

[First Reprint]

ASSEMBLY, No. 3797

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED APRIL 5, 2018

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District 27 (Essex and Morris)

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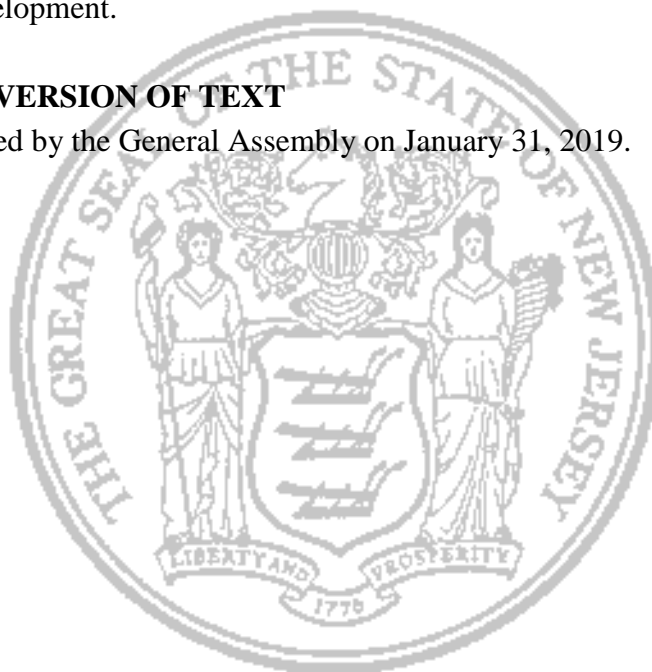
**Assemblywomen Timberlake, Pintor Marin, Assemblyman Caputo and
Assemblywoman Speight**

SYNOPSIS

Permits municipal land banking in conjunction with online property database development.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 31, 2019.



(Sponsorship Updated As Of: 5/17/2019)

1 AN ACT concerning municipal land banking and online mapping,
2 and amending P.L.1960, c.183 and P.L.1971, c.199, and
3 amending and supplementing P.L.1992, c.79.

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

7
8 1. (New section) Sections 1 through 16 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may
10 be cited as the “New Jersey Land Bank Law.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. Difficult economic conditions coupled with the continued
14 high rate of foreclosures have significantly increased the number of
15 vacant, abandoned, and other problem properties in the State’s
16 municipalities, particularly its older cities;

17 b. The continued presence and proliferation of these vacant,
18 abandoned, and other problem properties in the communities of this
19 State has a negative effect on the public health and welfare, reduces
20 property values and municipal revenues, and impedes the economic
21 development and revitalization of the State’s municipalities,
22 particularly its older cities;

23 c. At present, many vacant, abandoned and other problem
24 properties, rather than being productively reused, remain vacant
25 despite frequent changes in ownership, and continue to have a
26 blighting effect on their surroundings;

27 d. The State’s municipalities can benefit from more effective
28 tools to control the inventory of vacant, abandoned, and other
29 problem properties, in order to both minimize the harm that they do
30 in their present condition and to facilitate their restoration to
31 productive use;

32 e. In order to most effectively engage the local community in
33 identifying problem properties, the State’s municipalities can also
34 benefit from the publication of interactive online mapping databases
35 of vacant and abandoned properties;

36 f. To ensure that land banking activities are conducted in an
37 honest and open manner, the public can also benefit from the
38 inclusion of properties subject to land banking agreements within
39 the interactive online mapping databases regardless of whether or
40 not such properties are vacant and abandoned; and

41 g. It is, therefore, in the best interest of this State to allow
42 municipalities to designate single entities to act on their behalf to
43 acquire, maintain, and sell, lease and otherwise dispose of vacant,
44 abandoned and problem properties, in order to carry out strategies

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted January 31, 2019.

1 to ensure that the reuse of these properties provides the greatest
2 long-term benefit to the physical, social and economic condition of
3 the municipality.

4
5 3. (New section) As used in sections 3 through 16 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill):

7 “Land bank entity” means a redevelopment entity, or a non-profit
8 entity, that has entered into a land banking agreement.

9 “Land bank property” means property subject to a land banking
10 agreement.

11 “Land banking agreement” means an agreement between a
12 municipality and a land bank entity to act on behalf of the
13 municipality to hold, maintain and sell, lease, or convey property
14 owned by the municipality and not needed for any public purpose.

