

SENATE, No. 1708

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 25, 1996

By Senators LaROSSA and RICE

1 AN ACT changing the name of the Department of Community Affairs  
2 and supplementing and amending various sections of the statutory  
3 law.

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

7  
8 1. (New section) The Legislature hereby finds and declares that  
9 since its creation on March 1, 1967, the Department of Community  
10 Affairs has been the State's leading advocacy agency for the  
11 preservation, restoration, and rejuvenation of the urban areas of New  
12 Jersey; that since the enactment of P.L.1966, c.293, the role of the  
13 Department of Community Affairs as the guardian of our urban areas  
14 has steadily expanded as subsequent Legislatures gave the department  
15 new programmatic tools in order to assist the department in carrying  
16 out its mission; that although the Department of Community Affairs  
17 has also been assigned the responsibility of being an advocate of every  
18 community in the Garden State, it is appropriate that special  
19 recognition be given to the department for its unique urban advocacy  
20 role; that such recognition will send a firm signal to all of the residents  
21 of New Jersey of the importance of the urban areas to our rich cultural  
22 diversity, our economic strength, and our community well-being; and  
23 that an appropriate vehicle for affording that recognition would be to  
24 change the name of the department to the Department of Community  
25 and Urban Affairs in order to send a clear and unmistakable signal of  
26 the State's commitment to its urban areas.

27  
28 2. (New section) The Department of Community Affairs  
29 heretofore established as a principal department in the Executive  
30 Branch of the State Government is hereby continued and designated  
31 as the Department of Community and Urban Affairs and the office of  
32 Commissioner of Community Affairs is hereby continued and  
33 designated as the office of Commissioner of Community and Urban  
34 Affairs. All of the functions, powers and duties of the existing

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

**Matter underlined thus is new matter.**

1 Department of Community Affairs and the commissioner thereof are  
2 continued in the Department of Community and Urban Affairs and in  
3 the commissioner thereof.

4  
5 3. (New section) a. With respect to the functions, powers and  
6 duties hereby continued in the Department of Community and Urban  
7 Affairs, whenever in any law, rule, regulation, order, contract, tariff,  
8 document, judicial or administrative proceeding or otherwise,  
9 reference is made to the Department of Community Affairs or to the  
10 Commissioner of Community Affairs, the same shall mean and refer to  
11 the Department of Community and Urban Affairs and the  
12 Commissioner of Community and Urban Affairs, respectively.

13 b. Notwithstanding any other provisions of this act to the contrary,  
14 nothing in this act shall be construed to prohibit any department,  
15 agency, political subdivision, or instrumentality thereof from  
16 exhausting existing stocks of applications or forms containing the  
17 former designation of the department or commissioner.

18  
19 4. N.J.S.2A:12-6 is amended to read as follows:

20 2A:12-6. The Administrative Director of the Courts is authorized  
21 to distribute or cause to be distributed any bound volumes of the New  
22 Jersey Reports and the New Jersey Superior Court Reports heretofore  
23 or hereafter published and delivered to him, as follows:

24 To each member of the Legislature, one copy of each volume of  
25 such reports.

26 To the following named, for official use, to remain the property of  
27 the State, the following number of copies of each volume of such  
28 reports:

29 a. To the Governor, four copies;

30 b. To the Department of Law and Public Safety, for the Division  
31 of Law, four copies; and the Division of Alcoholic Beverage Control,  
32 one copy;

33 c. To the Department of the Treasury, for the State Treasurer, one  
34 copy; the Division of Taxation, three copies; and the Division of Local  
35 Government Services in the Department of Community and Urban  
36 Affairs, one copy;

37 d. To the Department of State, one copy;

38 e. To the Department of Personnel, one copy;

39 f. To the Department of Banking, one copy; and the Department  
40 of Insurance, one copy;

41 g. To the Board of Public Utilities in the Department of the  
42 Treasury, one copy;

43 h. To the Department of Labor, for the commissioner, one copy;  
44 the Division of Workers' Compensation, five copies; the State Board  
45 of Mediation, one copy; and the Division of Employment Security,  
46 three copies;

- 1 i. To the Department of Education, for the commissioner, one  
2 copy; and the Division of the State Library, Archives and History, 60  
3 copies, five of which shall be deposited in the Law Library, and 55 of  
4 which shall be used by the director of the division in sending one copy  
5 to the state library of each state and territory of the United States, the  
6 same to be in exchange for the law reports of such states and  
7 territories sent to said division, which reports shall be deposited in and  
8 become part of the collection of the Law Library;
- 9 j. To the Department of Transportation, one copy;
- 10 k. To the Department of Human Services, one copy; and the  
11 Department of Corrections, one copy;
- 12 l. To each judge of the federal courts in and for the district of New  
13 Jersey, one copy;
- 14 m. To each justice of the Supreme Court, one copy;
- 15 n. To each judge of the Superior Court, one copy;
- 16 o. To the Administrative Director of the Courts, one copy;
- 17 p. To each standing master of the Superior Court, one copy;
- 18 q. (Deleted by amendment, P.L.1983, c.36.)
- 19 r. To the clerk of the Supreme Court, one copy;
- 20 s. To the clerk of the Superior Court, one copy;
- 21 t. (Deleted by amendment, P.L.1983, c.36.)
- 22 u. (Deleted by amendment, P.L.1983, c.36.)
- 23 v. (Deleted by amendment, P.L.1991, c.91.)
- 24 w. (Deleted by amendment, P.L.1991, c.91.)
- 25 x. To each county prosecutor, one copy;
- 26 y. To the Central Management Unit in the Office of Legislative  
27 Services, one copy;
- 28 z. To each surrogate, one copy;
- 29 aa. To each county clerk, one copy;
- 30 ab. To each sheriff, one copy;
- 31 ac. To Rutgers, The State University, two copies; and the law  
32 schools, five copies each;
- 33 ad. To the law school of Seton Hall University, five copies;
- 34 ae. To Princeton University, two copies;
- 35 af. To the Library of Congress, four copies;
- 36 ag. To the New Jersey Historical Society, one copy;
- 37 ah. To every library provided by the board of chosen freeholders  
38 of any county at the courthouse in each county, one copy;
- 39 ai. To the library of every county bar association in this State, one  
40 copy;
- 41 aj. To each incorporated library association in this State, which has  
42 a law library at the county seat of the county in which it is located, one  
43 copy;
- 44 ak. To each judge of the tax court, one copy.
- 45 The remaining copies of such reports shall be retained by the  
46 administrative director for the use of the State and for such further

1 distribution as he may determine upon.

