

# SENATE, No. 1042

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 4, 2010

**Sponsored by:**

**Senator DIANE B. ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Revises procedures for the use of eminent domain and compensation for loss of business in municipal redevelopment programs.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning redevelopment, amending various parts of the  
2 statutory law, and 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. (New Section) The Legislature finds and declares that the  
8 procedure that a local government follows when it wants to  
9 redevelop or use eminent domain must be reformed to ensure that it  
10 is fair, ethical, and transparent, and that citizens have a meaningful  
11 opportunity for appeal and for fair compensation for their loss.

12  
13 2. Section 6 of P.L.1971, c.361 (C.20:3-6) is amended to read as  
14 follows:

15 6. Whenever any condemnor shall have determined to acquire  
16 property pursuant to law, including public property already devoted  
17 to public purpose, but cannot acquire title thereto or possession  
18 thereof by agreement with a prospective condemnee, whether by  
19 reason of disagreement concerning the compensation to be paid or  
20 for any other cause, the condemnation of such property and the  
21 compensation to be paid therefor, and to whom payable, and all  
22 matters incidental thereto and arising therefrom shall be governed,  
23 ascertained and paid by and in the manner provided by this act;  
24 provided, however, that no action to condemn shall be instituted  
25 unless the condemnor is unable to acquire such title or possession  
26 through bona fide negotiations with the prospective condemnee,  
27 which negotiations shall include an offer in writing by the  
28 condemnor to the prospective condemnee holding the title of record  
29 to the property being condemned, setting forth the property and  
30 interest therein to be acquired, the compensation offered to be paid  
31 and a reasonable disclosure of the manner in which the amount of  
32 such offered compensation has been calculated, and such other  
33 matters as may be required by the rules. In the case of a property  
34 upon which an ongoing business is being operated by an owner, the  
35 amount of compensation to be offered shall be calculated pursuant  
36 to the provisions of subsection b. of section 1 of P.L.1986, c.53  
37 (C.20:3-29.1) (pending before the Legislature as this bill). Prior to  
38 such offer the taking agency shall appraise said property and the  
39 owner shall be given an opportunity to accompany the appraiser  
40 during inspection of the property. Such offer shall be served by  
41 certified mail. In no event shall such offer be less than the taking  
42 agency's approved appraisal of the fair market value of such  
43 property. A rejection of said offer or failure to accept the same  
44 within the period fixed in written offer, which shall in no case be

**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 less than 14 days from the mailing of the offer, shall be conclusive  
2 proof of the inability of the condemnor to acquire the property or  
3 possession thereof through negotiations. When the holder of the  
4 title is unknown, resides out of the State, or for other good cause,  
5 the court may dispense with the necessity of such negotiations.  
6 Neither the offer nor the refusal thereof shall be evidential in the  
7 determination of compensation.

8 (cf: P.L.1971, c.361, s.6)

9  
10 3. Section 29 of P.L.1971, c.361 (C. 20:3-29) is amended to read  
11 as follows:

12 29. The condemnee shall be entitled to compensation for the  
13 property, and damages, if any, to any remaining property, together  
14 with such additional compensation as provided for herein, or as may  
15 be fixed according to law. In the case of a property upon which an  
16 ongoing business is being operated by an owner, the amount of  
17 compensation to be offered shall be calculated pursuant to the  
18 provisions of subsection b. of section 1 of P.L.1986, c.53 (C.20:3-  
19 29.1) (pending before the Legislature as this bill).

20 (cf: P.L.1971, c.361, s.29)

21  
22 4. Section 1 of P.L.1986, c.53 (C.20:3-29.1) is amended to read  
23 as follows:

24 1. a. The condemnor of agricultural or horticultural land which  
25 is eligible for valuation, assessment, and taxation under the  
26 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et  
27 seq.), shall compensate the condemnee for any loss of income  
28 resulting from the interference of the condemnation proceeding with  
29 the harvesting of any standing crops or other agricultural  
30 commodities in an amount determined according to their  
31 appropriate time of harvest, and for the remainder of their average  
32 productive life, separate and apart from compensation for the fair  
33 market value of the land. This act shall apply to all actions  
34 instituted hereafter, and to all proceedings taken subsequent hereto  
35 in all actions pending on the effective date of this act; except that  
36 judgments heretofore entered or awards heretofore made pursuant to  
37 law from which no appeal is pending on the effective date of this  
38 act are not affected by the provisions hereof.

39 b. The condemnor of a property upon which an ongoing  
40 business is being operated by the condemnee shall compensate the  
41 condemnee for any loss of income resulting from the interference of  
42 the condemnation proceeding with the conduct of business in an  
43 amount determined in a manner consistent with the assessment of  
44 business income coverage in the insurance industry, separate and  
45 apart from compensation for the fair market value of the property.

46 (cf: P.L.1986, c.53, s.1)

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

3       3. As used in this act:

4       “Bonds” means any bonds, notes, interim certificates, debentures  
5 or other obligations issued by a municipality, county,  
6 redevelopment entity, or housing authority pursuant to P.L.1992,  
7 c.79 (C.40A:12A-3).

8       "Comparable, affordable replacement housing" means newly-  
9 constructed or substantially rehabilitated housing to be offered to a  
10 household being displaced as a result of a redevelopment project,  
11 that is affordable to that household based on its income under the  
12 guidelines established by the Council on Affordable Housing in the  
13 Department of Community Affairs for maximum affordable sales  
14 prices or maximum fair market rents, and that is comparable to the  
15 household's dwelling in the redevelopment area with respect to the  
16 size and amenities of the dwelling unit, the quality of the  
17 neighborhood, and the level of public services and facilities offered  
18 by the municipality in which the redevelopment area is located.

19       “Detrimental to the safety, health, or welfare of the community”  
20 means objective evidence of detriment, including, but not limited  
21 to, substantial building or health code violations, excessive police  
22 activity, a lack of structural integrity or a continuing exterior  
23 appearance that degrades the surrounding properties.

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

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

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.

46       “Housing project” means a project, or distinct portion of a  
47 project, which is designed and intended to provide decent, safe and  
48 sanitary dwellings, apartments or other living accommodations for

1 persons of low and moderate income; such work or undertaking  
2 may include buildings, land, equipment, facilities and other real or  
3 personal property for necessary, convenient or desirable  
4 appurtenances, streets, sewers, water service, parks, site  
5 preparation, gardening, administrative, community, health,  
6 recreational, educational, welfare or other purposes. The term  
7 “housing project” also may be applied to the planning of the  
8 buildings and improvements, the acquisition of property, the  
9 demolition of existing structures, the construction, reconstruction,  
10 alteration and repair of the improvements and all other work in  
11 connection therewith.

12 “Persons of low and moderate income” means persons or  
13 families who are, in the case of State assisted projects or programs,  
14 so defined by the Council on Affordable Housing in the Department  
15 of Community Affairs, or in the case of federally assisted projects  
16 or programs, defined as of “low and very low income” by the  
17 United States Department of Housing and Urban Development.

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

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

23 “Publicly assisted housing” means privately owned housing  
24 which receives public assistance or subsidy, which may be grants or  
25 loans for construction, reconstruction, conservation, or  
26 rehabilitation of the housing, or receives operational or maintenance  
27 subsidies either directly or through rental subsidies to tenants, from  
28 a federal, State or local government agency or instrumentality.

29 “Real property” means all lands, including improvements and  
30 fixtures thereon, and property of any nature appurtenant thereto or  
31 used in connection therewith, and every estate, interest and right,  
32 legal or equitable, therein, including terms for years and liens by  
33 way of judgment, mortgage or otherwise, and indebtedness secured  
34 by such liens.

35 “Redeveloper” means any person, firm, corporation or public  
36 body that shall enter into or propose to enter into a contract with a  
37 municipality or other redevelopment entity for the redevelopment or  
38 rehabilitation of an area in need of redevelopment, or an area in  
39 need of rehabilitation, or any part thereof, under the provisions of  
40 this act, or for any construction or other work forming part of a  
41 redevelopment or rehabilitation project.

42 “Redevelopment” means clearance, replanning, development and  
43 redevelopment; the conservation and rehabilitation of any structure  
44 or improvement, the construction and provision for construction of  
45 residential, commercial, industrial, public or other structures and  
46 the grant or dedication of spaces as may be appropriate or necessary  
47 in the interest of the general welfare for streets, parks, playgrounds,  
48 or other public purposes, including recreational and other facilities

1 incidental or appurtenant thereto, in accordance with a  
2 redevelopment plan.

3 “Redevelopment agency” means a redevelopment agency created  
4 pursuant to subsection a. of section 11 of P.L.1992, c.79  
5 (C.40A:12A-11) or established heretofore pursuant to the  
6 “Redevelopment Agencies Law,” P.L.1949, c.306 (C.40:55C-1 et  
7 seq.), repealed by this act, which has been permitted in accordance  
8 with the provisions of this act to continue to exercise its  
9 redevelopment functions and powers.