15 “Redevelopment entity” means either:

16 (1) A redevelopment entity designated by the municipality
17 pursuant to section 4 of the “Local Redevelopment and Housing
18 Law,” P.L.1992, c.79 (C.40A:12A-4);

19 (2) A county improvement authority designated by the
20 municipality to act as a redevelopment entity pursuant to the
21 “county improvement authorities law,” P.L.1960, c.183 (C.40:37A-
22 44 et seq.) for the purpose of entering into a land banking
23 agreement with said entity, without regard to whether the county
24 improvement authority is otherwise acting as a redevelopment
25 entity in the municipality; or

26 (3) The municipality itself, or one of its departments or
27 agencies, but only if the municipality is executing redevelopment
28 responsibilities directly pursuant to section 4 of P.L.1992, c.79
29 (C.40A:12A-4). In such cases, the designated redevelopment entity
30 shall not need to adopt separate ordinances or resolutions, as
31 appropriate, for the purpose of adopting a land banking agreement
32 or amendments pursuant to subsections d. and e. of section 5 of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 and the adoption of one ordinance to create the land banking
35 agreement, and one ordinance for each amendment thereto shall
36 suffice. Termination notice requirements, prescribed by section 14
37 of P.L. , c. (C.) (pending before the Legislature as this bill),
38 also shall not be necessary.

39
40 4. (New section) a. A municipality may enter into a land
41 banking agreement with a redevelopment entity, and designate the
42 redevelopment entity as its land bank entity.

43 b. A municipality may enter into a land banking agreement
44 with a non-profit entity so long as the by-laws of the non-profit
45 entity provide that the chief financial officer of the municipality
46 serves on the board of the non-profit entity, ex officio.

1 5. (New section) a. A land banking agreement shall establish
2 the responsibilities of the land bank entity and shall specify the
3 terms and conditions under which the land bank entity may acquire
4 property on behalf of the municipality, demolish and otherwise
5 clear buildings and conduct other site improvements located on the
6 property, maintain and secure the property, conduct other activities
7 on the property, and, notwithstanding the provisions of the “Local
8 Lands and Buildings Law,” P.L.1971, c.199 (C.40A:12-1 et seq.),
9 sell, lease, or convey property held on behalf of the municipality.
10 The land banking agreement also shall provide for such municipal
11 oversight of the land bank entity as the municipality deems
12 necessary and appropriate and shall establish the manner in which
13 any costs and revenues, including proceeds of the sale or leasing of
14 land bank property shall be distributed. The land bank entity shall
15 not lease any land bank property for an individual term of more
16 than 10 years. Land bank property that is sold, leased, or conveyed
17 by a land bank entity, shall be subject to ordinances adopted
18 pursuant to the “Municipal Land Use Law,” P.L.1975, c.291
19 (C.40:55D-1 et seq.), and other applicable State statutes following
20 the sale, lease, or conveyance.

21 b. Prior to submission of the land banking agreement for
22 approval by the municipal governing body, the municipality shall
23 hold a public meeting to solicit the advice of the public on the
24 substance and intent of the land banking agreement.

25 c. The ordinance comprising the land banking agreement shall
26 include findings establishing the need for land bank activity in the
27 municipality, and the qualifications of the land bank entity to carry
28 out the responsibilities established pursuant to P.L. , c. (C.)
29 (pending before the Legislature as this bill).

30 d. The land banking agreement shall be adopted by an
31 ordinance of the governing body of the municipality and by
32 resolution of the governing body of the land bank entity.

33 e. The land banking agreement may be amended at any time by
34 ordinance of the governing body of the municipality and by
35 resolution of the governing body of the land bank entity.

36
37 6. (New section) Pursuant to the land banking agreement or
38 any subsequent amendment thereto, the land bank entity may be
39 designated by the municipality to:

40 a. acquire properties on its behalf through contribution, gift,
41 grant, bequest, purchase or otherwise, whether or not the property is
42 located in an area designated as a redevelopment area or an area in
43 need of rehabilitation; and

44 b. act as its agent, or in place of its municipal officer, with
45 respect to acquisition of property, including but not limited to
46 purchase of tax and other liens, foreclosure of tax and other liens,
47 and individual abandoned property takings pursuant to paragraph
48 (2) of subsection c. of section 37 of the “New Jersey Urban
49 Redevelopment Act,” P.L.1996, c.62 (C.55:19-56) on behalf of the

1 municipality and to take title to such properties on behalf of the
2 municipality; provided, however, that nothing in this section shall
3 authorize the use of eminent domain beyond that use already
4 permitted by law.

