

SENATE, No. 107

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Prevents use of condemnation to acquire residential and other private property under redevelopment laws.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the condemnation of certain property and
2 amending and supplementing P.L.1992, c.79.

3

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

6

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

9 3. As used in this act:

10 "Bonds" means any bonds, notes, interim certificates, debentures
11 or other obligations issued by a municipality, county,
12 redevelopment entity, or housing authority pursuant to this act.

13 "Condemnation" means the taking of private property under the
14 power of eminent domain pursuant to the "Eminent Domain Act of
15 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

16 "Development" means the division of a parcel of land into two or
17 more parcels, the construction, reconstruction, conversion,
18 structural alteration, relocation, or enlargement of any building or
19 other structure, or of any mining, excavation or landfill, and any use
20 or change in the use of any building or other structure, or land or
21 extension of use of land, for which permission may be required
22 pursuant to the "Municipal Land Use Law," P.L.1975, c.291
23 (C.40:55D-1 et seq.).

24 "Governing body" means the body exercising general legislative
25 powers in a county or municipality according to the terms and
26 procedural requirements set forth in the form of government
27 adopted by the county or municipality.

28 "Housing authority" means a housing authority created or
29 continued pursuant to this act.

30 "Housing project" means a project, or distinct portion of a
31 project, which is designed and intended to provide decent, safe and
32 sanitary dwellings, apartments or other living accommodations for
33 persons of low and moderate income; such work or undertaking
34 may include buildings, land, equipment, facilities and other real or
35 personal property for necessary, convenient or desirable
36 appurtenances, streets, sewers, water service, parks, site
37 preparation, gardening, administrative, community, health,
38 recreational, educational, welfare or other purposes. The term
39 "housing project" also may be applied to the planning of the
40 buildings and improvements, the acquisition of property, the
41 demolition of existing structures, the construction, reconstruction,
42 alteration and repair of the improvements and all other work in
43 connection therewith.

44 "Persons of low and moderate income" means persons or
45 families who are, in the case of State assisted projects or programs,

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 so defined by the Council on Affordable Housing in the Department
2 of Community Affairs, or in the case of federally assisted projects
3 or programs, defined as of "low and very low income" by the
4 United States Department of Housing and Urban Development.

5 "Public body" means the State or any county, municipality,
6 school district, authority or other political subdivision of the State.

7 "Public housing" means any housing for persons of low and
8 moderate income owned by a municipality, county, the State or the
9 federal government, or any agency or instrumentality thereof.

10 "Publicly assisted housing" means privately owned housing
11 which receives public assistance or subsidy, which may be grants or
12 loans for construction, reconstruction, conservation, or
13 rehabilitation of the housing, or receives operational or maintenance
14 subsidies either directly or through rental subsidies to tenants, from
15 a federal, State or local government agency or instrumentality.

16 "Real property" means all lands, including improvements and
17 fixtures thereon, and property of any nature appurtenant thereto or
18 used in connection therewith, and every estate, interest and right,
19 legal or equitable, therein, including terms for years and liens by
20 way of judgment, mortgage or otherwise, and indebtedness secured
21 by such liens.

22 "Redeveloper" means any person, firm, corporation or public
23 body that shall enter into or propose to enter into a contract with a
24 municipality or other redevelopment entity for the redevelopment or
25 rehabilitation of an area in need of redevelopment, or an area in
26 need of rehabilitation, or any part thereof, under the provisions of
27 this act, or for any construction or other work forming part of a
28 redevelopment or rehabilitation project.

29 "Redevelopment" means clearance, replanning, development and
30 redevelopment; the conservation and rehabilitation of any structure
31 or improvement, the construction and provision for construction of
32 residential, commercial, industrial, public or other structures and
33 the grant or dedication of spaces as may be appropriate or necessary
34 in the interest of the general welfare for streets, parks, playgrounds,
35 or other public purposes, including recreational and other facilities
36 incidental or appurtenant thereto, in accordance with a
37 redevelopment plan.

38 "Redevelopment agency" means a redevelopment agency created
39 pursuant to subsection a. of section 11 of P.L.1992, c.79
40 (C.40A:12A-11) or established heretofore pursuant to the
41 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et
42 seq.), repealed by this act, which has been permitted in accordance
43 with the provisions of this act to continue to exercise its
44 redevelopment functions and powers.