2 (cf: P.L.1991, c.91, s.29)

3

4 5. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read  
5 as follows:

6 2. No lessee or tenant or the assigns, under-tenants or legal  
7 representatives of such lessee or tenant may be removed by the  
8 Superior Court from any house, building, mobile home or land in a  
9 mobile home park or tenement leased for residential purposes, other  
10 than (1) owner-occupied premises with not more than two rental units  
11 or a hotel, motel or other guest house or part thereof rented to a  
12 transient guest or seasonal tenant; (2) a dwelling unit which is held in  
13 trust on behalf of a member of the immediate family of the person or  
14 persons establishing the trust, provided that the member of the  
15 immediate family on whose behalf the trust is established permanently  
16 occupies the unit; and (3) a dwelling unit which is permanently  
17 occupied by a member of the immediate family of the owner of that  
18 unit, provided, however, that exception (2) or (3) shall apply only in  
19 cases in which the member of the immediate family has a  
20 developmental disability, except upon establishment of one of the  
21 following grounds as good cause:

22 a. The person fails to pay rent due and owing under the lease  
23 whether the same be oral or written.

24 b. The person has continued to be, after written notice to cease, so  
25 disorderly as to destroy the peace and quiet of the occupants or other  
26 tenants living in said house or neighborhood.

27 c. The person has willfully or by reason of gross negligence caused  
28 or allowed destruction, damage or injury to the premises.

29 d. The person has continued, after written notice to cease, to  
30 substantially violate or breach any of the landlord's rules and  
31 regulations governing said premises, provided such rules and  
32 regulations are reasonable and have been accepted in writing by the  
33 tenant or made a part of the lease at the beginning of the lease term.

34 e. The person has continued, after written notice to cease, to  
35 substantially violate or breach any of the covenants or agreements  
36 contained in the lease for the premises where a right of reentry is  
37 reserved to the landlord in the lease for a violation of such covenant  
38 or agreement, provided that such covenant or agreement is reasonable  
39 and was contained in the lease at the beginning of the lease term.

40 f. The person has failed to pay rent after a valid notice to quit and  
41 notice of increase of said rent, provided the increase in rent is not  
42 unconscionable and complies with any and all other laws or municipal  
43 ordinances governing rent increases.

44 g. The landlord or owner (1) seeks to permanently board up or  
45 demolish the premises because he has been cited by local or State  
46 housing inspectors for substantial violations affecting the health and

1 safety of tenants and it is economically unfeasible for the owner to  
2 eliminate the violations; (2) seeks to comply with local or State  
3 housing inspectors who have cited him for substantial violations  
4 affecting the health and safety of tenants and it is unfeasible to so  
5 comply without removing the tenant; simultaneously with service of  
6 notice of eviction pursuant to this clause, the landlord shall notify the  
7 Department of Community and Urban Affairs of the intention to  
8 institute proceedings and shall provide the department with such other  
9 information as it may require pursuant to rules and regulations. The  
10 department shall inform all parties and the court of its view with  
11 respect to the feasibility of compliance without removal of the tenant  
12 and may in its discretion appear and present evidence; (3) seeks to  
13 correct an illegal occupancy because he has been cited by local or  
14 State housing inspectors or zoning officers and it is unfeasible to  
15 correct such illegal occupancy without removing the tenant; or (4) is  
16 a governmental agency which seeks to permanently retire the premises  
17 from the rental market pursuant to a redevelopment or land clearance  
18 plan in a blighted area. In those cases where the tenant is being  
19 removed for any reason specified in this subsection, no warrant for  
20 possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et seq.)  
21 and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied with.

22 h. The owner seeks to retire permanently the residential building  
23 or the mobile home park from residential use or use as a mobile home  
24 park, provided this subsection shall not apply to circumstances  
25 covered under subsection g. of this section.

26 i. The landlord or owner proposes, at the termination of a lease,  
27 reasonable changes of substance in the terms and conditions of the  
28 lease, including specifically any change in the term thereof, which the  
29 tenant, after written notice, refuses to accept; provided that in cases  
30 where a tenant has received a notice of termination pursuant to  
31 subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a  
32 protected tenancy status pursuant to section 9 of the "Senior Citizens  
33 and Disabled Protected Tenancy Act," P.L.1981, c.226  
34 (C.2A:18-61.30), or pursuant to the "Tenant Protection Act of 1992,"  
35 P.L.1991, c.509 (C.2A:18-61.40 et al.), the landlord or owner shall  
36 have the burden of proving that any change in the terms and conditions  
37 of the lease, rental or regulations both is reasonable and does not  
38 substantially reduce the rights and privileges to which the tenant was  
39 entitled prior to the conversion.

40 j. The person, after written notice to cease, has habitually and  
41 without legal justification failed to pay rent which is due and owing.

42 k. The landlord or owner of the building or mobile home park is  
43 converting from the rental market to a condominium, cooperative or  
44 fee simple ownership of two or more dwelling units or park sites,  
45 except as hereinafter provided in subsection l. of this section. Where  
46 the tenant is being removed pursuant to this subsection, no warrant for

1 possession shall be issued until this act has been complied with. No  
2 action for possession shall be brought pursuant to this subsection  
3 against a senior citizen tenant or disabled tenant with protected  
4 tenancy status pursuant to the "Senior Citizens and Disabled Protected  
5 Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or against a  
6 qualified tenant under the "Tenant Protection Act of 1992," P.L.1991,  
7 c.509 (C.2A:18-61.40 et al.), as long as the agency has not terminated  
8 the protected tenancy status or the protected tenancy period has not  
9 expired.

10 1. (1) The owner of a building or mobile home park, which is  
11 constructed as or being converted to a condominium, cooperative or  
12 fee simple ownership, seeks to evict a tenant or sublessee whose initial  
13 tenancy began after the master deed, agreement establishing the  
14 cooperative or subdivision plat was recorded, because the owner has  
15 contracted to sell the unit to a buyer who seeks to personally occupy  
16 it and the contract for sale calls for the unit to be vacant at the time of  
17 closing. However, no action shall be brought against a tenant under  
18 paragraph (1) of this subsection unless the tenant was given a  
19 statement in accordance with section 6 of P.L.1975, c.311  
20 (C.2A:18-61.9);

21 (2) The owner of three or less condominium or cooperative units  
22 seeks to evict a tenant whose initial tenancy began by rental from an  
23 owner of three or less units after the master deed or agreement  
24 establishing the cooperative was recorded, because the owner seeks to  
25 personally occupy the unit, or has contracted to sell the unit to a buyer  
26 who seeks to personally occupy it and the contract for sale calls for  
27 the unit to be vacant at the time of closing;

28 (3) The owner of a building of three residential units or less seeks  
29 to personally occupy a unit, or has contracted to sell the residential  
30 unit to a buyer who wishes to personally occupy it and the contract for  
31 sale calls for the unit to be vacant at the time of closing.