5
6 7. (New section) a. For purposes of this section, a
7 municipality, through the land banking agreement itself, or through
8 the adoption of a separate ordinance, may sell, lease, or convey to
9 the land bank entity, and the land bank entity may take title to, any
10 property or properties held by the municipality and not needed for
11 any public purpose, whether or not the property is located in an area
12 designated as a redevelopment area or an area in need of
13 rehabilitation, without public bidding and at such prices and upon
14 such terms as the municipality deems reasonable. Unless the terms
15 of the land banking agreement provide otherwise, such sales, leases,
16 and conveyances to the land bank entity itself shall be conditioned
17 on the municipality's ability to regain control of the properties
18 pursuant to subsection c. of section 14 of P.L. , c. (C.)
19 (pending before the Legislature as this bill).

20 b. Through the land banking agreement itself, or through the
21 adoption of a separate ordinance, a municipality may assign any tax
22 liens or other liens to the land bank entity with or without
23 consideration and at such prices and upon such terms as it deems
24 reasonable.

25
26 8. (New section) a. To the extent that the statute under which
27 a redevelopment entity was established, section 4 of P.L.1992, c.79
28 (C.40A:12A-4) or P.L.1960, c.183 (C.40:37A-44 et seq.) in the case
29 of a county improvement authority, confers on that entity the power
30 to borrow funds and incur debt, the redevelopment entity may
31 exercise those powers in furtherance of its land banking obligations
32 subject to the conditions and limitations set forth in section 4 of
33 P.L.1992, c.79 (C.40A:12A-4) or P.L.1960, c.183 (C.40:37A-44 et
34 seq.).

35 b. To the extent that the statute under which the redevelopment
36 entity was established, section 4 of P.L.1992, c.79 (C.40A:12A-4)
37 or P.L.1960, c.183 (C.40:37A-44 et seq.) in the case of a county
38 improvement authority, provides that the municipality may
39 guarantee its debt or other borrowing, the municipality may also
40 guarantee its debt or other borrowing under the same terms and
41 conditions, in furtherance of the entity's obligations as a land bank
42 entity.

43 c. The guaranteeing of debt and borrowing of funds permitted
44 under subsections a. and b. of this section only shall be permitted so
45 long as the land banking agreement itself also explicitly permits
46 these actions.

1 9. (New section) In selling, leasing, or conveying land bank
2 property, a redevelopment entity shall not be subject to the
3 provisions of section 9 of P.L.1992, c.79 (C.40A:12A-9), but shall
4 be subject to any terms and conditions set forth in the land banking
5 agreement and by the regulations of the redevelopment entity,
6 adopted pursuant to section 10 of P.L. , c. (C.) (pending
7 before the Legislature as this bill).

8
9 10. (New section) Within six months after designation by the
10 municipality, the land bank entity shall adopt written regulations
11 governing the sales, leases, and conveyances of land bank property
12 consistent with any provisions of the land banking agreement and
13 with respect to any other matters that may be required by said
14 agreement, which regulations shall be published on the Internet web
15 sites of the land bank entity and the municipality, along with the
16 database required pursuant to subsection c. of section 11 of P.L. ,
17 c. (C.) (pending before the Legislature as this bill).

18
19 11. (New section) a. Within six months after designation by the
20 municipality the land bank entity shall create a community advisory
21 board, which shall consist of representatives of recognized
22 community associations and non-profit organizations operating
23 within the municipality, in particular those associations and
24 organizations active in areas where the land bank entity anticipates
25 holding properties.

26 b. The land bank entity shall adopt policies and procedures to
27 ensure that the community advisory board is provided with
28 adequate information and opportunity to provide valued input into
29 the decisions of the land bank entity in its capacity as a land bank
30 entity.