45 "Redevelopment area" or "area in need of redevelopment" means
46 an area determined to be in need of redevelopment pursuant to
47 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)
48 or determined heretofore to be a "blighted area" pursuant to

1 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both
2 determinations as made pursuant to the authority of Article VIII,
3 Section III, paragraph 1 of the Constitution. A redevelopment area
4 may include lands, buildings, or improvements which of themselves
5 are not detrimental to the public health, safety or welfare, but the
6 inclusion of which is found necessary, with or without change in
7 their condition, for the effective redevelopment of the area of which
8 they are a part; except that the boundaries of a redevelopment area
9 shall not be extended to include property that is legally occupied as
10 residential property and maintained in accordance with applicable
11 housing code and construction code standards.

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

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

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

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

42 "Rehabilitation area" or "area in need of rehabilitation" means
43 any area determined to be in need of rehabilitation pursuant to
44 section 14 of P.L.1992, c.79 (C.40A:12A-14).
45 (cf: P.L.1992, c.79, s.3)

46

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

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

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

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

14 c. Land that is owned by the municipality, the county, a local
15 housing authority, redevelopment agency or redevelopment entity,
16 or unimproved vacant land that has remained so for a period of ten
17 years prior to adoption of the resolution, and that by reason of its
18 location, remoteness, lack of means of access to developed sections
19 or portions of the municipality, or topography, or nature of the soil,
20 is not likely to be developed through the instrumentality of private
21 capital.

22 d. Areas with buildings or improvements which, by reason of
23 dilapidation, obsolescence, overcrowding, faulty arrangement or
24 design, lack of ventilation, light and sanitary facilities, excessive
25 land coverage, deleterious land use or obsolete layout, or any
26 combination of these or other factors, are detrimental to the safety,
27 health, morals, or welfare of the community.

28 e. A **[growing lack or total]** lack of proper utilization of areas,
29 in some instances, caused by the condition of the title**[,]** or diverse
30 ownership of the real property therein **[or other conditions,**
31 **resulting in a stagnant or not fully]** that prevents the productive
32 **[condition]** utilization of land which could be potentially useful
33 and valuable for contributing to and serving the public health,
34 safety and welfare.

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

40 g. In any municipality in which an enterprise zone has been
41 designated pursuant to the "New Jersey Urban Enterprise Zones
42 Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the
43 actions prescribed in that act for the adoption by the municipality
44 and approval by the New Jersey Urban Enterprise Zone Authority
45 of the zone development plan for the area of the enterprise zone
46 shall be considered sufficient for the determination that the area is
47 in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,

1 c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax
2 exemptions within the enterprise zone district pursuant to the
3 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption
4 of a tax abatement and exemption ordinance pursuant to the
5 provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The
6 municipality shall not utilize any other redevelopment powers
7 within the urban enterprise zone unless the municipal governing
8 body and planning board have also taken the actions and fulfilled
9 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)
10 for determining that the area is in need of redevelopment or an area
11 in need of rehabilitation and the municipal governing body has
12 adopted a redevelopment plan ordinance including the area of the
13 enterprise zone.

14 h. The designation of the delineated area is consistent with
15 smart growth planning principles adopted pursuant to law or
16 regulation.

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

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

21 6. a. No area of a municipality shall be determined a
22 redevelopment area unless the governing body of the municipality
23 shall, by **[resolution]** ordinance, authorize the planning board to
24 undertake a preliminary investigation to determine whether the
25 proposed area is a redevelopment area according to the criteria set
26 forth in section 5 of P.L.1992, c.79 (C.40A:12A-5). Such
27 determination shall be made after public notice and public hearing
28 as provided in subsection b. of this section. The governing body of
29 a municipality shall assign the conduct of the investigation and
30 hearing to the planning board of the municipality.