10 “Redevelopment area” or “area in need of redevelopment” means  
11 an area determined to be in need of redevelopment pursuant to  
12 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
13 or determined heretofore to be a “blighted area” pursuant to  
14 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
15 determinations as made pursuant to the authority of Article VIII,  
16 Section III, paragraph 1 of the Constitution. [A redevelopment area  
17 may include lands, buildings, or improvements which of themselves  
18 are not detrimental to the public health, safety or welfare, but the  
19 inclusion of which is found necessary, with or without change in  
20 their condition, for the effective redevelopment of the area of which  
21 they are a part.]

22 “Redevelopment entity” means a municipality or an entity  
23 authorized by the governing body of a municipality pursuant to  
24 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
25 implement redevelopment plans and carry out redevelopment  
26 projects in an area in need of redevelopment, or in an area in need  
27 of rehabilitation, or in both.

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

37 “Redevelopment project” means any work or undertaking  
38 pursuant to a redevelopment plan; such undertaking may include  
39 any buildings, land, including demolition, clearance or removal of  
40 buildings from land, equipment, facilities, or other real or personal  
41 properties which are necessary, convenient, or desirable  
42 appurtenances, such as but not limited to streets, sewers, utilities,  
43 parks, site preparation, landscaping, and administrative, community,  
44 health, recreational, educational, and welfare facilities.

45 “Rehabilitation” means an undertaking, by means of extensive  
46 repair, reconstruction or renovation of existing structures, with or  
47 without the introduction of new construction or the enlargement of  
48 existing structures, in any area that has been determined to be in

1 need of rehabilitation or redevelopment, to eliminate substandard  
2 structural or housing conditions and arrest the deterioration of that  
3 area.

4 “Rehabilitation area” or “area in need of rehabilitation” means  
5 any area determined to be in need of rehabilitation pursuant to  
6 section 14 of P.L.1992, c.79 (C.40A:12A-14).  
7 (cf: P.L.2008, c.46, s.1)

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

11 4. In exercising the redevelopment and rehabilitation functions  
12 provided for in this act:

13 a. A municipal governing body shall have the power to:

14 (1) Cause a preliminary investigation to be made pursuant to  
15 subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to  
16 whether an area is in need of redevelopment;

17 (2) Determine pursuant to subsection b. of section 6 of  
18 P.L.1992, c.79 (C.40A:12A-6) that an area is in need of  
19 redevelopment;

20 (3) Adopt a redevelopment plan pursuant to section 7 of  
21 P.L.1992, c.79 (C.40A:12A-7);

22 (4) Determine pursuant to section 14 of P.L.1992, c.79  
23 (C.40A:12A-14) that an area is in need of rehabilitation.

24 b. A municipal planning board shall have the power to:

25 (1) Conduct, when authorized by the municipal governing body,  
26 a preliminary investigation and hearing and make a  
27 recommendation pursuant to subsection b. of section 6 of P.L.1992,  
28 c.79 (C.40A:12A-6) as to whether an area is in need of  
29 redevelopment;

30 (2) Make recommendations concerning a redevelopment plan  
31 pursuant to subsection e. of section 7 of P.L.1992, c.79  
32 (C.40A:12A-7), or prepare a redevelopment plan pursuant to  
33 subsection f. of that section.

34 (3) Make recommendations concerning the determination of an  
35 area in need of rehabilitation pursuant to section 14 of P.L.1992,  
36 c.79 (C.40A:12A-14).

37 c. (1) The municipality shall be responsible for implementing  
38 redevelopment plans and carrying out redevelopment projects  
39 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The  
40 municipality may execute these responsibilities directly, or in  
41 addition thereto or in lieu thereof, **【through】** may designate by  
42 ordinance either a municipal redevelopment agency, or a municipal  
43 housing authority authorized to exercise redevelopment powers  
44 pursuant to section 21 of P.L.1992, c.79 (C.40A:12A-21), but there  
45 shall be only one redevelopment entity responsible for each  
46 redevelopment project. A county improvement authority authorized  
47 to undertake redevelopment projects pursuant to the “county  
48 improvement authorities law,” P.L.1960, c.183 (C.40:37A-44 et

1 seq.) may also act as a redevelopment entity pursuant to this act.  
2 The redevelopment entity, so authorized, may contract with any  
3 other public body, in accordance with the provisions of section 8 of  
4 P.L.1992, c.79 (C.40A:12A-8), for the carrying out of a  
5 redevelopment project or any part thereof under its jurisdiction.  
6 Notwithstanding the above, the governing body of the municipality  
7 may, by ordinance, change or rescind the designation of the  
8 redevelopment ~~entity responsible for implementing~~ agency or  
9 housing authority designated to implement a redevelopment plan  
10 and ~~carrying~~ carry out a redevelopment project and may have the  
11 municipality assume this responsibility ~~itself, but~~; provided,  
12 however, that only the redevelopment entity authorized to undertake  
13 a particular redevelopment project shall remain authorized to  
14 complete it, unless the redevelopment entity and redeveloper agree  
15 otherwise, or unless no obligations have been entered into by the  
16 redevelopment entity with parties other than the municipality. This  
17 shall not diminish the power of the municipality to dissolve a  
18 redevelopment entity pursuant to section 24 of P.L.1992, c.79  
19 (C.40A:12A-24), and section 20 of the “Local Authorities Fiscal  
20 Control Law,” P.L.1983, c.313 (C.40A:5A-20).

21 (2) In addition to complying with the applicable provisions of the  
22 State “Pay-to-Play” law, P.L.2005, c.51 (C.19:44A-20.13 et seq.),  
23 the municipal governing body shall not enter into a contract with a  
24 redevelopment entity if, between 36 months prior to the  
25 dissemination of the request for proposals and 36 months following  
26 the completion of any economic development activities undertaken  
27 pursuant to this section, the redevelopment entity has made a  
28 contribution that is reportable by the recipient under P.L.1973, c.83  
29 (C.19:44A-1 et seq.), to the candidate committee of any person  
30 serving as a member of the municipal governing body when the  
31 contract is awarded or to the State, county, or municipal committee  
32 of the political party to which any person serving as a member of  
33 the municipal governing body belongs when the contract is  
34 awarded.

35 (3) A redevelopment entity that has entered into a contract with  
36 the municipal governing body shall not make, during the duration of  
37 the contract, a contribution that is reportable by the recipient under  
38 P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate committee of  
39 any person serving as a member of the municipal governing body,  
40 to the State, county, or municipal committee of the political party to  
41 which any person serving as a member of the municipal governing  
42 body belongs, or to the candidate committee of any person who  
43 resides in the county in which any economic development activities  
44 established pursuant to this section have been undertaken.  
45 (cf: P.L.1992, c.79, s.4)

46  
47 7. 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]** ordinance concludes that within  
5 the 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. (1) Land that is owned by the municipality, the county, a  
15 local housing authority, redevelopment agency or redevelopment  
16 entity, or  
17 (2) unimproved vacant land that has remained so for a period of  
18 ten years prior to adoption of the **[resolution]** ordinance, and that  
19 by reason of its location, remoteness, lack of means of access to  
20 developed sections or portions of the municipality, or topography,  
21 or nature of the soil,  
22 is not likely to be developed through the instrumentality of  
23 private capital and is determined to be detrimental to the safety,  
24 health, or welfare of the community.
- 25       d. Areas with buildings or improvements **[which, by reason of**  
26 **dilapidation, obsolescence, overcrowding, faulty arrangement or**  
27 **design, lack of ventilation, light and sanitary facilities, excessive**  
28 **land coverage, deleterious land use or obsolete layout, or any**  
29 **combination of these or other factors,]** whose conditions are  
30 determined to be detrimental to the safety, health, [morals,] or  
31 welfare of the community.
- 32       e. A **[growing lack or total]** lack of proper utilization of areas  
33 caused by the condition of the title, diverse ownership of the real  
34 property therein or other conditions, **[resulting in a stagnant or not**  
35 **fully productive condition of land potentially useful and valuable**  
36 **for contributing to and serving the public health, safety and**  
37 **welfare]** which, by virtue of these factors are determined to be  
38 detrimental to the safety, health, or welfare of the community.
- 39       f. Areas, in excess of five contiguous acres, whereon buildings  
40 or improvements have been destroyed, consumed by fire,  
41 demolished or altered by the action of storm, fire, cyclone, tornado,  
42 earthquake or other casualty in such a way that the aggregate  
43 assessed value of the area has been materially depreciated.
- 44       g. **[In any municipality in which an enterprise zone has been**  
45 **designated pursuant to the “New Jersey Urban Enterprise Zones**  
46 **Act,” P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the**  
47 **actions prescribed in that act for the adoption by the municipality**