31 c. (1) In coordination with the municipality and the
32 community advisory board, the land bank entity shall, within a
33 reasonable time, create, maintain, and make publicly available on
34 its Internet website, a database listing all current and former land
35 bank properties, each owner of record since each property became a
36 land bank property, and the sales price of each land bank property
37 that has been sold or purchased by the land bank entity. ¹In
38 accordance with the guidance provided by the Division of Local
39 Government Services in the Department of Community Affairs
40 pursuant to subsection e. of this section, the land bank entity shall
41 periodically update those State agencies identified by the division
42 concerning any changes to the database. To the extent that the
43 database includes properties in foreclosure proceedings, and
44 recently-foreclosed properties, the land bank entity shall ensure that
45 the information provided is both accurate and consistent with any
46 corresponding information provided by any State agency, or by the
47 Judiciary.¹

1 (2) In coordination with the municipality and the community
2 advisory board, the land bank entity is encouraged to incorporate
3 into the online database:

4 (a) a list of all vacant and abandoned properties within the
5 municipality;

6 (b) a mechanism to allow the public to offer suggestions
7 concerning what properties should be labeled as vacant and
8 abandoned; and

9 (c) an interactive mapping component to allow the public to
10 visualize the impact of land banking and the extent of vacant and
11 abandoned properties within the municipality.

12 d. On an annual basis at minimum, the community advisory
13 board shall report on the accuracy, integrity, accessibility, and
14 comprehensiveness of the database established pursuant to
15 subsection c. of this section. Each annual report shall be accessible
16 to the public through the internet website of the municipality and
17 the land bank entity. The fact that a land bank entity has failed to
18 comply with the database requirement under subsection c. of this
19 section shall be prominently noted in each annual report, but no
20 other penalty shall inure to that failure.

21 e. The Division of Local Government Services in the
22 Department of Community Affairs shall, within six months of the
23 effective date of P.L. , c. (C.) (pending before the
24 Legislature as this bill), publish and disseminate a guidebook of
25 good practice for creating and maintaining databases established
26 pursuant to subsection c. of this section.

27
28 12. (New section) The land bank entity shall provide an annual
29 report to the municipal governing body and the public describing
30 the properties being held by it as a land bank entity and the
31 activities that it carried out during the year as a land bank entity.

32
33 13. (New section) The land banking agreement between the
34 municipality and a non-profit entity may provide that properties
35 sold, leased, or conveyed by the municipality to the non-profit
36 entity pursuant to section 7 of P.L. , c. (C.) (pending before
37 the Legislature as this bill), or acquired by the non-profit entity
38 pursuant to section 6 of P.L. , c. (C.) (pending before the
39 Legislature as this bill), are held by the entity on behalf of the
40 municipality for a public purpose and shall be exempt from property
41 taxation until or unless sold, leased, or conveyed by the entity or
42 used by the entity for a purpose that is not eligible for exemption
43 from taxation.

44
45 14. (New section) a. The municipality may terminate the land
46 banking agreement at any time by providing the land bank entity
47 with one year's notice of termination.

1 b. Termination of the land banking agreement shall not affect
2 the status of any transaction properly entered into by the land bank
3 entity prior to termination.

4 c. Within 90 days following the date of termination, the land
5 bank entity shall convey to the municipality all land bank property
6 without consideration; provided, however, that the municipality and
7 the entity may agree to allow the entity to retain title to any
8 properties that are the subject of a pending transaction by the entity
9 until completion of the transaction, and until the end of any lease.
10

11 15. (New section) A land bank entity may act as a land bank
12 entity for more than one municipality at the same time, subject to
13 the provisions of the “Uniform Shared Services and Consolidation
14 Act,” P.L.2007, c.63 (C.40A:65-1 et seq.).
15

16 16. (New section) a. A municipal governing body may provide
17 by ordinance that an amount equaling up to 50 percent of property
18 taxes or payments in lieu of taxes collected on land bank properties
19 each year shall be returned to the land bank entity for up to 10 years
20 following a sale or conveyance of those properties from the land
21 bank entity to a private owner. Such ordinance may only be applied
22 to real property on which no property tax has been paid, or payment
23 in lieu of taxes collected, for at least two years prior to the property
24 becoming a land bank property. Such ordinance may be applied to
25 any individual sale or conveyance, any group of sales and
26 conveyances, or all future sales and conveyances that fit these
27 criteria.

28 b. The distribution of any proceeds associated with the sales
29 and leasing of land bank property shall be addressed in the land
30 banking agreement itself and in amendments thereto. Proceeds
31 associated with the sales and leasing of land bank property, and all
32 other proceeds obtained by the land bank entity under the
33 ordinance, shall be maintained in one or more accounts, separate
34 from all other accounts maintained by the entity serving as the land
35 bank entity. The account or accounts shall be deemed to be
36 government records and subject to the provisions of P.L.1963, c.73
37 (C.47:1A-1 et seq.), commonly known as the open public records
38 act.