32 m. The landlord or owner conditioned the tenancy upon and in  
33 consideration for the tenant's employment by the landlord or owner as  
34 superintendent, janitor or in some other capacity and such employment  
35 is being terminated.

36 n. The person has been convicted of or pleaded guilty to, or if a  
37 juvenile, has been adjudicated delinquent on the basis of an act which  
38 if committed by an adult would constitute an offense under the  
39 "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al.  
40 involving the use, possession, manufacture, dispensing or distribution  
41 of a controlled dangerous substance, controlled dangerous substance  
42 analog or drug paraphernalia within the meaning of that act within or  
43 upon the leased premises or the building or complex of buildings and  
44 land appurtenant thereto, or the mobile home park, in which those  
45 premises are located, and has not in connection with his sentence for  
46 that offense either (1) successfully completed or (2) been admitted to

1 and continued upon probation while completing, a drug rehabilitation  
2 program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of  
3 such leased premises, knowingly harbors or harbored therein a person  
4 who has been so convicted or has so pleaded, or otherwise permits or  
5 permitted such a person to occupy those premises for residential  
6 purposes, whether continuously or intermittently, except that this  
7 subsection shall not apply to a person harboring or permitting a  
8 juvenile to occupy the premises if the juvenile has been adjudicated  
9 delinquent upon the basis of an act which if committed by an adult  
10 would constitute the offense of use or possession under the said act.  
11 No action for removal may be brought pursuant to this subsection  
12 more than two years after the date of the adjudication or conviction or  
13 more than two years after the person's release from incarceration  
14 whichever is the later.

15 o. The person has been convicted of or pleaded guilty to, or if a  
16 juvenile, has been adjudicated delinquent on the basis of an act which  
17 if committed by an adult would constitute an offense under  
18 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic threats  
19 against the landlord, a member of the landlord's family or an employee  
20 of the landlord; or, being the tenant or lessee of such leased premises,  
21 knowingly harbors or harbored therein a person who has been so  
22 convicted or has so pleaded, or otherwise permits or permitted such  
23 a person to occupy those premises for residential purposes, whether  
24 continuously or intermittently. No action for removal may be brought  
25 pursuant to this subsection more than two years after the adjudication  
26 or conviction or more than two years after the person's release from  
27 incarceration whichever is the later.

28 p. The person has been found, by a preponderance of the evidence,  
29 liable in a civil action for removal commenced under this act for an  
30 offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or  
31 terroristic threats against the landlord, a member of the landlord's  
32 family or an employee of the landlord, or under the "Comprehensive  
33 Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use,  
34 possession, manufacture, dispensing or distribution of a controlled  
35 dangerous substance, controlled dangerous substance analog or drug  
36 paraphernalia within the meaning of that act within or upon the leased  
37 premises or the building or complex of buildings and land appurtenant  
38 thereto, or the mobile home park, in which those premises are located,  
39 and has not in connection with his sentence for that offense either (1)  
40 successfully completed or (2) been admitted to and continued upon  
41 probation while completing a drug rehabilitation program pursuant to  
42 N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises,  
43 knowingly harbors or harbored therein a person who committed such  
44 an offense, or otherwise permits or permitted such a person to occupy  
45 those premises for residential purposes, whether continuously or  
46 intermittently, except that this subsection shall not apply to a person

1 who harbors or permits a juvenile to occupy the premises if the  
2 juvenile has been adjudicated delinquent upon the basis of an act which  
3 if committed by an adult would constitute the offense of use or  
4 possession under the said "Comprehensive Drug Reform Act of 1987."

5 For purposes of this section, (1) "developmental disability" means  
6 any disability which is defined as such pursuant to section 3 of  
7 P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate family"  
8 means a person's spouse, parent, child or sibling, or a spouse, parent,  
9 child or sibling of any of them; and (3) "permanently" occupies or  
10 occupied means that the occupant maintains no other domicile at  
11 which the occupant votes, pays rent or property taxes or at which rent  
12 or property taxes are paid on the occupant's behalf.

13 (cf: P.L.1995, c.269, s.1)

14

15 6. Section 3 of P.L.1986, c.138 (C.2A:18-61.1c) is amended to  
16 read as follows:

17 3. The Department of Community and Urban Affairs shall not  
18 approve an application for registration of conversion pursuant to "The  
19 Planned Real Estate Development Full Disclosure Act," P.L.1977, c.  
20 419 (C. 45:22A-21 et seq.) for any premises for a period of five years  
21 following the date on which any dwelling unit in the premises becomes  
22 vacant after notice has been given that the owner seeks to permanently  
23 board up or demolish the premises or seeks to retire permanently the  
24 premises from residential use pursuant to subsection g.(1) or h. of  
25 section 2 of P.L.1974, c. 49 (C. 2A:18-61.1). Within five days of the  
26 date on which any owner provides notice of termination to a tenant  
27 pursuant to subsection g.(1) or h. of section 2 of P.L.1974, c. 49 (C.  
28 2A:18-61.1), the owner shall provide a copy of the notice to the  
29 Department of Community and Urban Affairs.

30 (cf: P.L.1986, c.138, s.3)

31

32 7. Section 6 of P.L.1986, c.138 (C.2A:18-61.1e) is amended to  
33 read as follows:

34 6. If a dwelling unit becomes vacated after notice has been given  
35 that the owner seeks to permanently board up or demolish the  
36 premises or seeks to retire permanently the premises from residential  
37 use pursuant to paragraph (1) of subsection g. or subsection h. of  
38 section 2 of P.L.1974, c.49 (C.2A:18-61.1) and if at any time  
39 thereafter an owner instead seeks to return the premises to residential  
40 use, the owner shall provide the former tenant:

41 a. Written notice 90 days in advance of any return to residential  
42 use or any agreement for possession of the unit by any other party,  
43 which notice discloses the owner's intention to return the unit to  
44 residential use and all appropriate specifics;

45 b. The right to return to possession of the vacated unit or, if return  
46 is not available, the right to possession of affordable housing

1 relocation in accord with the standards and criteria set forth for  
2 comparable housing as defined by section 4 of P.L.1975, c.311  
3 (C.2A:18-61.7); and

4 c. In the case of a conversion, the right to a protected tenancy  
5 pursuant to the "Senior Citizens and Disabled Protected Tenancy Act,"  
6 P.L.1981, c.226 (C.2A:18-61.22 et seq.), or pursuant to the "Tenant  
7 Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), if the  
8 former tenant would have at the time of the conversion been eligible  
9 for a protected tenancy under either of those acts, had the former  
10 tenant not vacated the premises.