1 and approval by the New Jersey Urban Enterprise Zone Authority  
2 of the zone development plan for the area of the enterprise zone  
3 shall be considered sufficient for the determination that the area is  
4 in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
5 c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax  
6 exemptions within the enterprise zone district pursuant to the  
7 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption  
8 of a tax abatement and exemption ordinance pursuant to the  
9 provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The  
10 municipality shall not utilize any other redevelopment powers  
11 within the urban enterprise zone unless the municipal governing  
12 body and planning board have also taken the actions and fulfilled  
13 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)  
14 for determining that the area is in need of redevelopment or an area  
15 in need of rehabilitation and the municipal governing body has  
16 adopted a redevelopment plan ordinance including the area of the  
17 enterprise zone.】 (Deleted by amendment, P.L. , c. .) (pending  
18 before the Legislature as this bill)

19 h. 【The designation of the delineated area is consistent with  
20 smart growth planning principles adopted pursuant to law or  
21 regulation.】 (Deleted by amendment, P.L. , c. .) (pending before  
22 the Legislature as this bill)

23 i. Parcels, either vacant or developed, which historically have  
24 been used in an industrial or commercial manner and which have  
25 remained vacant or substantially underutilized for a period of 24  
26 consecutive months due to environmental issues associated with  
27 such parcels' historic use; provided, however, that this subsection  
28 shall not apply when the owner is making a good-faith effort to  
29 utilize the parcel, as evidenced by an application pending before, or  
30 approved by, the Department of Environmental Protection for  
31 permits to rehabilitate the parcel.

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

33

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

36 6. a. No area of a municipality shall be determined a  
37 redevelopment area unless the governing body of the municipality  
38 shall, by resolution, authorize the planning board to undertake a  
39 preliminary investigation to determine whether the proposed area is  
40 a redevelopment area according to the criteria set forth in section 5  
41 of P.L.1992, c.79 (C.40A:12A-5). A redeveloper shall not conduct  
42 or fund any part of the investigation. Such determination shall be  
43 made after public notice and public hearing as provided in  
44 subsection b. of this section. The governing body of a municipality  
45 shall assign the conduct of the investigation and hearing to the  
46 planning board of the municipality.

47 b. (1) Before proceeding to a public hearing on the matter, the  
48 planning board shall prepare a map showing the boundaries of the

1 proposed redevelopment area and the location of the various parcels  
2 of property included therein. There shall be appended to the map a  
3 statement setting forth the basis for the investigation.

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

8 (3) (a) The hearing notice shall set forth the general boundaries  
9 of the area to be investigated and state that a map has been prepared  
10 and can be inspected at the office of the municipal clerk. The  
11 notice shall be written in a simple, clear, understandable, and easily  
12 readable way. The notice shall state that the governing body is  
13 considering designating the area as a redevelopment area and that a  
14 consequence of this designation is that the governing body would  
15 have the authority to condemn property located within the area  
16 pursuant to the procedures in the "Eminent Domain Act of 1971,"  
17 P.L.1971, c.361 (C.20:3-1 et seq.). A copy of the notice shall be  
18 published in a newspaper of general circulation in the municipality  
19 once each week for two consecutive weeks, and the last publication  
20 shall be not less than ten days prior to the date set for the hearing.  
21 If the municipality has an Internet web site, the notice shall be  
22 posted thereon. A copy of the notice shall also be posted in such  
23 other places within or proximate to the proposed redevelopment  
24 area as may be available and appropriate. A copy of the notice shall  
25 be **mailed** sent by certified or regular mail by the municipal clerk  
26 at least **ten** 14 days prior to the date set for the hearing to the last  
27 owner, if any, of each parcel of property, and to any legal tenant of  
28 a residential rental dwelling unit within the area according to the  
29 assessment records of the municipality. The municipal clerk shall  
30 make a diligent effort to ascertain the names and addresses of legal  
31 tenants of rental dwelling units by contacting the legal owner of the  
32 rental property or a management company identified by such owner,  
33 but if unable to do so shall have a copy of the notice posted on  
34 properties known to be rental dwelling units. A notice shall also be  
35 sent by the municipal clerk to all persons at their last known  
36 address, if any, whose names are noted on the assessment records as  
37 claimants of an interest in any such parcel. The assessor of the  
38 municipality shall make a notation upon the records when requested  
39 to do so by any person claiming to have an interest in any parcel of  
40 property in the municipality. The notice shall be published and  
41 mailed by the municipal clerk**], or by such clerk or official as the**  
42 **planning board shall otherwise designate].** Failure to mail any such  
43 notice shall not invalidate the investigation or determination  
44 thereon.

45 (b) Prior to the hearing, a copy of all documents relevant to the  
46 determination that an area is in need of redevelopment shall be  
47 available for public inspection, and if the municipality has an  
48 Internet web site, they shall be posted thereon.

1 (4) At the hearing, which may be adjourned from time to time,  
2 the planning board shall hear all persons who are interested in or  
3 would be affected by a determination that the delineated area is a  
4 redevelopment area. All testimony provided at the hearing shall be  
5 under oath or affirmation. The hearing shall be recorded and  
6 transcription of the full content of the hearing shall be made  
7 available to the public. All objections to such a determination and  
8 evidence in support of those objections, given orally or in writing,  
9 shall be received and considered and made part of the public record.  
10 All persons who would be affected by a determination that the  
11 delineated area is a redevelopment area shall be allowed to bring  
12 witnesses to provide evidence relevant to the determination that the  
13 area is in need of redevelopment, and shall be allowed to submit  
14 written questions which shall be posed by the planning board to the  
15 witness or witnesses to whom they are directed if the planning  
16 board deems the question relevant.

17 (5) (a) After completing its hearing on this matter, the planning  
18 board shall recommend that the delineated area, or any part thereof,  
19 be determined, or not be determined, by the municipal governing  
20 body to be a redevelopment area. Prior to making any  
21 determination that an area is in need of redevelopment, the planning  
22 board shall review, in light of the conditions of the area and the  
23 purposes of the redevelopment, whether designation of the area as  
24 an area in need of rehabilitation, or some other strategy of  
25 rehabilitation, preservation, or neighborhood improvement, may  
26 represent a more appropriate means of addressing the conditions of  
27 the area and the purposes of the redevelopment. The report of the  
28 planning board shall set forth explicitly the reasons for its  
29 determination that such other strategies are less appropriate, and  
30 that the area should be designated in need of redevelopment. The  
31 report shall also include an inventory of the environmental,  
32 historical, and cultural assets in the delineated area.

33 (b) After receiving the recommendation of the planning board,  
34 the municipal governing body may adopt **[a resolution]** an  
35 ordinance determining that the delineated area, or any part thereof,  
36 is a redevelopment area. **[Upon the]** Prior to final adoption of [a  
37 resolution] the ordinance, the clerk of the municipality shall,  
38 forthwith, transmit a copy of the **[resolution]** ordinance to the  
39 Commissioner of Community Affairs for review. If the area in need  
40 of redevelopment is not situated in an area in which development or  
41 redevelopment is to be encouraged pursuant to any State law or  
42 regulation promulgated pursuant thereto, the **[determination]**  
43 ordinance shall not **[take effect]** be finally adopted without first  
44 receiving the review and the approval of the commissioner. If the  
45 commissioner does not issue an approval or disapproval within 30  
46 calendar days of transmittal by the clerk, the determination shall be  
47 deemed to be approved and the ordinance may be finally adopted.

1 If the area in need of redevelopment is situated in an area in which  
2 development or redevelopment is to be encouraged pursuant to any  
3 State law or regulation promulgated pursuant thereto, then the  
4 determination shall take effect after the clerk has transmitted a copy  
5 of the ~~【resolution】~~ ordinance to the commissioner. The  
6 determination, if supported by substantial evidence and, if required,  
7 approved by the commissioner, shall be binding and conclusive  
8 upon all persons affected by the determination. ~~【Notice of the~~  
9 ~~determination shall be served, within 10 days after the~~  
10 ~~determination, upon each person who filed a written objection~~  
11 ~~thereto and stated, in or upon the written submission, an address to~~  
12 ~~which notice of determination may be sent.】~~

13 (6) ~~【If written objections were filed in connection with the~~  
14 ~~hearing, the municipality shall, for 45 days next following its~~  
15 ~~determination to which the objections were filed, take no further~~  
16 ~~action to acquire any property by condemnation within the~~  
17 ~~redemption area.】~~ (Deleted by amendment, P.L. , c. .)  
18 (pending before the Legislature as this bill)

19 (7) ~~【If a person who filed a written objection to a determination~~  
20 ~~by the municipality pursuant to this subsection shall, within 45 days~~  
21 ~~after the adoption by the municipality of the determination to which~~  
22 ~~the person objected, apply to the Superior Court, the court may~~  
23 ~~grant further review of the determination by procedure in lieu of~~  
24 ~~prerogative writ; and in any such action the court may make any~~  
25 ~~incidental order that it deems proper.】~~ (Deleted by amendment,  
26 P.L. , c. .) (pending before the Legislature as this bill)

27 (8) Notice of final adoption of an ordinance making a  
28 determination shall be served, within 10 days after the final  
29 adoption of the ordinance making such determination, upon each  
30 person who received notice of the public hearing in accordance with  
31 paragraph (3) of subsection b. of this section in the same manner as  
32 provided therein. The notice shall inform the recipient of the right  
33 to appeal the designation and shall provide the recipient with the  
34 relevant deadlines for filing an appeal. Additionally, notice of final  
35 adoption of an ordinance making a determination shall be published  
36 in the official newspaper of the municipality, together with the date  
37 of the first publication of such notice and also a statement that any  
38 action or proceeding of any kind or nature in any court questioning  
39 the validity of the adoption of the ordinance or the determination  
40 contained therein, shall be commenced within 45 days after the first  
41 publication of such notice.

