

**SENATE, No. 4067**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED NOVEMBER 8, 2021

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senator Singleton**

**SYNOPSIS**

Excludes farmland from definitions of “redevelopment area” and “rehabilitation area” in “Local Redevelopment and Housing Law.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/15/2021)**

1 AN ACT concerning the designation of farmland as a redevelopment  
2 area or rehabilitation area under the “Local Redevelopment and  
3 Housing Law,” and amending 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. 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,  
12 debentures 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 and landfill, and any  
30 use or change in the use of any building or other structure, or land  
31 or 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 and 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.

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  
36 secured 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  
47 structure or improvement, the construction and provision for  
48 construction of residential, commercial, industrial, public, or other

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

20  
21 2. This act shall take effect immediately and apply to any  
22 redevelopment plan adopted by a governing body of a municipality  
23 after the effective date of this act.

## 24 25 26 STATEMENT

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

37 The classification of productive farmland as an area in need of  
38 redevelopment or rehabilitation under the “Local Redevelopment  
39 and Housing Law” is detrimental to the State’s agricultural  
40 economy. Retaining productive farmland is critically important to  
41 New Jersey, nicknamed “The Garden State,” as agriculture is one of  
42 the State’s largest industries.