11 The 90-day notice shall disclose the tenant's rights pursuant to this  
12 section and the method for the tenant's response to exercise these  
13 rights. A duplicate of the notice shall be transmitted within the first  
14 five days of the 90-day period to the rent board in the municipality or  
15 the municipal clerk, if there is no board. Notwithstanding the  
16 provisions of subsection c. of section 3 of P.L.1975, c.311  
17 (C.2A:18-61.6), damages awarded shall not be trebled where  
18 possession has been returned in accord with this section; nor shall any  
19 damages be awarded as provided for in subsection e. of section 3 of  
20 P.L.1975, c.311 (C.2A:18-61.6). An owner who fails to provide a  
21 former tenant a notice of intention to return to residential use pursuant  
22 to this section is liable to a civil penalty of not less than \$2,500.00 or  
23 more than \$10,000.00 for each offense, and shall also be liable in  
24 treble damages, plus attorney fees and costs of suit, for any loss or  
25 expenses incurred by a former tenant as a result of that failure. The  
26 penalty prescribed in this section shall be collected and enforced by  
27 summary proceedings pursuant to "the penalty enforcement law"  
28 (N.J.S.2A:58-1 et seq.). The Superior Court, Law Division, Special  
29 Civil Part, in the county in which the rental premises are located shall  
30 have jurisdiction over such proceedings. Process shall be in the nature  
31 of a summons or warrant, shall issue upon the complaint of the  
32 Commissioner of [the Department of] Community and Urban Affairs,  
33 the Attorney General, or any other person. No owner shall be liable  
34 for a penalty pursuant to this section if the unit is returned to  
35 residential use more than five years after the date the premises are  
36 vacated or if the owner made every reasonable effort to locate the  
37 former tenant and provide the notice, including, but not limited to, the  
38 employment of a qualified professional locator service, where no  
39 return receipt is obtained from the former tenant.

40 In any action under this section the court shall, in addition to  
41 damages, award any other appropriate legal or equitable relief.

42 (cf: P.L.1991, c.509, s.20)

43

44 8. Section 3 of P.L.1975, c.311 (C.2A:18-61.6) is amended to read  
45 as follows:

46 3. a. Where a tenant vacates the premises after being given a

1 notice alleging the owner seeks to personally occupy the premises  
2 under subsection L. of section 2 of P.L.1974, c. 49 (C. 2A:18-61.1)  
3 and the owner thereafter arbitrarily fails to personally occupy the  
4 premises for a total of at least six months, or arbitrarily fails to execute  
5 the contract for sale, but instead permits personal occupancy of the  
6 premises by another tenant or instead permits registration of  
7 conversion of the premises by the Department of Community and  
8 Urban Affairs pursuant to "The Planned Real Estate Development Full  
9 Disclosure Act," P.L.1977, c. 419 (C. 45:22A-21 et seq.), such owner  
10 shall be liable to the former tenant in a civil action for three times the  
11 damages plus the tenant's attorney fees and costs.

12 b. If an owner purchases the premises pursuant to a contract  
13 requiring the tenant to vacate in accordance with subsection l. of  
14 section 2 of P.L.1974, c. 49 (C. 2A:18-61.1) and thereafter arbitrarily  
15 fails to personally occupy the premises for a total of at least six  
16 months, but instead permits personal occupancy of the premises by  
17 another tenant or instead permits registration of conversion of the  
18 premises by the Department of Community and Urban Affairs pursuant  
19 to P.L.1977, c 419 (C.45:22A-21 et seq.), such owner-purchaser shall  
20 be liable to the former tenant in a civil action for three times the  
21 damages plus the tenant's attorney fees and costs.

22 c. If a tenant vacates a dwelling unit after notice has been given  
23 alleging that the owner seeks to permanently board up or demolish the  
24 premises or to retire permanently the premises from residential use  
25 pursuant to subsection g.(1) or h. of section 2 of P.L.1974, c.49  
26 (C.2A:18-61.1) and instead, within five years following the date on  
27 which the dwelling unit or the premises become vacant, an owner  
28 permits residential use of the vacated premises, the owner shall be  
29 liable to the former tenant in a civil action for three times the damages  
30 plus the tenant's attorney fees and costs of suit.

31 An owner of any premises where notice has been given pursuant to  
32 subsection g.(1) or h. of section 2 of P.L.1974, c.49 (C.2A:18-61.1),  
33 who subsequently seeks to sell, lease or convey the property to  
34 another, shall, before executing any lease, deed or contract for such  
35 conveyance, advise in writing the prospective owner that such notice  
36 was given and that the owners of the property are subject to the  
37 liabilities provided in this subsection and sections 3 and 4 of this 1986  
38 amendatory and supplementary act. Whoever fails to so advise a  
39 prospective owner prior to the execution of the contract of sale, lease  
40 or conveyance is liable to a civil penalty of not less than \$2,500.00 or  
41 more than \$10,000.00 for each offense, and shall also be liable in  
42 treble damages, plus attorney fees and costs of suit, for any loss or  
43 expenses incurred by a new owner of the property as a result of that  
44 failure. The civil penalty prescribed in this subsection shall be collected  
45 and enforced by summary proceedings pursuant to "the penalty  
46 enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court, Law

1 Division, Special Civil Part, in the county in which the rental premises  
2 are located shall have jurisdiction over such proceedings. Process  
3 shall be in the nature of a summons or warrant, and shall issue upon  
4 the complaint of the Commissioner of [the Department of]Community  
5 and Urban Affairs, the Attorney General, or any other person.

6 d. If a tenant vacates a dwelling unit after receiving from an owner  
7 an eviction notice (1) purporting to compel by law the tenant to vacate  
8 the premises for cause or purporting that if the tenant does not vacate  
9 the premises, the tenant shall be compelled by law to vacate the  
10 premises for cause; and (2) using a cause that is clearly not provided  
11 by law or using a cause that is based upon a lease clause which is  
12 contrary to law pursuant to section 6 of P.L.1975, c.310 (C.46:8-48);  
13 and (3) misrepresenting that, under the facts alleged, the tenant would  
14 be subject to eviction, the owner shall be liable to the former tenant in  
15 a civil action for three times the damages plus the tenant's attorney  
16 fees and costs. An owner shall not be liable under this subsection for  
17 alleging any cause for eviction which, if proven, would subject the  
18 tenant to eviction pursuant to N.J.S. 2A:18-53 et seq. or P.L.1974,  
19 c.49 (C.2A:18-61.1 et seq.).