42 (9) The municipality shall not finally adopt an ordinance  
43 adopting a redevelopment plan in accordance with section 7 of  
44 P.L.1992, c.79 (C.40A:12A-7) until 60 days have passed since the  
45 ordinance making a determination under this section has been  
46 finally adopted.

1 c. An area determined to be in need of redevelopment pursuant  
2 to this section shall be deemed to be a “blighted area” for the  
3 purposes of Article VIII, Section III, paragraph 1 of the  
4 Constitution. If an area is determined to be a redevelopment area  
5 and a redevelopment plan is adopted for that area in accordance  
6 with the provisions of this act, the municipality is authorized to  
7 utilize all those powers provided in section 8 of P.L.1992, c.79  
8 (C.40A:12A-8).

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

10  
11 9. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to  
12 read as follows:

13 7. a. Following the determination of an area in need of  
14 redemption pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-  
15 6) or a determination of an area in need of rehabilitation pursuant to  
16 section 14 of P.L.1992, c.79 (C.40A:12A-14), the municipality may  
17 undertake the preparation of a redevelopment plan for all or some  
18 part of the area determined to be in need of redevelopment or  
19 rehabilitation, directly in accordance with subsection e. of this  
20 section, or, by resolution, may direct the municipal planning board  
21 to develop such plan in accordance with subsection f. of this  
22 section. No redevelopment project shall be undertaken or carried  
23 out except in accordance with a redevelopment plan [adopted by  
24 ordinance of the municipal governing body, upon its finding that  
25 the] relating to a specifically delineated project area that is located  
26 in an area in need of redevelopment or in an area in need of  
27 rehabilitation, or in both, according to criteria set forth in section 5  
28 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as  
29 appropriate.

30 [The] A redevelopment plan shall include an outline for the  
31 planning, development, redevelopment, or rehabilitation of the  
32 project area sufficient to indicate:

33 (1) [Its] The relationship of the plan to [definite] local  
34 objectives as set forth in the municipal master plan or other official  
35 documents with respect to [appropriate] land uses, density of  
36 population, [and improved] improvements or changes to traffic  
37 circulation, pedestrian circulation and public transportation, public  
38 utilities, recreational and community facilities and other public  
39 improvements.

40 (2) Proposed land uses and building requirements in the project  
41 area, including the character, intensity and scale of proposed  
42 redemption activities, and the design and planning standards and  
43 guidelines to govern those activities.

44 (3) [Adequate provision for] A relocation study adequate to  
45 identify available units suitable to the temporary and permanent  
46 relocation, as necessary, of residents and businesses in the project  
47 area, as required by the “Relocation Assistance Act,” P.L.1971,

1 c.362 (C.20:4-1 et seq.), including, for residents, an estimate of the  
2 extent to which [decent, safe and sanitary dwelling units affordable  
3 to displaced residents] comparable, affordable replacement housing  
4 will be available [to them] in the existing local housing market, an  
5 assessment of the disparity between the availability of comparable,  
6 affordable replacement housing and the needs of the residents in the  
7 project area, an estimate of the amount and type of replacement  
8 housing that will have to be provided within or without the  
9 redevelopment area in order to meet the relocation needs of  
10 residents in the project area, and a plan setting forth the manner and  
11 timetable in which that housing, if needed, will be provided.

12 (4) An identification, by block and lot and street address, if any,  
13 of any property within the redevelopment area which is proposed to  
14 be acquired in accordance with the redevelopment plan, including  
15 an identification for each parcel of the objectives of the  
16 redevelopment plan which cannot be realistically achieved without  
17 the taking of such property, a consideration of alternatives to the  
18 proposed taking, and the reasons that such alternatives do not  
19 provide for realistic achievement of the objectives of the  
20 redevelopment plan.

21 (5) Any significant relationship of the redevelopment plan to (a)  
22 the master plans of contiguous municipalities, (b) the master plan of  
23 the county in which the municipality is located, and (c) the State  
24 Development and Redevelopment Plan adopted pursuant to the  
25 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

26 (6) As of the date of the adoption of the resolution finding the  
27 area to be in need of redevelopment, an inventory of all housing  
28 units affordable to low and moderate income households, as defined  
29 pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to  
30 be removed as a result of implementation of the redevelopment  
31 plan, whether as a result of subsidies or market conditions, listed by  
32 affordability level, number of bedrooms, and tenure.

33 (7) A plan for the provision, through new construction or  
34 substantial rehabilitation of one comparable, affordable replacement  
35 housing unit for each affordable housing unit that has been  
36 occupied at any time within the last 18 months, that is subject to  
37 affordability controls and that is identified as to be removed as a  
38 result of implementation of the redevelopment plan. Displaced  
39 residents of housing units provided under any State or federal  
40 housing subsidy program, or pursuant to the "Fair Housing Act,"  
41 P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to  
42 be eligible, shall have first priority for those replacement units  
43 provided under the plan; provided that any such replacement unit  
44 shall not be credited against a prospective municipal obligation  
45 under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et  
46 al.), if the housing unit which is removed had previously been  
47 credited toward satisfying the municipal fair share obligation. To  
48 the extent reasonably feasible, replacement housing shall be

1 provided within or in close proximity to the redevelopment area. A  
2 municipality shall report annually to the Department of Community  
3 Affairs on its progress in implementing the plan for provision of  
4 comparable, affordable replacement housing required pursuant to  
5 this section.

6 (8) The social and economic impact of the redevelopment area,  
7 including its effect on those parts of the municipality adjacent to the  
8 redevelopment area, and on the low and moderate income residents  
9 of the area.

10 (9) An explanation of how any development controls contained  
11 in the redevelopment plan are consistent with smart growth  
12 planning principles adopted pursuant to law or regulation.

13 (10) Preservation or conservation strategies and goals for the  
14 assets contained in the inventory of environmental, historical and  
15 cultural assets in the delineated project area.

16 b. **【A】** In addition to that housing provided pursuant to  
17 paragraph (7) of subsection a. of this section, a redevelopment plan  
18 may include the provision of affordable housing in accordance with  
19 the “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.) and  
20 the housing element of the municipal master plan.

21 c. The redevelopment plan shall describe its relationship to  
22 pertinent municipal development regulations as defined in the  
23 “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.).  
24 The redevelopment plan shall supersede applicable provisions of the  
25 development regulations of the municipality or constitute an  
26 overlay zoning district within the redevelopment area. When the  
27 redevelopment plan supersedes any provision of the development  
28 regulations, the ordinance adopting the redevelopment plan shall  
29 contain an explicit amendment to the zoning district map included  
30 in the zoning ordinance. The zoning district map as amended shall  
31 indicate the redevelopment area to which the redevelopment plan  
32 applies. **【Notwithstanding the provisions of the “Municipal Land**  
33 **Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no**  
34 **notice beyond that required for adoption of ordinances by the**  
35 **municipality shall be required for the hearing on or adoption of the**  
36 **redevelopment plan or subsequent amendments thereof.】**

37 d. All provisions of the redevelopment plan shall be either  
38 substantially consistent with the municipal master plan or designed  
39 to effectuate the master plan; but the municipal governing body may  
40 adopt a redevelopment plan which is inconsistent with or not  
41 designed to effectuate the master plan by affirmative vote of a  
42 majority of its full authorized membership with the reasons for so  
43 acting set forth in the redevelopment plan.

44 e. **【Prior to the adoption of a redevelopment plan, or revision or**  
45 **amendment thereto, the】** If a municipality prepares a redevelopment  
46 plan directly, the municipal governing body shall refer the proposed  
47 redevelopment plan to the municipal planning board for review.