39 c. As used in this section, “conveyance” shall not be construed
40 to include a lease.
41

42 17. Section 12 of P.L.1960, c.183 (C.40:37A-55) is amended to
43 read as follows:

44 12. Every authority shall be a public body politic and corporate
45 constituting a political subdivision of the State established as an
46 instrumentality exercising public and essential governmental
47 functions to provide for the public convenience, benefit and welfare
48 and shall have perpetual succession and, for the effectuation of its
49 purposes, have the following additional powers:

- 1 (a) To adopt and have a common seal and to alter the same at
2 pleasure;
- 3 (b) To sue and be sued;
- 4 (c) To acquire, hold, use and dispose of its facility charges and
5 other revenues and other moneys;
- 6 (d) To acquire, rent, hold, use and dispose of other personal
7 property for the purposes of the authority;
- 8 (e) Subject to the provisions of section 26 of this act, to acquire
9 by purchase, gift, condemnation or otherwise, or lease as lessee,
10 real property and easements or interests therein necessary or useful
11 and convenient for the purposes of the authority, whether subject to
12 mortgages, deeds of trust or other liens or otherwise, and to hold
13 and to use the same, and to dispose of property so acquired no
14 longer necessary for the purposes of the authority; provided that the
15 authority may dispose of such property at any time to any
16 governmental unit or person if the authority shall receive a
17 leasehold interest in the property for such term as the authority
18 deems appropriate to fulfill its purposes;
- 19 (f) Subject to the provisions of section 13 of this act, to lease to
20 any governmental unit or person, all or any part of any public
21 facility for such consideration and for such period or periods of
22 time and upon such other terms and conditions as it may fix and
23 agree upon;
- 24 (g) To enter into agreements to lease, as lessee, public facilities
25 for such term and under such conditions as the authority may deem
26 necessary and desirable to fulfill its purposes, and to agree,
27 pursuant thereto, to be unconditionally obligated to make payments
28 for the term of the lease, without set-off or counterclaim, whether or
29 not the public facility is completed, operating or operable, and
30 notwithstanding the destruction of, damage to, or suspension,
31 interruption, interference, reduction or curtailment of the
32 availability or output of the public facility to which the agreement
33 applies;
- 34 (h) To extend credit or make loans to any governmental unit or
35 person for the planning, design, acquisition, construction, equipping
36 and furnishing of a public facility, upon the terms and conditions
37 that the loans be secured by loan and security agreements,
38 mortgages, leases and other instruments, the payments on which
39 shall be sufficient to pay the principal of and interest on any bonds
40 issued for the purpose by the authority, and upon such other terms
41 and conditions as the authority shall deem reasonable;
- 42 (i) Subject to the provisions of section 13 of this act, to make
43 agreements of any kind with any governmental unit or person for
44 the use or operation of all or any part of any public facility for such
45 consideration and for such period or periods of time and upon such
46 other terms and conditions as it may fix and agree upon;
- 47 (j) (1) To borrow money and issue negotiable bonds or notes or
48 other obligations and provide for and secure the payment of any

1 bonds and the rights of the holders thereof, and to purchase, hold
2 and dispose of any bonds;

3 (2) To issue bonds, notes or other obligations to provide funding
4 to a municipality that finances the purchase and installation of
5 renewable energy systems and energy efficiency improvements by
6 property owners as provided in section 2 of P.L.2011, c.187
7 (C.40:56-13.1);

8 (k) To apply for and to accept gifts or grants of real or personal
9 property, money, material, labor or supplies for the purposes of the
10 authority from any governmental unit or person, and to make and
11 perform agreements and contracts and to do any and all things
12 necessary or useful and convenient in connection with the
13 procuring, acceptance or disposition of such gifts or grants;

14 (l) To determine the location, type and character of any public
15 facility and all other matters in connection with all or any part of
16 any public facility which it is authorized to own, construct,
17 establish, effectuate or control;

18 (m) To make and enforce bylaws or rules and regulations for the
19 management and regulation of its business and affairs and for the
20 use, maintenance and operation of any public facility, and to amend
21 the same;

22 (n) To do and perform any acts and things authorized by this act
23 under, through or by means of its own officers, agents and
24 employees, or by contract with any governmental unit or person;

25 (o) To acquire, purchase, construct, lease, operate, maintain and
26 undertake any project and to fix and collect facility charges for the
27 use thereof;

28 (p) To mortgage, pledge or assign or otherwise encumber all or
29 any portion of its revenues and other income, real and personal
30 property, projects and facilities for the purpose of securing its
31 bonds, notes and other obligations or otherwise in furtherance of the
32 purpose of this act;

