance[; and (3) a program of
42 rehabilitation, as defined in section 3 of P.L.1992, c.79
43 (C.40A:12A-3), may be expected to prevent further deterioration
44 and promote the overall development of the community]. Where
45 warranted by consideration of the overall conditions and
46 requirements of the community, a finding of need for rehabilitation
47 may extend to the entire area of a municipality. Prior to adoption of

1 the resolution, the governing body shall submit it to the municipal
2 planning board for its review. Within 45 days of its receipt of the
3 proposed resolution, the municipal planning board shall submit its
4 recommendations regarding the proposed resolution, including any
5 modifications which it may recommend, to the governing body for
6 its consideration. Thereafter, or after the expiration of the 45 days
7 if the municipal planning board does not submit recommendations,
8 the governing body may adopt the resolution, with or without
9 modification. The resolution shall not become effective without the
10 approval of the commissioner pursuant to section 6 of P.L.1992,
11 c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

12 b. A delineated area shall be deemed to have been determined
13 to be an area in need of rehabilitation in accordance with the
14 provisions of this act if it has heretofore been determined to be an
15 area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-
16 3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979,
17 c.233 (C.54:4-3.121 et al.).

18 c. (1) A municipality may adopt an ordinance declaring a
19 renovation housing project to be an area in need of rehabilitation for
20 the purposes of Article VIII, Section I, paragraph 6 of the New
21 Jersey Constitution if the need for renovation resulted from
22 conflagration.

23 (2) For the purposes of this subsection, "renovation housing
24 project" means any work or undertaking to provide a decent, safe,
25 and sanitary dwelling, to exclusively benefit a specific household,
26 by the renovation, reconstruction, or replacement of the household's
27 home on the same lot by either a charitable entity organized to
28 perform home renovations or by a for-profit builder using 75% or
29 more volunteer labor-hours to accomplish the construction for the
30 project. The undertaking may include any buildings; demolition,
31 clearance, or removal of buildings from land; equipment; facilities;
32 or other personal properties or interests therein which are necessary,
33 convenient, or desirable appurtenances of the undertaking.

34 d. (1) A municipality may adopt an ordinance declaring a
35 renovation housing project to be an area in need of rehabilitation for
36 the purposes of Article VIII, Section I, paragraph 6 of the New
37 Jersey Constitution if at least half of the number of people
38 occupying the dwelling as their primary residence qualify for a
39 federal income tax credit pursuant to 26 U.S.C. s.22 as a result of
40 being permanently and totally disabled and the improvements to be
41 made to the dwelling are made substantially to accommodate those
42 disabilities.

43 (2) For the purposes of this subsection, "renovation housing
44 project" means any work or undertaking to provide a decent, safe,
45 and sanitary single-family dwelling, to exclusively benefit at least
46 half of the number of people occupying a dwelling as their primary
47 residence, by the renovation, reconstruction, or replacement of that
48 dwelling on the same lot by either a charitable entity organized to

1 perform home renovations or by a for-profit builder using 75% or
2 more volunteer labor-hours to accomplish the construction for the
3 project. The undertaking may include any buildings; demolition,
4 clearance, or removal of buildings from land; equipment; facilities;
5 or other personal properties or interests therein which are necessary,
6 convenient, or desirable appurtenances of the undertaking.
7 (cf: P.L.2007, c.91, s.1)

8
9 5. Section 15 of P.L.1992, c.79 (40A:12A-15) is amended to
10 read as follows:

11 15. In accordance with the provisions of a redevelopment plan
12 adopted pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), a
13 municipality or redevelopment entity may proceed with clearance,
14 replanning, conservation, development, redevelopment and
15 rehabilitation of an area in need of rehabilitation. With respect to a
16 redevelopment project in an area in need of rehabilitation, the
17 municipality or redevelopment entity, upon the adoption of a
18 redevelopment plan for the area, may perform any of the actions set
19 forth in section 8 of P.L.1992, c.79 (C.40A:12A-8), except that with
20 respect to such a project the municipality shall not have the power
21 to take or acquire private property by condemnation in furtherance
22 of a redevelopment plan, unless: a. the area is within ¹(1)¹ an area
23 determined to be in **【need of redevelopment pursuant to this act】**
24 ¹need of redevelopment prior to the effective date of P.L. ,
25 c. (C.) (pending before the Legislature as this bill), or (2)¹ a
26 Condemnation Redevelopment Area and the municipality has
27 complied with the notice requirements under subparagraph (e) of
28 paragraph (5) of subsection b. of section 6 of P.L.1992, c.79
29 (40A:12A-6); or b. exercise of that power is authorized under any
30 other law of this State.

31 (cf: P.L.1992, c.79, s.15)

32

33 6. This act shall take effect immediately¹, however, the
34 provisions of section 2 shall not apply to an area determined to be a
35 redevelopment area by any resolution that is adopted pursuant to
36 section 6 of P.L.1992, c.79 (C.40A:12A-6) on or before the 90th
37 day next following the date of enactment¹.