1 Such referral may be by resolution. The municipal planning board  
2 shall transmit to the governing body, within 45 days after referral, a  
3 report containing its recommendation concerning the redevelopment  
4 plan. This report shall include an identification of any provisions in  
5 the proposed redevelopment plan which are inconsistent with the  
6 master plan and recommendations concerning these inconsistencies  
7 and any other matters as the board deems appropriate. The  
8 governing body, when considering the adoption of a redevelopment  
9 plan or revision or amendment thereof, shall review the report of  
10 the planning board and may approve or disapprove or change any  
11 recommendation by a vote of a majority of its full authorized  
12 membership and shall record in its minutes the reasons for not  
13 following the recommendations. Failure of the planning board to  
14 transmit its report within the required 45 days shall relieve the  
15 governing body from the requirements of this subsection with  
16 regard to the pertinent proposed redevelopment plan [or revision or  
17 amendment thereof]. Nothing in this subsection shall diminish the  
18 applicability of the provisions of subsection d. of this section with  
19 respect to any redevelopment plan or revision or amendment  
20 thereof.

21 f. The governing body of a municipality may direct the planning  
22 board to prepare a redevelopment plan [or an amendment or  
23 revision to a redevelopment plan] for a designated redevelopment  
24 area. After completing the redevelopment plan, the planning board  
25 shall transmit the proposed plan to the governing body for its  
26 adoption. The governing body, when considering the proposed  
27 plan, may amend or revise any portion of the proposed  
28 redevelopment plan by an affirmative vote of the majority of its full  
29 authorized membership and shall record in its minutes the reasons  
30 for each amendment or revision. When a redevelopment plan [or  
31 amendment to a redevelopment plan] is referred to the governing  
32 body by the planning board under this subsection, the governing  
33 body shall be relieved of the referral requirements of subsection e.  
34 of this section.

35 g. Within 60 days after the governing body or planning board  
36 begins preparation of the redevelopment plan, the governing body  
37 or planning board shall conduct a public hearing on the goals and  
38 content of the redevelopment plan. Notice of the public hearing  
39 shall state the date, time, and location of the public hearing, shall  
40 identify the borders of the area for which a plan is being developed.  
41 A copy of the notice of the public hearing shall be published in a  
42 newspaper of general circulation in the municipality once each  
43 week for two consecutive weeks, and the last publication shall be  
44 not less than 10 days prior to the date set for the hearing, and shall  
45 be posted on the municipality's Internet web site, if any, and in such  
46 other public places within or proximate to the proposed  
47 redevelopment area as may be available and appropriate. A copy of

1 the notice shall be mailed by the municipal clerk at least ten days  
2 prior to the date set for the hearing to the last owner, if any, of each  
3 parcel of property and any legal tenant of a residential rental  
4 dwelling unit, within the area according to the assessment records  
5 of the municipality. The municipal clerk shall make a diligent  
6 effort to ascertain the names and addresses of legal tenants of rental  
7 dwelling units by contacting the legal owner of the rental property  
8 or a management company identified by such owner, but if unable  
9 to do so shall have a copy of the notice posted on properties known  
10 to be rental dwelling units. At such public hearing, the municipal  
11 governing body shall hear all persons who are interested in or  
12 would be affected by the redevelopment plan, although the planning  
13 board or governing body may, by vote of its majority, restrict or  
14 limit the amount of time afforded each such person to speak. A  
15 record of the public hearing shall be kept by the municipal clerk.

16 h. Amendments to redevelopment plans shall be prepared and  
17 adopted in the same manner provided for a redevelopment plan.

18 i. The redevelopment plan shall be adopted by ordinance of the  
19 municipal governing body. Prior to final adoption of the ordinance,  
20 the municipal governing body shall conduct a public hearing on the  
21 ordinance and all interested persons shall be allowed to speak.  
22 Notice of the public hearing shall state the date, time, and location  
23 of the public hearing, shall identify where the proposed  
24 redevelopment plan is available for examination and shall identify,  
25 by block and lot and street address, if any, the parcels that may be  
26 subject to eminent domain under the proposed redevelopment plan.  
27 The full text of the redevelopment plan to be considered by the  
28 governing body along with any maps or other exhibits thereto, shall  
29 be made available to the public in the municipal building and shall  
30 be posted on the municipality's Internet web site, if any, at the time  
31 such notice to such hearing is to be provided. Copies of the  
32 proposed redevelopment plan shall be available for purchase by any  
33 interested party. A copy of the notice of the public hearing shall be  
34 published in a newspaper of general circulation in the municipality  
35 once each week for two consecutive weeks, and the last publication  
36 shall be not less than 10 days prior to the date set for the hearing,  
37 and shall be posted on the municipality's Internet web site and in  
38 such other public places within or proximate to the proposed  
39 redevelopment area as may be available and appropriate. A copy of  
40 the notice shall be mailed by the municipal clerk at least 10 days  
41 prior to the date set for the hearing to the last owner, if any, of each  
42 parcel of property and any legal tenant of a residential rental  
43 dwelling unit, within the area according to the assessment records  
44 of the municipality. The municipal clerk shall make a diligent  
45 effort to ascertain the names and addresses of legal tenants of  
46 residential rental dwelling units by contacting the legal owner of the  
47 rental property or a management company identified by such owner,  
48 but if unable to do so shall have a copy of the notice posted on

1 properties known to contain residential rental dwelling units. For  
2 property owners whose properties do not exhibit conditions of  
3 blight and are proposed to be acquired under the redevelopment  
4 plan, the notice shall specify the reason why acquiring the property  
5 is necessary for the redevelopment of the area. A notice shall also  
6 be sent by the municipal clerk to all persons at their last known  
7 address, if any, whose names are noted on the assessment records as  
8 claimants of an interest in any such parcel. The assessor of the  
9 municipality shall make a notation upon the records when requested  
10 to do so by any person claiming to have an interest in any parcel of  
11 property in the municipality. The notice shall be published and  
12 mailed by the municipal clerk. Failure to mail any such notice shall  
13 not invalidate the redevelopment plan. At such public hearing, the  
14 municipal governing body shall hear all persons who are interested  
15 in or would be affected by the provisions of the redevelopment  
16 plan, although the governing body may, by vote of its majority,  
17 restrict or limit the amount of time afforded each such person to  
18 speak. A record of the public hearing shall be kept by the  
19 municipal clerk. Upon the close of the public hearing, the  
20 municipal governing body may vote to finally adopt the ordinance.

21 j. Notice of final adoption of an ordinance adopting a  
22 redevelopment plan shall be served, within 10 days after the final  
23 adoption of the ordinance making such determination, upon each  
24 person who received notice of the public hearing in accordance with  
25 subsection h. of this section in the same manner as provided therein.  
26 Additionally, notice of final adoption of an ordinance making a  
27 determination shall be published in the official newspaper of the  
28 municipality, together with the date of the first publication of such  
29 notice and also a statement that any action or proceeding of any  
30 kind or nature in any court questioning the validity of the adoption  
31 of the ordinance or the determination contained therein, shall be  
32 commenced within 45 days after the first publication of such notice.

33 k. The municipality may not finally authorize and execute an  
34 agreement with a redeveloper until 60 days next following the final  
35 adoption of the ordinance adopting a redevelopment plan pursuant  
36 to this section.

37 (cf: P.L.2008, c.46, s.2)

38  
39 10. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to  
40 read as follows:

41 8. Upon the adoption of a redevelopment plan pursuant to  
42 section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or  
43 redevelopment entity designated by the governing body may  
44 proceed with the clearance, replanning, development and  
45 redevelopment of the area designated in that plan. In order to carry  
46 out and effectuate the purposes of this act and the terms of the  
47 redevelopment plan, the municipality or designated redevelopment  
48 entity may:

