

ASSEMBLY, No. 5793

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Provides that farmland is not “redevelopment area” or “rehabilitation area” under “Local Redevelopment and Housing Law.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2021)

A5793 SPACE, HOUGHTALING

2

1 AN ACT concerning the designation of farmland under the “Local
2 Redevelopment and Housing Law,” and amending P.L.1992,
3 c.79.

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

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

10 3. As used in **[this act]** P.L.1992, c.79 (C.40A:12A-1 et seq.) :

11 “Bonds” means any bonds, notes, interim certificates, debentures
12 or other obligations issued by a municipality, county,
13 redevelopment entity, or housing authority pursuant to P.L.1992,
14 c.79 (C.40A:12A-1 et al.).

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

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

34 “Governing body” means the body exercising general legislative
35 powers in a county or municipality according to the terms and
36 procedural requirements set forth in the form of government
37 adopted by the county or municipality.

38 “Housing authority” means a housing authority created or
39 continued pursuant to **[this act]** P.L.1992, c.79 (C.40A:12A-1 et
40 seq.).

41 “Housing project” means a project, or distinct portion of a
42 project, which is designed and intended to provide decent, safe and
43 sanitary dwellings, apartments or other living accommodations for
44 persons of low and moderate income; such work or undertaking
45 may include buildings, land, equipment, facilities and other real or

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.

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

10 “Parking authority” means a public corporation created pursuant
11 to the “Parking Authority Law,” P.L.1948, c.198 (C.40:11A-1 et
12 seq.), and authorized to exercise redevelopment powers within the
13 municipality.

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

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

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

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

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

37 “Redeveloper” means any person, firm, corporation or public
38 body that shall enter into or propose to enter into a contract with a
39 municipality or other redevelopment entity for the redevelopment or
40 rehabilitation of an area in need of redevelopment, or an area in
41 need of rehabilitation, or any part thereof, under the provisions of
42 **【this act】** P.L.1992, c.79 (C.40A:12A-1 et seq.) , or for any
43 construction or other work forming part of a redevelopment or
44 rehabilitation project.

45 “Redevelopment” means clearance, replanning, development and
46 redevelopment; the conservation and rehabilitation of any structure
47 or improvement, the construction and provision for construction of
48 residential, commercial, industrial, public or other structures and

1 the grant or dedication of spaces as may be appropriate or necessary
2 in the interest of the general welfare for streets, parks, playgrounds,
3 or other public purposes, including recreational and other facilities
4 incidental or appurtenant thereto, in accordance with a
5 redevelopment plan.

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

14 “Redevelopment area” or “area in need of redevelopment” means
15 an area determined to be in need of redevelopment pursuant to
16 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6)
17 or determined heretofore to be a “blighted area” pursuant to
18 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by **[this act]**
19 P.L.1992, c.79 (C.40A:12A-1 et seq.) , both determinations as made
20 pursuant to the authority of Article VIII, Section III, paragraph 1 of
21 the Constitution. A redevelopment area may include lands,
22 buildings, or improvements which of themselves are not detrimental
23 to the public health, safety or welfare, but the inclusion of which is
24 found necessary, with or without change in their condition, for the
25 effective redevelopment of the area of which they are a part. A
26 “redevelopment area” or “area in need of redevelopment” shall not
27 include any land actively devoted to agricultural or horticultural use
28 that is valued, assessed, and taxed pursuant to the "Farmland
29 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

30 “Redevelopment entity” means a municipality or an entity
31 authorized by the governing body of a municipality pursuant to
32 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to
33 implement redevelopment plans and carry out redevelopment
34 projects in an area in need of redevelopment, or in an area in need
35 of rehabilitation, or in both.

36 “Redevelopment plan” means a plan adopted by the governing
37 body of a municipality for the redevelopment or rehabilitation of all
38 or any part of a redevelopment area, or an area in need of
39 rehabilitation, which plan shall be sufficiently complete to indicate
40 its relationship to definite municipal objectives as to appropriate
41 land uses, public transportation and utilities, recreational and
42 municipal facilities, and other public improvements; and to indicate
43 proposed land uses and building requirements in the redevelopment
44 area or area in need of rehabilitation, or both.

45 “Redevelopment project” means any work or undertaking
46 pursuant to a redevelopment plan; such undertaking may include
47 any buildings, land, including demolition, clearance or removal of
48 buildings from land, equipment, facilities, or other real or personal

1 properties which are necessary, convenient, or desirable
2 appurtenances, such as but not limited to streets, sewers, utilities,
3 parks, site preparation, landscaping, and administrative, community,
4 health, recreational, educational, and welfare facilities.

5 “Rehabilitation” means an undertaking, by means of extensive
6 repair, reconstruction or renovation of existing structures, with or
7 without the introduction of new construction or the enlargement of
8 existing structures, in any area that has been determined to be in
9 need of rehabilitation or redevelopment, to eliminate substandard
10 structural or housing conditions and arrest the deterioration of that
11 area.

12 “Rehabilitation area” or “area in need of rehabilitation” means
13 any area determined to be in need of rehabilitation pursuant to
14 section 14 of P.L.1992, c.79 (C.40A:12A-14). “Rehabilitation area”
15 or “area in need of rehabilitation” shall not include any land
16 actively devoted to agricultural or horticultural use that is valued,
17 assessed, and taxed pursuant to the "Farmland Assessment Act of
18 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

19 (cf: P.L.2017, c.253, s.2)

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21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill would amend the “Local Redevelopment and Housing
27 Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), to specify that
28 farmland is not a redevelopment area or an area in need of
29 redevelopment under that law. Specifically, this bill amends the
30 definitions of “redevelopment area” and “rehabilitation area” used
31 in the law to specifically exclude any land actively devoted to
32 agricultural or horticultural use that is valued, assessed, and taxed
33 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48
34 (C.54:4-23.1 et seq.).

35 Some municipalities have undertaken efforts to designate
36 productive farmland as an area in need of redevelopment or
37 rehabilitation under the “Local Redevelopment and Housing Law.”
38 However, classifying farmland in this manner is detrimental to the
39 State’s agricultural economy. Retaining productive farmland is
40 critically important to the State. New Jersey is known as “The
41 Garden State,” and agriculture is the State’s third largest industry,
42 behind pharmaceuticals and tourism. New Jersey's farmlands are
43 the foundation for a strong agricultural industry and a way of life
44 for generations of farm families. Scenic landscapes of green,
45 productive fields are an important part of what makes New Jersey a
46 desirable place to live and work.