20 In any action under this section the court shall, in addition to  
21 damages, award any other appropriate legal or equitable relief. For  
22 the purposes of P.L.1974, c.49 (C.2A:18-61.1 et seq.), the term  
23 "owner" includes, but is not limited to, lessee, successor owner and  
24 lessee, and other successors in interest.

25 e. An owner shall not be liable for damages pursuant to this section  
26 or section 6 of this 1986 amendatory and supplementary act or subject  
27 to a more restrictive local ordinance adopted pursuant to section 8 of  
28 this 1986 amendatory and supplementary act if:

29 (1) Title to the premises was transferred to that owner by means  
30 of a foreclosure sale, execution sale or bankruptcy sale; and

31 (2) Prior to the foreclosure sale, execution sale or bankruptcy sale,  
32 the former tenant vacated the premises after receiving eviction notice  
33 from the former owner pursuant to subsection g.(1) or h. of section 2  
34 of P.L.1974, c.49 (C.2A:18-61.1); and

35 (3) The former owner retains no financial interest, direct or  
36 indirect, in the premises. The term "former owner" shall include, but  
37 not be limited to, any officer or board member of a corporation which  
38 was the former owner and any holder of more than 5% equity interest  
39 in any incorporated or unincorporated business entity that was the  
40 former owner; and

41 (4) The former tenant is provided notice and rights in accordance  
42 with the provisions of section 6 of this 1986 amendatory and  
43 supplementary act.

44 (cf: P.L.1986, c.138, s.5)

45

46 9. Section 9 of P.L.1975, c.311 (C.2A:18-61.12) is amended to

1 read as follows:

2 9. In accordance with the "Administrative Procedure Act"  
3 (P.L.1968, c.410, C.52:14B-1 et seq.), the Department of Community  
4 and Urban Affairs shall adopt rules and regulations setting forth  
5 procedures required to be followed by landlords in providing tenants  
6 a reasonable opportunity to examine and rent comparable housing and  
7 setting forth procedures and content for information required to be  
8 disclosed to tenants regarding such procedures, the rights and  
9 responsibilities of tenants under this act, and the plans and proposals  
10 of landlords which may affect any tenant in order to maximize tenants'  
11 ability to exercise rights provided under this act. Any rules and  
12 regulations adopted under this section shall only be applicable to  
13 tenants and owners of a building or mobile home park which is being,  
14 or is about to be converted from the rental market to a condominium,  
15 cooperative or to fee simple ownership of the several dwelling units  
16 or park sites, or to any mobile home park being permanently retired  
17 from the rental market.

18 (cf: P.L.1981, c.8, s.7)

19

20 10. Section 3 of P.L.1981, c.226 (C.2A:18-61.24) is amended to  
21 read as follows:

22 3. As used in this amendatory and supplementary act:

23 a. "Senior citizen tenant" means a person who is at least 62 years  
24 of age on the date of the conversion recording for the building or  
25 structure in which is located the dwelling unit of which he is a tenant,  
26 or the surviving spouse of such a person if the person should die after  
27 the owner files the conversion recording and the surviving spouse is  
28 at least 50 years of age at the time of the filing; provided that the  
29 building or structure has been the principal residence of the senior  
30 citizen tenant or the spouse for at least one year immediately preceding  
31 the conversion recording or the death or that the building or structure  
32 is the principal residence of the senior citizen tenant or the spouse  
33 under the terms of a lease for a period of more than one year, as the  
34 case may be;

35 b. "Disabled tenant" means a person who is, on the date of the  
36 conversion recording for the building or structure in which is located  
37 the dwelling unit of which he is a tenant, totally and permanently  
38 unable to engage in any substantial gainful activity by reason of any  
39 medically determinable physical or mental impairment, including  
40 blindness, or a person who has been honorably discharged or released  
41 under honorable circumstances from active service in any branch of the  
42 United States Armed Forces and who is rated as having a 60%  
43 disability or higher as a result of that service pursuant to any federal  
44 law administered by the United States Veterans' Act; provided that the  
45 building or structure has been the principal residence of the disabled  
46 tenant for at least one year immediately preceding the conversion

1 recording or that the building or structure is the principal residence of  
2 the disabled tenant under the terms of a lease for a period of more than  
3 one year. For the purposes of this subsection, "blindness" means  
4 central visual acuity of 20/200 or less in the better eye with the use of  
5 correcting lens. An eye which is accompanied by a limitation in the  
6 fields of vision such that the widest diameter of the visual field  
7 subtends an angle no greater than 20 degrees shall be considered as  
8 having a central visual acuity of 20/200 or less;

9 c. "Tenant's annual household income" means the total income  
10 from all sources during the last full calendar year for all members of  
11 the household who reside in the dwelling unit at the time the tenant  
12 applies for protected tenant status, whether or not such income is  
13 subject to taxation by any taxing authority;

14 d. "Application for registration of conversion" means an  
15 application for registration filed with the Department of Community  
16 and Urban Affairs in accordance with "The Planned Real Estate  
17 Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et  
18 seq.);

19 e. "Registration of conversion" means an approval of an application  
20 for registration by the Department of Community and Urban Affairs in  
21 accordance with "The Planned Real Estate Development Full  
22 Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.);

23 f. "Convert" means to convert one or more buildings or structures  
24 or a mobile home park containing in the aggregate not less than five  
25 dwelling units or mobile home sites or pads from residential rental use  
26 to condominium, cooperative, planned residential development or  
27 separable fee simple ownership of the dwelling units or of the mobile  
28 home sites or pads;

29 g. "Conversion recording" means the recording with the  
30 appropriate county officer of a master deed for condominium or a deed  
31 to a cooperative corporation for a cooperative or the first deed of sale  
32 to a purchaser of an individual unit for a planned residential  
33 development or separable fee simple ownership of the dwelling units;

34 h. "Protected tenancy period" means, except as otherwise provided  
35 in section 11 of this amendatory and supplementary act, the 40 years  
36 following the conversion recording for the building or structure in  
37 which is located the dwelling unit of the senior citizen tenant or  
38 disabled tenant.