- 1       a. Undertake redevelopment projects, and for this purpose issue  
2 bonds in accordance with the provisions of section 29 of P.L.1992,  
3 c.79 (C.40A:12A-29).
- 4       b. Acquire property pursuant to subsection i. of section 22 of  
5 P.L.1992, c.79 (C.40A:12A-22).
- 6       c. Acquire, by condemnation, any land or building in or upon  
7 which a condition set forth in section 5 of P.L.1992, c.79  
8 (C.40A:12A-5) is present and which is necessary for the  
9 redevelopment project, pursuant to the provisions of the "Eminent  
10 Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.); provided,  
11 however, that for properties to be acquired under the terms of an  
12 agreement entered into pursuant to a redevelopment plan adopted  
13 after the effective date of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill), the valuation of such properties shall take  
15 into account the uses permitted for such property under the  
16 redevelopment plan and shall be based on the date the municipality  
17 files the declaration of taking or the date of adoption of the  
18 redevelopment plan, whichever yields the higher valuation. For  
19 residential properties, if neither of these two valuations is equal to  
20 or more than the "replacement value" of the home, then the  
21 valuation of such properties must be at least the "replacement  
22 value" of the home, which shall be defined as the approximate value  
23 of a home of similar size and quality under comparable conditions,  
24 within the municipality and within a reasonable distance of the  
25 property being condemned. Furthermore, persons displaced  
26 pursuant to implementation of a redevelopment plan shall be  
27 entitled to all rights and benefits provided under the Uniform  
28 Transportation Replacement Housing and Relocation Act, P.L.1972,  
29 c.47 (C.27:7-72 et seq.), and rules and regulations adopted in  
30 accordance thereof.
- 31       d. Clear any area owned or acquired and install, construct or  
32 reconstruct streets, facilities, utilities, and site improvements  
33 essential to the preparation of sites for use in accordance with the  
34 redevelopment plan.
- 35       e. Prepare or arrange by contract for the provision of  
36 professional services and the preparation of plans by registered  
37 architects, licensed professional engineers or planners, or other  
38 consultants for the carrying out of redevelopment projects.
- 39       f. Arrange or contract with public agencies or redevelopers for  
40 the planning, replanning, construction, or undertaking of any  
41 project or redevelopment work, or any part thereof; negotiate and  
42 collect revenue from a redeveloper to defray the costs of the  
43 redevelopment entity, including where applicable the costs incurred  
44 in conjunction with bonds, notes or other obligations issued by the  
45 redevelopment entity, and to secure payment of such revenue; as  
46 part of any such arrangement or contract, provide for extension of  
47 credit, or making of loans, to redevelopers to finance any project or  
48 redevelopment work, or upon a finding that the project or

1 redevelopment work would not be undertaken but for the provision  
2 of financial assistance, or would not be undertaken in its intended  
3 scope without the provision of financial assistance, provide as part  
4 of an arrangement or contract for capital grants to redevelopers; and  
5 arrange or contract with public agencies or redevelopers for the  
6 opening, grading or closing of streets, roads, roadways, alleys, or  
7 other places or for the furnishing of facilities or for the acquisition  
8 by such agency of property options or property rights or for the  
9 furnishing of property or services in connection with a  
10 redevelopment area.

11 g. [Except with regard to property subject to the requirements of  
12 P.L.2008, c.65 (C.40A:5-14.2 et al.), lease or convey property or  
13 improvements to any other party pursuant to this section, without  
14 public bidding and at such prices and upon such terms as it deems  
15 reasonable, provided that the lease or conveyance is made in  
16 conjunction with a redevelopment plan, notwithstanding the  
17 provisions of any law, rule, or regulation to the contrary.] (Deleted  
18 by amendment, P.L. , c. .) (pending before the Legislature as this  
19 bill)

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

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

28 j. Make, consistent with the redevelopment plan: (1) plans for  
29 carrying out a program of voluntary repair and rehabilitation of  
30 buildings and improvements; and (2) plans for the enforcement of  
31 laws, codes, and regulations relating to the use and occupancy of  
32 buildings and improvements, and to the compulsory repair,  
33 rehabilitation, demolition, or removal of buildings and  
34 improvements.

35 k. Request that the planning board recommend and governing  
36 body designate particular areas as being in need of redevelopment  
37 or rehabilitation in accordance with the provisions of this act and  
38 make recommendations for the redevelopment or rehabilitation of  
39 such areas.

40 l. Study the recommendations of the planning board or  
41 governing body for redevelopment of the area.

42 m. Publish and disseminate information concerning any  
43 redevelopment area, plan or project.

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

46

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

1       14. a. A delineated area may be determined to be in need of  
2 rehabilitation if the governing body of the municipality determines  
3 by resolution that a program of rehabilitation, as defined in section  
4 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent  
5 further deterioration and promote the overall development of the  
6 community and that there exist in that area conditions such that:

7       (1) a significant portion of structures therein are in a  
8 deteriorated or substandard condition and there is a continuing  
9 pattern of vacancy, abandonment or underutilization of properties in  
10 the area, **[with]** which may be reflected in a persistent arrearage of  
11 property tax payments thereon; **[or]**

12       (2) **[more than half]** a significant amount of the housing stock  
13 **[in the delineated area is at least 50 years old, or a majority of the**  
14 **water and sewer]** or infrastructure in the delineated area, or both, is  
15 **[at least 50 years old and is]** in need of repair or substantial  
16 maintenance; **[and]**

17       (3) **[a program of rehabilitation, as defined in section 3 of**  
18 **P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further**  
19 **deterioration and promote the overall development of the**  
20 **community]** (Deleted by amendment, P.L. , c. .) (pending before  
21 the Legislature as this bill);

22       (4) areas with buildings or improvements evidencing  
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; or

27       (5) a growing lack or total lack of proper utilization of areas  
28 resulting in a stagnant or not fully productive condition of land  
29 potentially useful and valuable for contributing to and serving the  
30 public health, safety, and welfare.

31       The resolution determining that the area is in need of  
32 rehabilitation shall be based upon a written report documenting the  
33 conditions that provide the basis for the determination that the area  
34 is in need of rehabilitation. Where warranted by consideration of  
35 the overall conditions and requirements of the community, a finding  
36 of need for rehabilitation may extend to the entire area of a  
37 municipality. Prior to adoption of the resolution, the governing  
38 body shall submit **[it]** the proposed resolution together with the  
39 report that provides the basis for the determination to the municipal  
40 planning board for its review. Within 45 days of its receipt of the  
41 proposed resolution, the municipal planning board shall submit its  
42 recommendations regarding the proposed resolution, including any  
43 modifications which it may recommend, to the governing body for  
44 its consideration. Thereafter, or after the expiration of the 45 days  
45 if the municipal planning board does not submit recommendations,  
46 the governing body may adopt the resolution, with or without  
47 modification. The resolution shall not become effective without the

1 approval of the commissioner pursuant to section 6 of P.L.1992,  
2 c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

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

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

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

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

34 (2) For the purposes of this subsection, "renovation housing  
35 project" means any work or undertaking to provide a decent, safe,  
36 and sanitary single-family dwelling, to exclusively benefit at least  
37 half of the number of people occupying a dwelling as their primary  
38 residence, by the renovation, reconstruction, or replacement of that  
39 dwelling on the same lot by either a charitable entity organized to  
40 perform home renovations or by a for-profit builder using 75% or  
41 more volunteer labor-hours to accomplish the construction for the  
42 project. The undertaking may include any buildings; demolition,  
43 clearance, or removal of buildings from land; equipment; facilities;  
44 or other personal properties or interests therein which are necessary,  
45 convenient, or desirable appurtenances of the undertaking.

46 (cf: P.L.2007, c.91, s.1)

1       12. Section 15 of P.L.1992, c.79 (C40A:12A-15) is amended to  
2 read as follows:

3       15. In accordance with the provisions of a redevelopment plan  
4 adopted pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), a  
5 municipality or redevelopment entity may proceed with clearance,  
6 replanning, conservation, development, redevelopment and  
7 rehabilitation of an area in need of rehabilitation. **【With respect to**  
8 **a redevelopment project in】** In an area in need of rehabilitation, the  
9 municipality or redevelopment entity, upon the adoption of a  
10 redevelopment plan for the area, may perform any of the actions set  
11 forth in section 8 of P.L.1992, c.79 (C.40A:12A-8), except that  
12 **【with respect to such a project】** the municipality shall not have the  
13 power to use eminent domain to take or acquire private property by  
14 condemnation in furtherance of a redevelopment plan, unless **【:** a.  
15 the area is within an area determined to be in need of  
16 redevelopment pursuant to this act; or b.**】** exercise of that power is  
17 authorized under any other law of this State.  
18 (cf: P.L.1992, c.79, s.15)

19

20       13. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
21 read as follows:

22       19. Preparation; contents; modification. a. The planning board  
23 may prepare and, after public hearing, adopt or amend a master plan  
24 or component parts thereof, to guide the use of lands within the  
25 municipality in a manner which protects public health and safety  
26 and promotes the general welfare.