33 (q) To extend credit or make loans to redevelopers for the
34 planning, designing, acquiring, constructing, reconstructing,
35 improving, equipping and furnishing any redevelopment project or
36 redevelopment work;

37 (r) To conduct examinations and investigations, hear testimony
38 and take proof, under oath at public or private hearings of any
39 material matter, require the attendance of witnesses and the
40 production of books and papers and issue commissions for the
41 examination of witnesses who are out of the State, unable to attend,
42 or excused from attendance;

43 (s) To authorize a committee designated by it consisting of one
44 or more members, or counsel, or any officer or employee to conduct
45 any such investigation or examination, in which case such
46 committee, counsel, officer or employee shall have power to
47 administer oaths, take affidavits and issue subpoenas or
48 commissions;

1 (t) To enter into any and all agreements or contracts, execute
2 any and all instruments, and do and perform any and all acts or
3 things necessary, convenient or desirable for the purposes of the
4 authority or to carry out any power expressly given in this act
5 subject to the "Local Public Contracts Law," P.L.1971, c. 198
6 (C.40A:11-1 et seq.); **[and]**

7 (u) To pool loans for any local governmental units within the
8 county or any beneficiary county that are refunding bonds and do
9 and perform any and all acts or things necessary, convenient or
10 desirable for the purpose of the authority to achieve more favorable
11 interest rates and terms for those local governmental units ; and

12 (v) To act as and exercise the powers of a land bank entity
13 pursuant to P.L. , c. (C.) (pending before the Legislature as
14 this bill) for any municipality situated within the county pursuant to
15 a land banking agreement approved by an ordinance adopted by the
16 municipal governing body.

17 (cf: P.L.2011, c.187, s.4)

18
19 18. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
20 read as follows:

21 21. When the governing body of any county or municipality
22 shall determine that all or any part of a tract of land, with or without
23 improvements, owned by the county or municipality, is not then
24 needed for county or municipal purposes, as the case may be, said
25 governing body, by resolution or ordinance, may authorize a private
26 sale and conveyance of the same, or any part thereof without
27 compliance with any other law governing disposal of lands by
28 counties and municipalities, for a consideration, which may be
29 nominal, and containing a limitation that such lands or buildings
30 shall be used only for the purposes of such organization or
31 association, and to render such services or to provide such facilities
32 as may be agreed upon, and except as provided in subsection (n) of
33 this section not for commercial business, trade or manufacture, and
34 that, unless waived, released, modified, or subordinated pursuant to
35 P.L.1943, c.33 (C.40:60-51.2), if said lands or buildings are not
36 used in accordance with said limitation, title thereto shall revert to
37 the county or municipality without any entry or reentry made
38 thereon on behalf of such county or municipality, to

39 (a) A duly incorporated volunteer fire company or board of fire
40 commissioners or first aid and emergency or volunteer ambulance
41 or rescue squad association of a municipality within the county, in
42 the case of a county, or of the municipality, in the case of a
43 municipality, for the construction thereon of a firehouse or fire
44 school or a first aid and emergency or volunteer ambulance or
45 rescue squad building or for the use of any existing building for any
46 or all of said purposes and any such land or building sold to any
47 duly incorporated volunteer fire company may be leased by such
48 fire company to any volunteer firemen's association for the use

1 thereof for fire school purposes for the benefit of the members of
2 such association, or

3 (b) Any nationally chartered organization or association of
4 veterans of any war, in which the United States has or shall have
5 been engaged, by a conveyance for consideration, a part of which
6 may be an agreement by the organization or association to render
7 service or to provide facilities for the general public of the county
8 or municipality, of a kind which the county or municipality may
9 furnish to its citizens and to the general public, or

10 (c) A duly incorporated nonprofit hospital association for the
11 construction or maintenance thereon of a general hospital, or

12 (d) Any veteran with paraplegia, that is to say, any officer,
13 soldier, sailor, marine, nurse or other person, regularly enlisted or
14 inducted, who was or shall have been in the active military or naval
15 forces of the United States in any war in which the United States
16 was engaged, including any member of the American Merchant
17 Marine during World War II who is declared by the United States
18 Department of Defense to be eligible for federal veterans' benefits,
19 and who, at the time the veteran was commissioned, enlisted,
20 inducted, appointed or mustered into such military or naval service,
21 was a resident of and who continues to reside in this State, and who
22 has paraplegia and permanent paralysis of both legs or the lower
23 parts of the body resulting from injuries sustained through enemy
24 action or accident while in such active military or naval service, for
25 the construction of a home to domicile the veteran, or to any
26 organization or association of veterans, for the construction of a
27 home or homes to domicile veterans with paraplegia, with powers
28 to convey said lands and premises to the veteran or veterans with
29 paraplegia on whose behalf said organization or association shall
30 acquire title to said land, or