39 (cf: P.L.1990, c.111, s.1)

40

41 11. Section 6 of P.L.1981, c.226 (C.2A:18-61.27) is amended to  
42 read as follows:

43 6. The owner of any building or structure who, after the effective  
44 date of this amendatory and supplementary act, seeks to convert any  
45 premises, shall, prior to his filing of the application for registration of  
46 conversion with the Department of Community and Urban Affairs,

1 notify the administrative agency or officer responsible for  
2 administering this amendatory and supplementary act of his intention  
3 to so file. The owner shall supply the agency or officer with a list of  
4 every tenant residing in the premises, with stamped envelopes  
5 addressed to each tenant and with sufficient copies of the notice to  
6 tenants and application form for protected tenancy status. Within 10  
7 days thereafter, the administrative agency or officer shall notify each  
8 residential tenant in writing of the owner's intention and of the  
9 applicability of the provisions of this amendatory and supplementary  
10 act and shall provide him with a written application form. The  
11 agency's or officer's notice shall be substantially in the following form:  
12

13  
14 "NOTICE

15 THE OWNER OF YOUR APARTMENT HAS NOTIFIED  
16 ..... (insert name of municipality) OF  
17 HIS INTENTION TO CONVERT TO A CONDOMINIUM  
18 OR COOPERATIVE. THE LEGISLATURE HAS  
19 PROVIDED THAT, IF YOU ARE A SENIOR CITIZEN, 62  
20 YEARS OF AGE OR OLDER, OR DISABLED, YOU MAY  
21 BE ENTITLED TO A PROTECTED TENANCY PERIOD.  
22 PROTECTED TENANCY MEANS THAT YOU CANNOT  
23 BE EVICTED BECAUSE OF THE CONVERSION. YOU  
24 MAY BE ELIGIBLE:

25 (1) IF YOU ARE 62, OR WILL SOON BE 62, OR IF YOU  
26 ARE DISABLED; AND

27 (2) IF YOU HAVE LIVED IN YOUR APARTMENT FOR  
28 AT LEAST ONE YEAR OR IF THE LEASE ON YOUR  
29 APARTMENT IS FOR A PERIOD OF MORE THAN ONE  
30 YEAR; AND

31 (3) IF YOUR HOUSEHOLD INCOME IS LESS THAN  
32 ..... (insert current income figure for county as  
33 established by Section 7c. of this amendatory and  
34 supplementary act).

35 IF YOU WISH THIS PROTECTION, SEND IN THE  
36 APPLICATION FORM BY ..... (insert date  
37 60 days after municipality's mailing)

38 TO THE ..... (insert name and address of  
39 administrative agency).

40 FOR FURTHER INFORMATION CALL  
41 ..... (insert phone number of administrative  
42 agency)

43 OR ..... (insert phone number of  
44 Department of Community and Urban Affairs).

45 IF YOU DO NOT APPLY YOU CAN BE EVICTED BY  
46 YOUR LANDLORD UPON PROPER NOTICE."

1 The Department of Community and Urban Affairs shall not accept  
2 any application for registration of conversion for any building or  
3 structure unless included in the application is proof that the agency or  
4 officer notified the tenants prior to the application for registration.  
5 The proof shall be by affidavit or in such other form as the department  
6 shall require.

7 (cf: P.L.1990, c.110, s.2)

8

9 12. Section 7 of P.L.1981, c.226 (C.2A:18-61.28) is amended to  
10 read as follows:

11 7. Within 30 days after receipt of an application for protected  
12 tenancy status by a tenant, the administrative agency or officer shall  
13 make a determination of eligibility. It shall send written notice of  
14 eligibility to each senior citizen tenant or disabled tenant who:

15 a. Applied therefor on or before the date of registration of  
16 conversion by the Department of Community and Urban Affairs; and

17 b. Qualifies as an eligible senior citizen tenant or disabled tenant  
18 pursuant to this amendatory and supplementary act; and

19 c. Has an annual household income that does not exceed an amount  
20 equal to three times the county per capita personal income, as last  
21 reported by the Department of Labor and Industry on the basis of the  
22 U.S. Department of Commerce's Bureau of Economic Analysis data,  
23 or \$50,000.00, whichever is greater; and

24 d. Has occupied the premises as his principal residence for at least  
25 one year or has a lease on the premises for a period longer than one  
26 year.

27 The department shall adjust the county per capita personal income  
28 to be used in subsection c. of this section if there is a difference of one  
29 or more years between (1) the year in which the last reported county  
30 per capita personal income was based and (2) the last year in which the  
31 tenant's annual household income is based. The county per capita  
32 personal income shall be adjusted by the department by an amount  
33 equal to the number of years of the difference above times the average  
34 increase or decrease in the county per capita personal income for three  
35 years, including in the calculation the current year reported and the  
36 three immediately preceding years.

37 The administrative agency or officer shall likewise send a notice of  
38 denial with reasons to any tenant whom it determines to be ineligible.  
39 The owner shall be notified of those tenants who are determined to be  
40 eligible and ineligible.

41 The administrative agency or officer may require that the  
42 application include such documents and information as may be  
43 necessary to establish that the tenant is eligible for a protected tenancy  
44 status under the provisions of this amendatory and supplementary act  
45 and shall require such application to be submitted under oath. The  
46 Department of Community and Urban Affairs may by regulation adopt

1 forms for application for protected tenancy status and notification of  
2 eligibility or ineligibility or adopt such other regulations for the  
3 procedure of determining eligibility as it determines are necessary.

4 (cf: P.L.1990, c.110, s.3)

5

6 13. Section 8 of P.L.1981, c.226 (C.2A:18-61.29) is amended to  
7 read as follows:

8 8. No registration of conversion shall be approved until the  
9 Department of Community and Urban Affairs receives proof that the  
10 administrative agency or officer has made determinations and notified  
11 all tenants who applied for protected tenancy status within the initial  
12 60-day period of their eligibility or lack of eligibility. The proof shall  
13 be by affidavit or in such other form as the department may require.

14 The department may grant registrations of conversion for  
15 applications pending on the effective date of this amendatory and  
16 supplementary act upon the implementation of a procedure whereby  
17 any eligible tenant may make application for protected tenancy status  
18 in a manner comparable to that specified in sections 6 and 7 of this  
19 amendatory and supplementary act.

20 (cf: P.L.1981, c.226, s.8)

21

22 14. Section 19 of P.L.1981, c.226 (C.2A:18-61.38) is amended to  
23 read as follows:

24 19. The Department of Community and Urban Affairs is authorized  
25 to adopt such rules and regulations as may be necessary to implement  
26 the provisions of this amendatory and supplementary act.

27 (cf: P.L.1981, c.226, s.19)

28

29 15. Section 3 of P.L.1991, c.509 (C.2A:18-61.42) is amended to  
30 read as follows:

31 3. As used in this act:

32 "Administrative agency" means the municipal board, officer or  
33 agency designated, or the county agency contracted with, pursuant to  
34 section 6 of this act.