27       b. The master plan shall generally comprise a report or  
28 statement and land use and development proposals, with maps,  
29 diagrams and text, presenting, at least the following elements (1)  
30 and (2) and, where appropriate, the following elements (3) through  
31 **【(16)】** (17):

32       (1) A statement of objectives, principles, assumptions, policies  
33 and standards upon which the constituent proposals for the physical,  
34 economic and social development of the municipality are based;

35       (2) A land use plan element (a) taking into account and stating  
36 its relationship to the statement provided for in paragraph (1)  
37 hereof, and other master plan elements provided for in paragraphs  
38 (3) through **【(16)】** (17) hereof and natural conditions, including,  
39 but not necessarily limited to, topography, soil conditions, water  
40 supply, drainage, flood plain areas, marshes, and woodlands; (b)  
41 showing the existing and proposed location, extent and intensity of  
42 development of land to be used in the future for varying types of  
43 residential, commercial, industrial, agricultural, recreational,  
44 educational and other public and private purposes or combination of  
45 purposes; and stating the relationship thereof to the existing and any  
46 proposed zone plan and zoning ordinance; and (c) showing the  
47 existing and proposed location of any airports and the boundaries of



1 any airport safety zones delineated pursuant to the "Air Safety and  
2 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d)  
3 including a statement of the standards of population density and  
4 development intensity recommended for the municipality;

5 (3) A housing plan element pursuant to section 10 of P.L.1985,  
6 c.222 (C.52:27D-310), including, but not limited to, residential  
7 standards and proposals for the construction and improvement of  
8 housing;

9 (4) A circulation plan element showing the location and types of  
10 facilities for all modes of transportation required for the efficient  
11 movement of people and goods into, about, and through the  
12 municipality, taking into account the functional highway  
13 classification system of the Federal Highway Administration and  
14 the types, locations, conditions and availability of existing and  
15 proposed transportation facilities, including air, water, road and rail;

16 (5) A utility service plan element analyzing the need for and  
17 showing the future general location of water supply and distribution  
18 facilities, drainage and flood control facilities, sewerage and waste  
19 treatment, solid waste disposal and provision for other related  
20 utilities, and including any storm water management plan required  
21 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.).  
22 If a municipality prepares a utility service plan element as a  
23 condition for adopting a development transfer ordinance pursuant to  
24 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan  
25 element shall address the provision of utilities in the receiving zone  
26 as provided thereunder;

27 (6) A community facilities plan element showing the existing  
28 and proposed location and type of educational or cultural facilities,  
29 historic sites, libraries, hospitals, firehouses, police stations and  
30 other related facilities, including their relation to the surrounding  
31 areas;

32 (7) A recreation plan element showing a comprehensive system  
33 of areas and public sites for recreation;

34 (8) A conservation plan element providing for the preservation,  
35 conservation, and utilization of natural resources, including, to the  
36 extent appropriate, energy, open space, water supply, forests, soil,  
37 marshes, wetlands, harbors, rivers and other waters, fisheries,  
38 endangered or threatened species wildlife and other resources, and  
39 which systemically analyzes the impact of each other component  
40 and element of the master plan on the present and future  
41 preservation, conservation and utilization of those resources;

42 (9) An economic plan element considering all aspects of  
43 economic development and sustained economic vitality, including  
44 (a) a comparison of the types of employment expected to be  
45 provided by the economic development to be promoted with the  
46 characteristics of the labor pool resident in the municipality and  
47 nearby areas and (b) an analysis of the stability and diversity of the  
48 economic development to be promoted;

1 (10) A historic preservation plan element: (a) indicating the  
2 location and significance of historic sites and historic districts; (b)  
3 identifying the standards used to assess worthiness for historic site  
4 or district identification; and (c) analyzing the impact of each  
5 component and element of the master plan on the preservation of  
6 historic sites and districts;

7 (11) Appendices or separate reports containing the technical  
8 foundation for the master plan and its constituent elements;

9 (12) A recycling plan element which incorporates the State  
10 Recycling Plan goals, including provisions for the collection,  
11 disposition and recycling of recyclable materials designated in the  
12 municipal recycling ordinance, and for the collection, disposition  
13 and recycling of recyclable materials within any development  
14 proposal for the construction of 50 or more units of single-family  
15 residential housing or 25 or more units of multi-family residential  
16 housing and any commercial or industrial development proposal for  
17 the utilization of 1,000 square feet or more of land;

18 (13) A farmland preservation plan element, which shall include:  
19 an inventory of farm properties and a map illustrating significant  
20 areas of agricultural land; a statement showing that municipal  
21 ordinances support and promote agriculture as a business; and a  
22 plan for preserving as much farmland as possible in the short term  
23 by leveraging monies made available by P.L.1999, c.152 (C.13:8C-  
24 1 et al.) through a variety of mechanisms including, but not limited  
25 to, utilizing option agreements, installment purchases, and  
26 encouraging donations of permanent development easements; **[and]**

27 (14) A development transfer plan element which sets forth the  
28 public purposes, the locations of sending and receiving zones and  
29 the technical details of a development transfer program based on the  
30 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

31 (15) An educational facilities plan element which incorporates  
32 the purposes and goals of the "long-range facilities plan" required to  
33 be submitted to the Commissioner of Education by a school district  
34 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); **[and]**

35 (16) A green buildings and environmental sustainability plan  
36 element, which shall provide for, encourage, and promote the  
37 efficient use of natural resources and the installation and usage of  
38 renewable energy systems; consider the impact of buildings on the  
39 local, regional and global environment; allow ecosystems to  
40 function naturally; conserve and reuse water; treat storm water on-  
41 site; and optimize climatic conditions through site orientation and  
42 design; and

43 (17) A redevelopment plan element identifying all areas that  
44 have been designated in need of redevelopment or rehabilitation in  
45 the municipality as well as additional areas that may be so  
46 designated in the future, the goals and objectives of projected  
47 redevelopment activities in those areas during the time period  
48 covered by the master plan, the manner in which those activities

1 further the social, economic, and physical improvement of the  
2 municipality, and the manner in which redevelopment activities are  
3 linked to other activities being carried out by the municipality  
4 pursuant to the municipal master plan, including improvements to  
5 infrastructure, transportation improvements, and the construction of  
6 public and community facilities.

7 c. The master plan and its plan elements may be divided into  
8 subplans and subplan elements projected according to periods of  
9 time or staging sequences.

10 d. The master plan shall include a specific policy statement  
11 indicating the relationship of the proposed development of the  
12 municipality, as developed in the master plan to (1) the master plans  
13 of contiguous municipalities, (2) the master plan of the county in  
14 which the municipality is located, (3) the State Development and  
15 Redevelopment Plan adopted pursuant to the "State Planning Act,"  
16 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)  
17 and (4) the district solid waste management plan required pursuant  
18 to the provisions of the "Solid Waste Management Act," P.L.1970,  
19 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is  
20 located.

21 In the case of a municipality situated within the Highlands  
22 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
23 master plan shall include a specific policy statement indicating the  
24 relationship of the proposed development of the municipality, as  
25 developed in the master plan, to the Highlands regional master plan  
26 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).  
27 (cf: P.L.2008, c.54, s.1)

28  
29 14. (New section) a. Whenever a redevelopment project or  
30 projects involve the conveyance of land owned by the municipality,  
31 or any project, 20% or more of which will be constructed upon land  
32 subject to acquisition by the municipality or redevelopment entity  
33 pursuant to the redevelopment plan, the municipality shall approve,  
34 by ordinance, a written agreement designating a redeveloper  
35 selected in accordance with this section.

36 b. The municipality or redevelopment entity shall prepare or  
37 have prepared request for proposal documentation, which shall  
38 include: all requirements deemed appropriate and necessary to  
39 allow for full and free competition between potential redevelopers;  
40 information necessary for potential redevelopers to submit a  
41 proposal, including a copy of the redevelopment plan, a general  
42 description of the project or projects, and such municipal public  
43 records relating to buildings and improvements within the  
44 redevelopment area, including, but not limited to, services provided  
45 by public utilities, building permit, and assessment records; and a  
46 methodology by which the municipality will evaluate and rank  
47 proposals received from potential redevelopers.

- 1       c. The methodology for selecting a redeveloper shall be based  
2 on an evaluation and ranking which may include overall design,  
3 technical expertise, demonstrated experience on projects similar to  
4 the proposed project, the ability to finance the proposed project, and  
5 such other stated criteria as the municipality shall deem relevant.
- 6       d. At no time during the proposal solicitation process shall the  
7 municipality or redevelopment entity, or any employee or agent  
8 thereof, convey information to the public or any potential  
9 redeveloper which could confer an unfair advantage upon that  
10 potential redeveloper over any other potential redeveloper. If the  
11 municipality or redevelopment entity desires to change proposal  
12 documentation, the municipality or redevelopment entity shall  
13 notify only those potential redevelopers who received the proposal  
14 documentation of any and all changes in writing, and all existing  
15 documentation shall be changed appropriately.
- 16       e. All proposals shall be required to contain a statement of  
17 corporate ownership in accordance with the provisions of section 1  
18 of P.L.1977, c.33 (C.52:25-24.2) and specifications concerning  
19 equal employment opportunity and affirmative action pursuant to  
20 P.L.1975, c.127 (C.10:5-31 et seq.)
- 21       f. A notice of the availability of request for proposal  
22 documentation shall be published in an official newspaper of the  
23 municipality at least 30 days prior to the date established for the  
24 submission of proposals. Such notice shall provide the name,  
25 address, and phone number of the person who can provide  
26 additional information and a proposal document to an interested  
27 party. The municipality or redevelopment entity shall promptly  
28 reply to any request by an interested party by providing a copy of  
29 the request for proposals. The municipality or redevelopment entity  
30 may charge a fee for the proposal documentation that shall not  
31 exceed \$50 or the cost of reproducing the documentation,  
32 whichever is greater.
- 33       g. Each interested potential redeveloper shall submit a proposal  
34 which shall include all the information required by the request for  
35 proposals. Failure to meet the requirements of the request for  
36 proposals may result in the municipality or redevelopment entity  
37 disqualifying the potential redeveloper from further consideration.
- 38       h. The municipality or redevelopment entity shall review and  
39 evaluate all proposals only in accordance with the methodology  
40 described in the request for proposals. The review shall be  
41 conducted in a manner that avoids disclosure of the contents of any  
42 proposal prior to the selection of a redeveloper. The municipality  
43 or redevelopment entity may conduct discussions with a potential  
44 redeveloper submitting a proposal for the purpose of clarifying the  
45 information submitted in the proposal. The municipality or  
46 redevelopment entity may at any time revise its proposal document  
47 after the review of the submitted proposals if it notifies  
48 simultaneously, and in writing, each potential redeveloper that

1 submitted a proposal of the revision and provides a uniform time  
2 within which the potential redevelopers may submit a revised  
3 proposal for review.

