

ASSEMBLY, No. 103

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblywoman GAIL PHOEBUS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Webber

SYNOPSIS

Allows for exclusion of certain properties from Highlands preservation area.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

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7 1. a. Notwithstanding subsection b. of section 7 of P.L.2004,
8 c.120 (C.13:20-7) or any other law, or any rule or regulation
9 adopted pursuant thereto, to the contrary, beginning on August 10,
10 2009, when an owner of property located within the preservation
11 area offers that property for sale to the State and the State rejects
12 the offer due to the lack of available funding to purchase the
13 property at an amount equal to a fair market value appraisal or
14 appraisals of the value of the lands made using the land use zoning
15 of the lands, and any State environmental laws or Department of
16 Environmental Protection rules and regulations that may affect the
17 value of the lands subject to the appraisal and in effect on August 9,
18 2004, that property owner may request that the property be removed
19 from the preservation area.

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

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

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

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

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

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill would allow, beginning on August 10, 2009, an owner
11 of property located in the Highlands preservation area to request
12 that the property be excluded from the preservation area under
13 certain circumstances. Specifically, this bill would provide that
14 when an owner of property located within the preservation area
15 offers that property for sale to the State and the State rejects the
16 offer due to the lack of available funding to purchase the property at
17 an amount equal to a fair market value appraisal of the value of the
18 lands as of August 9, 2004 (the day before the date of enactment of
19 the “Highlands Water Protection and Planning Act,” P.L.2004,
20 c.120), that property owner may request that the property be
21 removed from the preservation area. Under the bill, upon written
22 request by the property owner to the Commissioner of
23 Environmental Protection and the Chair of the Highlands Water
24 Protection and Planning Council containing documentation from the
25 State that the State does not have funds available to purchase the
26 property at a price equal to the value of the lands as of August 9,
27 2004, the property would be exempt from the provisions of sections
28 30 through 43 of P.L.2004, c.120 (C.13:20-28 et al.) and would be
29 regulated by the State and the local government unit in the same
30 manner as property located in the planning area.

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

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