31 (e) Any duly incorporated nonprofit association or any regional
32 commission or authority composed of one or more municipalities or
33 one or more counties for the construction or maintenance thereon of
34 an animal shelter, or

35 (f) Any duly incorporated nonprofit historical society for the
36 acquisition of publicly owned historic sites for their restoration,
37 preservation, improvement, and utilization for the benefit of the
38 general public, or

39 (g) Any duly incorporated nonprofit cemetery organization or
40 association serving the residents of the municipality or county, or

41 (h) Any duly incorporated nonprofit organization for the
42 principal purpose of the education or treatment of persons with
43 developmental disabilities including cerebral palsy, or

44 (i) Any county or municipal sewerage authority serving the
45 residents of the county or municipality, for the use thereof for
46 sewerage authority purposes, or

47 (j) Any duly incorporated nonprofit organization for the
48 purpose of building or rehabilitating residential property for resale.
49 Any profits from the resale of the property shall be applied by the

1 nonprofit organization to the costs of acquiring and rehabilitating
2 other residential property in need of rehabilitation owned by the
3 county or municipality, or

4 (k) Any duly incorporated nonprofit organization or association,
5 other than a political, partisan, sectarian, denominational, or
6 religious organization or association, which includes among its
7 principal purposes the provision of educational, gardening,
8 recreational, medical, or social services to the general public,
9 including residents of the county or municipality, or

10 (l) Any duly incorporated urban renewal corporation organized
11 pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) for the purpose of
12 constructing housing for low or moderate income persons or
13 families or persons with disabilities, or

14 (m) Any duly incorporated nonprofit hospice organization whose
15 principal purpose is to provide hospice services to persons with
16 terminal illnesses, or

17 (n) Any duly incorporated nonprofit organization or association
18 for the cultivation and sale of fresh fruits and vegetables on a tract
19 of land of less than five acres within a municipality, provided that
20 the nonprofit organization or association is not controlled, directly
21 or indirectly, by any agricultural, commercial, or other business.
22 The nonprofit organization or association shall be authorized to sell
23 fresh fruits and vegetables either on the land that was conveyed, off
24 that land, or both, provided, that the sales are related and incidental
25 to the non-profit purposes of the organization or association and the
26 net proceeds received by the nonprofit organization or association
27 are used to further the non-profit purposes of the organization or
28 association.

29 Whenever a sale of property is proposed pursuant to subsection
30 (k), for gardening, or subsection (n) of this section, the county or
31 municipality shall comply with all notice requirements for an
32 application for development under section 7.1 of P.L.1975, c.291
33 (C.40:55D-12).

34 The provisions of this section shall not be deemed to restrict land
35 banking agreements undertaken pursuant to P.L. , c. (C.)
36 (pending before the Legislature as this bill).
37 (cf: P.L.2017, c.131, s.175)

38

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

41 22. A municipality, county, redevelopment agency, or housing
42 authority is authorized to exercise all those public and essential
43 governmental functions necessary or convenient to effectuate the
44 purposes of this act, including the following powers which shall be
45 in addition to those otherwise granted by this act or by other law:

46 a. To sue and be sued; to have a seal and to alter the same at
47 pleasure; to have perpetual succession; to make and execute
48 contracts and other instruments necessary and convenient to the
49 exercise of the powers of the agency or authority; and to make and