35 "Annual household income" means the total income from all sources  
36 during the last full calendar year, or the annual average of that total  
37 income during the last two calendar years, whichever is less, of a  
38 tenant and all members of the household who are residing in the  
39 tenant's dwelling unit when the tenant applies for protected tenancy,  
40 whether or not such income is subject to taxation by any taxing  
41 authority.

42 "Commissioner" means the Commissioner of Community and Urban  
43 Affairs.

44 "Conversion" means conversion as defined in section 3 of "The  
45 Planned Real Estate Development Full Disclosure Act," P.L.1977,  
46 c.419 (C.45:22A-23).

1 "Conversion recording" means the recording with the appropriate  
2 county officer of a master deed for a condominium or a deed to a  
3 cooperative corporation for a planned residential development or  
4 separable fee simple ownership of the dwelling units.

5 "County rental housing shortage" means a certification issued by the  
6 Commissioner of Community and Urban Affairs that there has  
7 occurred a significant decline in the availability of rental dwelling units  
8 in the county due to conversions; provided, however, that the  
9 commissioner shall not issue any such certification unless during the  
10 immediately [preceeding] preceding 10 year period:

11 a. The aggregate number of rental units subject to registrations of  
12 conversion during any three consecutive years in the county exceeds  
13 10,000; and

14 b. The aggregate number of rental units subject to registrations of  
15 conversion in at least one of those three years exceeds 5,000.

16 "Department" means the Department of Community and Urban  
17 Affairs.

18 "Index" means the annual average over a 12-month period  
19 beginning September 1 and ending August 31 of the Consumer Price  
20 Index for Urban Wage Earners and Clerical Workers (CPI-W), All  
21 Items Series A, of the United States Department of Labor  
22 (1957-1959= 100), for either the New York, NY-Northeastern New  
23 Jersey or the Philadelphia, PA-New Jersey region, according as either  
24 shall have been determined by the commissioner to be applicable in the  
25 locality of a property undergoing conversion.

26 "Protected tenancy period" means, except as otherwise provided in  
27 section 11 of this act, all that time following the conversion recording  
28 for a building or structure during which a qualified tenant in that  
29 building or structure continues to be a qualified tenant and continues  
30 to occupy a dwelling unit therein as his principal residence.

31 "Qualified county" means:

32 a. Any county with a population in excess of 500,000 and a  
33 population density in excess of 8,500 per square mile, according to the  
34 most recent federal decennial census; or

35 b. Any county wherein there exists a county rental housing  
36 shortage.

37 "Qualified tenant" means a tenant who is a resident in a qualified  
38 county and:

39 (1) Applied for protected tenancy status on or before the date of  
40 registration of conversion by the department, or within one year of the  
41 effective date of this act, whichever is later;

42 (2) Has occupied the premises as his principal residence for at least  
43 12 consecutive months next preceding the date of application; and

44 (3) Has an annual household income that does not at the time of  
45 application exceed the maximum qualifying income as determined  
46 pursuant to section 4 of this act, except that this income limitation

1 shall not apply to any tenant who is age 75 or more years or is disabled  
2 within the meaning of section 3 of P.L.1981, c.226 (C.2A:18-61.24).

3 "Registration of conversion" means an approval of an application  
4 for registration by the department in accordance with "The Planned  
5 Real Estate Development Full Disclosure Act," P.L.1977, c.419  
6 (C.45:22A-21 et seq.).

7 "Tenant in need of comparable housing" means a tenant who is not  
8 a qualified tenant under this act and is not eligible for protected  
9 tenancy under the "Senior Citizens and Disabled Protected Tenancy  
10 Act," P.L.1981, c.226 (C.2A:18-61.22 et al.).  
11 (cf: P.L.1991, c.509, s.3)

12

13 16. Section 7 of P.L.1991, c.509 (C.2A:18-61.46) is amended to  
14 read as follows:

15 7. The owner of any building or structure in a qualified county who  
16 seeks to convert any premises shall notify the administrative agency of  
17 that intention prior to filing the application for registration of  
18 conversion with the department. The owner shall supply the  
19 administrative agency with a list of every tenant residing in the  
20 premises, with stamped envelopes addressed to each tenant and with  
21 sufficient copies of the notice to tenants and application form for  
22 protected tenancy status. Within 10 days thereafter, the administrative  
23 agency shall notify each residential tenant in writing of the owner's  
24 intention and of the applicability of the provisions of this act and shall  
25 provide him with a written application form. The agency's notice shall  
26 be substantially in the following form:

27

"NOTICE

29 THE OWNER OF YOUR APARTMENT HAS NOTIFIED  
30 ..... (insert name of municipality) OF HIS  
31 INTENTION TO CONVERT TO A CONDOMINIUM OR  
32 COOPERATIVE.

33 UNDER STATE LAW YOU MAY BE ENTITLED TO A  
34 PROTECTED TENANCY.

35 PROTECTED TENANCY MEANS THAT YOU CANNOT  
36 BE EVICTED BECAUSE OF THE CONVERSION.

37 YOU MAY BE QUALIFIED:

38 (1) IF YOU HAVE LIVED IN YOUR APARTMENT FOR  
39 A YEAR AND

40 (2) IF YOUR HOUSEHOLD INCOME IS LESS THAN  
41 ..... (insert current maximum  
42 qualifying income established under section 3 of this act), OR

43

44 YOU ARE DISABLED OR ARE AT LEAST 75 YEARS  
45 OLD.

46 IF YOU THINK YOU MAY QUALIFY, SEND IN THE

1 APPLICATION FORM BY ..... (insert date 60  
2 days after municipality's mailing)

3 TO THE ..... (insert name and  
4 address of administrative agency)

5 EVEN IF YOU DO NOT QUALIFY, YOU HAVE THE  
6 RIGHT TO REMAIN IN YOUR APARTMENT UNTIL  
7 YOUR LANDLORD HAS COMPLIED WITH LAWS  
8 REGARDING THE OFFER OF COMPARABLE HOUSING.

9

10 FOR FURTHER INFORMATION CALL..... (insert  
11 phone number of administrative agency)

12 OR ..... (insert phone number of  
13 Department of Community and Urban Affairs)

14

15 The department shall not accept any application for registration of  
16 conversion for any building or structure unless included in the  
17 application is proof that the administrative agency notified the tenants  
18 prior to the application for registration. The proof shall be by affidavit  
19 or in such other form as the department shall require.