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

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

40 (3) The hearing notice shall set forth the general boundaries of
41 the area to be investigated and state that a map has been prepared
42 and can be inspected at the office of the municipal clerk. A copy of
43 the notice shall be published in a newspaper of general circulation
44 in the municipality once each week for two consecutive weeks, and
45 the last publication shall be not less than ten days prior to the date
46 set for the hearing. A copy of the notice shall be **[mailed]** sent by
47 certified mail, at least **[ten]** 14 days prior to the date set for the

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

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

19 (5) After completing its hearing on this matter, the planning
20 board shall recommend that the delineated area, or any part thereof,
21 be determined, or not be determined, by the municipal governing
22 body to be a redevelopment area. After receiving the
23 recommendation of the planning board, the municipal governing
24 body may adopt [a resolution] an ordinance determining that the
25 delineated area, or any part thereof, is a redevelopment area. Upon
26 the adoption of [a resolution] an ordinance, the clerk of the
27 municipality shall, forthwith, transmit a copy of the [resolution]
28 ordinance to the Commissioner of Community Affairs for review.
29 If the area in need of redevelopment is not situated in an area in
30 which development or redevelopment is to be encouraged pursuant
31 to any State law or regulation promulgated pursuant thereto, the
32 determination shall not take effect without first receiving the review
33 and the approval of the commissioner. If the commissioner does
34 not issue an approval or disapproval within 30 calendar days of
35 transmittal by the clerk, the determination shall be deemed to be
36 approved. If the area in need of redevelopment is situated in an
37 area in which development or redevelopment is to be encouraged
38 pursuant to any State law or regulation promulgated pursuant
39 thereto, then the determination shall take effect after the clerk has
40 transmitted a copy of the [resolution] ordinance to the
41 commissioner. The determination, if supported by substantial
42 evidence and, if required, approved by the commissioner, shall be
43 binding and conclusive upon all persons affected by the
44 determination. Notice of the determination shall be served, within
45 10 days after the determination, upon each person who filed a
46 written objection thereto and stated, in or upon the written
47 submission, an address to which notice of determination may be

1 sent.

2 (6) [If written objections were filed in connection with the
3 hearing, the municipality shall, for 45 days next following its
4 determination to which the objections were filed, take no further
5 action to acquire any property by condemnation within the
6 redevelopment area.] (Deleted by amendment, P.L. , c. .)
7 (pending before the Legislature as this bill)

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

15 c. An area determined to be in need of redevelopment pursuant
16 to this section shall be deemed to be a "blighted area" for the
17 purposes of Article VIII, Section III, paragraph 1 of the
18 Constitution. If an area is determined to be a redevelopment area
19 and a redevelopment plan is adopted for that area in accordance
20 with the provisions of this act, the municipality is authorized to
21 utilize all those powers provided in section 8 of P.L.1992, c.79
22 (C.40A:12A-8).
23 (cf: P.L.2003, c.125, s.4)

24
25 4. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to
26 read as follows:

27 8. Upon the adoption of a redevelopment plan pursuant to
28 section 7 of P.L.1992, c.79 (C.40A:12A-7) and the fulfillment of
29 those conditions set forth in section 6 of P.L. , c. (C.)
30 (pending before the Legislature as this bill), the municipality or
31 redevelopment entity designated by the governing body may
32 proceed with the clearance, replanning, development and
33 redevelopment of the area designated in that plan. In order to carry
34 out and effectuate the purposes of this act and the terms of the
35 redevelopment plan, the municipality or designated redevelopment
36 entity may:

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

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

42 c. Acquire, by condemnation, any land or building which is
43 necessary for the redevelopment project, pursuant to the provisions
44 of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et
45 seq.) except as provided below:

46 (1) land and buildings legally occupied as residential property
47 and maintained in accordance with applicable housing code and

1 construction code standards shall not be acquired under this
2 subsection;

3 (2) private property within a redevelopment area that is not itself
4 in need of redevelopment shall not be taken for the use of, or
5 transfer to, a private entity for economic development purposes
6 pursuant to this subsection.

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

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

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

35 g. Lease or convey property or improvements to any other party
36 pursuant to this section, without public bidding and at such prices
37 and upon such terms as it deems reasonable, provided that the lease
38 or conveyance is made in conjunction with a redevelopment plan,
39 notwithstanding the provisions of any law, rule, or regulation to the
40 contrary.

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

44 i. Arrange or contract with a public agency for the relocation,
45 pursuant to the "Relocation Assistance Law of 1967," P.L.1967,
46 c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act,"
47 P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or
48 commerce displaced from a redevelopment area.

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

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

13 l. Study the recommendations of the planning board or
14 governing body for redevelopment of the area.

15 m. Publish and disseminate information concerning any
16 redevelopment area, plan or project.