- 1 from time to time amend and repeal bylaws, rules and regulations,
2 not inconsistent with this act, to carry into effect its powers and
3 purposes.
- 4 b. Pursuant to an adopted cash management plan, invest any
5 funds held in reserve or sinking funds, or any funds not required for
6 immediate disbursement, in property or securities in which
7 governmental units may legally invest funds subject to their control;
8 to purchase its bonds at a price not more than the principal amount
9 thereof and accrued interest, all bonds so purchased to be cancelled.
- 10 c. Borrow money and receive grants and loans from any source
11 for the financing of a redevelopment project or housing project.
- 12 d. Invest in an obligee the right in the event of a default by the
13 agency to foreclose and take possession of the project covered by
14 the mortgage or apply for the appointment of a receiver.
- 15 e. Invest in a trustee or trustees or holders of bonds the right to
16 enforce the payment of the bonds or any covenant securing or
17 relating to the bonds, which may include the right, in the event of
18 the default, to take possession and use, operate and manage any
19 project or part thereof, and to collect the rents and revenues arising
20 therefrom and to dispose of the moneys in accordance with the
21 agreement of the authority with the trustee.
- 22 f. Provide for the refunding of any of its bonds, by the issuance
23 of such obligations, in such manner and form, and upon such terms
24 and conditions, as it shall deem in the best interests of the public.
- 25 g. Consent to the modification of any contract, bond indenture,
26 mortgage or other instrument entered into by it.
- 27 h. Pay or compromise any claim arising on, or because of any
28 agreement, bond indenture, mortgage or instrument.
- 29 i. Acquire or contract to acquire from any person, firm, or
30 corporation, public or private, by contribution, gift, grant, bequest,
31 devise, purchase, or otherwise, real or personal property or any
32 interest therein, including such property as it may deem necessary
33 or proper, although temporarily not required for such purposes, in a
34 redevelopment area or in any area designated by the governing body
35 as necessary for carrying out the relocation of the residents,
36 industry and commerce displaced from a redevelopment area.
- 37 j. Subordinate, waive, sell, assign or release any right, title,
38 claim, lien or demand however acquired, including any equity or
39 right of redemption, foreclosure, sell or assign any mortgage held
40 by it, or any interest in real or personal property; and purchase at
41 any sale, upon such terms and at such prices as it determines to be
42 reasonable, and to take title to the property, real, personal, or
43 mixed, so acquired and similarly to sell, exchange, assign, convey
44 or otherwise dispose of any property.
- 45 k. Complete, administer, operate, obtain and pay for insurance
46 on, and maintain, renovate, repair, modernize, lease or otherwise
47 deal with any property.
- 48 l. Employ or retain consulting and other attorneys, planners,
49 engineers, architects, managers and financial experts and other

1 employees and agents of a permanent or temporary nature as may
2 be necessary, determine their qualifications, duties and
3 compensation, and delegate to one or more of its agents or
4 employees such powers and duties as it deems proper. For such
5 legal services as may be required, a redevelopment agency or
6 housing authority may call upon the chief law officers of the
7 municipality or county, as the case may be, or may employ its own
8 counsel and legal staff.

9 m. Arrange or contract with a public agency, to the extent that it
10 is within the scope of that agency's functions, to cause the services
11 customarily provided by such other agency to be rendered for the
12 benefit of the occupants of any redevelopment area or housing
13 project, and have such other agency provide and maintain parks,
14 recreation centers, schools, sewerage, transportation, water and
15 other municipal facilities adjacent to or in connection with a
16 redevelopment area or project.

17 n. Conduct examinations and investigations, hear testimony
18 and take proof, under oath at public or private hearings of any
19 material matter, compel witnesses and the production of books and
20 papers and issue commissions for the examination of witnesses who
21 are out of State, unable to attend, or excused from attendance;
22 authorize a committee designated by it consisting of one or more
23 members, or counsel, or any officer or employee to conduct the
24 examination or investigation, in which case it may authorize in its
25 name the committee, counsel, officer or employee to administer
26 oaths, take affidavits and issue subpoenas or commissions.

27 o. Make and enter into all contracts and agreements necessary
28 or incidental to the performance of the duties authorized in this act.

29 p. After thorough evaluation and investigation, bring an action
30 on behalf of a tenant to collect or enforce any violation of
31 subsection g. or h. of section 11 of the "Law Against
32 Discrimination," P.L.1945, c.169 (C.10:5-12).

33 q. Designate members or employees, who shall be
34 knowledgeable of federal and State discrimination laws, and who
35 shall be available during all normal business hours, to evaluate a
36 complaint made by a tenant pursuant to the "Law Against
37 Discrimination," P.L.1945, c.169 (C.10:5-12).

38 r. Act as and exercise the powers of a land bank entity
39 pursuant to P.L. , c. (C.) (pending before the Legislature as
40 this bill) under a land banking agreement approved by an ordinance
41 adopted by the municipal governing body.

42 (cf: P.L.2002, c.82, s.5)

43
44 20. This act shall take effect immediately.