4 i. The municipality or redevelopment entity shall select the  
5 proposal that received the highest evaluation and shall negotiate an  
6 agreement with the potential redeveloper that submitted the selected  
7 proposal. If the municipality or redevelopment entity is unable to  
8 negotiate a satisfactory agreement with the potential redeveloper  
9 that submitted the selected proposal, it may select the proposal that  
10 received the second highest evaluation from among those submitted  
11 and proceed to negotiate a satisfactory contract with the potential  
12 redeveloper that submitted that proposal. The process shall  
13 continue until a redeveloper is selected or the process is abandoned  
14 by the municipality or redevelopment entity. The decision to  
15 abandon the proposal process shall be by a resolution adopted by  
16 the governing body of the municipality or redevelopment entity.

17 j. After a redeveloper has been selected and a satisfactory  
18 agreement has been negotiated, but prior to the execution of the  
19 agreement by the governing body or redevelopment entity, the  
20 municipality or redevelopment entity shall prepare a report  
21 concerning the proposal selection process. The report shall list the  
22 names of all potential redevelopers who submitted a proposal and  
23 shall summarize the proposals of each potential redeveloper. The  
24 report shall (1) rank the potential redevelopers in order of  
25 evaluation; (2) summarize, in general terms, any unsuccessful  
26 negotiations with potential redevelopers that submitted proposals  
27 which were ranked higher than the proposal of the selected  
28 redeveloper; (3) recommend the selected redeveloper; and (4)  
29 summarize the project to be undertaken and the relevant terms of  
30 the proposed agreement. The report shall be made available to the  
31 public at least 48 hours prior to the introduction of an ordinance  
32 authorizing an agreement with the redeveloper.

33 k. The governing body of the municipality or redevelopment  
34 entity shall have the right to reject all proposals for any reason, but  
35 such reason must be given and the municipality shall not authorize  
36 another request for proposals concerning the same project or  
37 projects for a period of 30 days after the date of rejection or  
38 abandonment by the governing body.

39 l. Nothing in this section shall limit the authority of a  
40 municipality to convey property within a redevelopment area for  
41 nominal consideration to any of the entities designated in section 21  
42 of the "Local Lands and Buildings Law," P.L.1971, c.199  
43 (C.40A:12-21) for any of the uses set forth therein, and to enter into  
44 redevelopment agreements with such entities for such uses without  
45 complying with the provisions of this section.

46

47 15. (New section) If any agreement between a redevelopment  
48 entity and a redeveloper shall provide for the use or potential use of

1 eminent domain by the redevelopment entity, such agreement shall  
2 contain:

3 a. a block and lot identification of all parcels which may be  
4 subject to eminent domain at the request of the redeveloper;

5 b. a schedule of acquisition by the redeveloper; and

6 c. a provision stating that the ability of the redeveloper to  
7 request acquisition by eminent domain shall lapse within five years  
8 of the effective date of the agreement, which provision may only be  
9 further extended by an ordinance enacted by the governing body  
10 after notice to any property owner whose rights will be directly  
11 affected by such an extension.

12 All mandatory schedules and time limitations within these  
13 provisions may be subject to tolling for any contingencies set forth  
14 in the agreement.

15

16 16. (New section) Every resident displaced as a result of a  
17 redevelopment project shall have a limited right of first refusal to  
18 purchase or lease a dwelling unit subsequently constructed within  
19 the redevelopment project as set forth in this section:

20 a. At such time residents are provided notice pursuant to the  
21 Workable Relocation Assistance Plan pursuant to law or regulation  
22 adopted pursuant thereto, they shall be provided with the  
23 opportunity to have their names entered into a registry of residents  
24 seeking the opportunity to purchase or lease a dwelling unit in the  
25 redevelopment project. The registry shall be maintained by the  
26 municipal relocation officer designated under the Workable  
27 Relocation Assistance Plan.

28 b. At such time that any residential development containing  
29 more than 10 dwelling units shall be constructed in any  
30 redevelopment area as a redevelopment project, the developer shall  
31 notify each individual on the registry, by registered mail and by e-  
32 mail to their last known mailing or e-mail address, as may be  
33 available, of their opportunity to purchase or lease a dwelling unit.  
34 It shall be the sole responsibility of the individual to maintain a  
35 current mailing address with the registry, and the developer shall be  
36 under no obligation to provide notice except as set forth in this  
37 subsection.

38 c. From the date of mailing of the notice, the individuals on the  
39 registry shall have 14 business days before the units in such  
40 development are offered to the general public in order to enter into  
41 a contract of purchase or a lease for a unit in the development. Such  
42 contract or lease shall be on the same terms and at the same price as  
43 those on which the unit is initially offered to the general public.

44

45 17. (New section) a. For all areas determined to be in need of  
46 redevelopment, the municipality shall submit to the Department of  
47 Community Affairs a map outlining the physical boundaries of the  
48 redevelopment area, the preliminary investigation report, and a

1 copy of the ordinance making the determination. This information  
2 shall be transmitted within 60 days of the effective date of this act  
3 for areas determined to be in need of redevelopment on or prior to  
4 the effective date of this act, or within 10 days after the area is  
5 determined to be in need of redevelopment after the effective date  
6 of this act.

7 b. For all condemnations of properties that occur pursuant to  
8 subsection c. of section 8 of P.L.1992, c.79 (C.40A:12A-8), the  
9 municipality shall submit to the Department of Community Affairs  
10 record of the condemnation and the compensation provided to the  
11 property owner within 10 days of the taking.

12 c. Each year the Department of Community Affairs shall issue a  
13 report that lists the location of all areas currently determined to be  
14 in need of redevelopment in New Jersey; basic data for each area  
15 about its size, and population, the status of the redevelopment plan  
16 implementation, and the length of time the area has been designated  
17 as an area in need of redevelopment; and the number of times  
18 eminent domain has been used in each redevelopment area, and data  
19 on compensation received by property owners, where available.  
20 This report shall be made available to the general public upon  
21 request and on the Department of Community Affairs Internet web  
22 site.

23  
24 18. This act shall take effect on the first day of the fourth month  
25 next following enactment. Any final action taken by a municipality  
26 or redevelopment entity with respect to: a determination that an area  
27 is in need of redevelopment or in need of rehabilitation; adoption of  
28 a redevelopment plan; or designation of a redeveloper, prior to the  
29 effective date of this act shall have full force and effect, but any  
30 subsequent official action by the municipality or redevelopment  
31 entity after the effective date of this act shall be subject to its  
32 provisions.

## 33 34 35 STATEMENT

36  
37 This bill provides a reform of current eminent domain law as it  
38 pertains to municipal redevelopment programs. The bill ensures  
39 that affected property owners and the general public are provided  
40 adequate notice of a municipality's interest in inaugurating a  
41 redevelopment program; affords such stakeholders the opportunity  
42 to be heard during the process undertaken to develop such  
43 programs; adds transparency to the exercise of eminent domain;  
44 creates certainty that redevelopment programs are authorized and  
45 undertaken in a deliberative and open process, free of "pay-to-play"  
46 deals; provides that such programs, once properly adopted, are  
47 implemented in a fair and certain manner, including a public  
48 process, where appropriate, for the selection of redevelopers

1 seeking the assistance of municipal officials in constructing a  
2 redevelopment project on municipally owned or acquired property;  
3 provides a just measure of compensation to owners of homes and  
4 operating businesses, including compensation for loss of business  
5 income, who are subject to eminent domain; and affords protection  
6 and finality to such redevelopment programs properly created under  
7 these heightened standards for enactment.