17 n. Do all things necessary or convenient to carry out its powers.
18 (cf: P.L.1992, c.79, s.8)

19

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

22 14. a. A delineated area may be determined to be in need of
23 rehabilitation if the governing body of the municipality determines
24 by **[resolution]** ordinance that there exist in that area conditions
25 such that (1) a significant portion of structures therein are in a
26 deteriorated or substandard condition and there is a continuing
27 pattern of vacancy, abandonment or underutilization of properties in
28 the area, with a persistent arrearage of property tax payments
29 thereon or (2) more than half of the housing stock in the delineated
30 area is at least 50 years old, or a majority of the water and sewer
31 infrastructure in the delineated area is at least 50 years old and is in
32 need of repair or substantial maintenance; and (3) a program of
33 rehabilitation, as defined in section 3 of P.L.1992, c.79
34 (C.40A:12A-3), may be expected to prevent further deterioration
35 and promote the overall development of the community. Where
36 warranted by consideration of the overall conditions and
37 requirements of the community, a finding of need for rehabilitation
38 may extend to the entire area of a municipality. Prior to adoption of
39 the **[resolution]** ordinance, the governing body shall submit it to
40 the municipal planning board for its review. Within 45 days of its
41 receipt of the proposed **[resolution]** ordinance, the municipal
42 planning board shall submit its recommendations regarding the
43 proposed **[resolution]** ordinance, including any modifications
44 which it may recommend, to the governing body for its
45 consideration. Thereafter, or after the expiration of the 45 days if
46 the municipal planning board does not submit recommendations, the
47 governing body may adopt the **[resolution]** ordinance, with or

1 without modification. The ~~resolution~~ ordinance shall not become
2 effective without the approval of the commissioner pursuant to
3 section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required
4 pursuant to that section.

5 b. A delineated area shall be deemed to have been determined
6 to be an area in need of rehabilitation in accordance with the
7 provisions of this act if it has heretofore been determined to be an
8 area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-
9 3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979,
10 c.233 (C.54:4-3.121 et seq.).

11 (cf: P.L.2003, c.125, s.5)

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13 6. (New section) a. Prior to undertaking any action to acquire
14 any property by condemnation within an area in need of
15 redevelopment or an area in need of rehabilitation, the
16 redevelopment entity shall make a declaration of public purpose,
17 which shall be by ordinance if the redevelopment entity is a
18 municipality, or by resolution if the redevelopment entity is an
19 entity authorized by the governing body of the municipality
20 pursuant to subsection c. of section 4 of P.L.1992, c.79
21 (C.40A:12A-4).

22 b. Regardless of whether the redevelopment entity is the
23 municipality or another entity designated by the municipality, the
24 declaration of public purpose shall occur only upon proper
25 notification having been provided not less than 14 days prior to the
26 first reading of the ordinance or introduction of the resolution, as
27 the case may be. If the municipality is the redevelopment entity,
28 publication shall occur pursuant to R.S.40:49-2. If the municipality
29 has designated another entity as the redevelopment entity, a copy of
30 the intent to adopt a declaration of public purpose shall be
31 published in a newspaper of general circulation in the municipality.

32 c. In addition to the publication requirements in subsection b. of
33 this section, a copy of the notice shall be sent by certified mail at
34 least 14 days prior to the date set for the hearing to the last owner of
35 each parcel of property subject to the declaration of public purpose
36 according to the assessment records of the municipality. A notice
37 shall also be sent to all persons, at their last known address, whose
38 names are noted on the assessment records as claimants of an
39 interest in any such parcel. The assessor of the municipality shall
40 make a notation upon the records when requested to do so by any
41 person claiming to have an interest in any parcel of property in the
42 municipality.

43 d. A declaration of public purpose shall set forth, in detail, the
44 public purposes for which the condemnation action is being
45 undertaken by the redevelopment entity.

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47 7. This act shall take effect immediately.

STATEMENT

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This bill would tighten the requirements for the use of the power of eminent domain (condemnation) for redevelopment purposes. Specifically, within a redevelopment (blighted) area, the power of eminent domain could not be used to condemn a property that is legally occupied as residential property and maintained in accordance with applicable housing code and construction code standards. This bill would prevent the taking of private property, private homes and other residential units, by condemnation, to accomplish private economic development objectives, such as the construction of non-public office buildings, mega-stores, and shopping centers. In those cases, the acquisition of private property that is not in need of redevelopment would have to be accomplished through a fair market sale.