20 In any municipality where the administrative agency is the same as  
21 the agency administering the "Senior Citizens and Disabled Protected  
22 Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), the notices  
23 required under that act and this act may be combined in a single  
24 mailing.

25 (cf: P.L.1991, c.509, s.7)

26

27 17. Section 2 of P.L.1971, c.224 (C.2A:42-86) is amended to read  
28 as follows:

29 2. The following terms whenever used or referred to in this act  
30 shall have the following respective meanings, unless a different  
31 meaning clearly appears from the context.

32 a. "Public officer" shall mean the officer, officers, board or body  
33 who is or are authorized by the governing body of a municipality to  
34 supervise the physical condition of dwellings within such municipality  
35 pursuant to this act.

36 b. "Owner" shall mean the holder or holders of the title in fee  
37 simple.

38 c. "Parties in interest" shall mean all individuals, associations and  
39 corporations who have interests of record in a dwelling, and who are  
40 in actual possession thereof and any person authorized to receive rents  
41 payable for housing space in a dwelling.

42 d. "Dwelling" means and includes all rental premises or units used  
43 for dwelling purposes except owner-occupied premises with not more  
44 than two rental units.

45 e. "Housing space" means that portion of a dwelling rented or  
46 offered for rent for living or dwelling purposes in which cooking

1 equipment is supplied, and includes all privileges, services, furnishings,  
2 furniture, equipment, facilities, and improvements connected with the  
3 use or occupancy of such portion of the property. The term shall not  
4 mean or include public housing or dwelling space in any hotel, motel  
5 or established guest house, commonly regarded as a hotel, motel or  
6 established guest house, as the case may be, in the community in which  
7 it is located.

8 f. (Deleted by amendment, P.L.1985, c.411.)

9 g. (Deleted by amendment, P.L.1985, c.411.)

10 h. "Substandard dwelling" means any dwelling determined to be  
11 substandard by the public officer.

12 i. "State Housing Code" means the code adopted by the  
13 Department of Community and Urban Affairs pursuant to P.L.1966,  
14 c.168 (C.2A:42-74 et seq.).

15 j. "Utility company" means a public utility, as defined in  
16 R.S.48:2-13, or a municipality, county, water district, authority or  
17 other public agency, which provides electric, gas or water utility  
18 service.

19 (cf: P.L.1985, c.411, s.2)

20

21 18. Section 2 of P.L.1995, c.144 (C.2A:42-113) is amended to  
22 read as follows:

23 2. a. As used in this section:

24 "Landlord" means, in the case of a senior citizen housing project in  
25 which dwelling units are rented or offered for rent, the person or  
26 persons who own or purport to own the building, structure or complex  
27 of buildings or structures in which those rental dwelling units are  
28 situated. In the case of a senior citizen housing project that is  
29 organized or operated as a planned real estate development, landlord  
30 means the governing board or body of that development.

31 "Planned real estate development" means any real property situated  
32 within the State, whether contiguous or not, which consists of, or will  
33 consist of, separately owned areas, irrespective of form, be it lots,  
34 parcels, units, or interests, and which are offered or disposed of  
35 pursuant to a common promotional plan, and providing for common  
36 or shared elements or interests in real property. It shall include, but  
37 not be limited to, property subject to the "Condominium Act,"  
38 P.L.1969, c.257 (C.46:8B-1 et seq.), any form of homeowners'  
39 association, any housing cooperative or any community trust or other  
40 trust device.

41 "Senior citizen" means a person 62 years of age or older and shall  
42 include a surviving spouse if that surviving spouse is 55 years of age  
43 or over.

44 "Senior citizen housing project" means any building or structure,  
45 and any land appurtenant thereto, having three or more dwelling units,  
46 be they rental or owner occupied, intended for, and solely occupied by,

1 senior citizens; except that, it shall not include owner-occupied  
2 premises having not more than three dwelling units that are rented or  
3 offered for rent, or any health care facility as defined in the "Health  
4 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

5 b. Every landlord of a senior citizen housing project, and every  
6 landlord of a unit within a senior citizen housing project that is a  
7 planned unit development, shall give copies of the statements required  
8 by P.L.1974, c.50 (C.46:8-27 et seq.), P.L.1975, c.310 (C.46:8-43 et  
9 seq.) and section 1 of this act to each resident at the time of the  
10 signing of the lease and any renewal thereof, if the units in the project  
11 are rented or offered for rent. If the project is organized or operated  
12 as a planned real estate development, the governing board or body  
13 shall provide copies of the public offering statement approved by the  
14 Department of Community and Urban Affairs in accordance with  
15 P.L.1969, c.215 (C.45:22A-1 et seq.) or P.L.1977, c.419  
16 (C.45:22A-21 et seq.) and of the current bylaws of the planned real  
17 estate development to all residents to whom copies of those  
18 documents were not previously issued either by the developer or by  
19 the governing board or body.

20 Upon receipt of the statements or documents, as the case may be,  
21 the resident shall sign a form indicating that the landlord delivered the  
22 statements or documents as required under the provisions of this  
23 section. The owner shall keep the form on file for one year.

24 The landlord shall post copies of the statements and documents in  
25 one or more locations so the statements and documents are  
26 prominently displayed and accessible to all the residents of the senior  
27 citizen housing project.

28 c. Nothing contained in this section shall be construed as affecting  
29 a right guaranteed, or a responsibility imposed, on any person by any  
30 other law.

31 (cf: P.L.1995, c.144, s.2)

32

33 19. Section 1 of P.L.1986, c.13 (C.2A:62A-6) is amended to read  
34 as follows:

35 1. a. Notwithstanding any provisions of law to the contrary, no  
36 person who provides services or assistance free of charge, except for  
37 reimbursement of expenses, as an athletic coach, manager, or official,  
38 other than a sports official accredited by a voluntary association as  
39 provided by P.L.1979, c.172 (C.18A:11-3) and exempted from liability  
40 pursuant to P.L.1987, c.239 (C.2A:62A-6.1), for a sports team which  
41 is organized or performing pursuant to a nonprofit or similar charter  
42 or which is a member team in a league organized by or affiliated with  
43 a county or municipal recreation department, shall be liable in any civil  
44 action for damages to a player, participant or spectator as a result of  
45 his acts of commission or omission arising out of and in the course of  
46 his rendering that service or assistance.

1       b. The provisions of subsection a. of this section shall apply not  
2 only to organized sports competitions, but shall also apply to practice  
3 and instruction in that sport.

4       c. (1) Nothing in this section shall be deemed to grant immunity  
5 to any person causing damage by his willful, wanton, or grossly  
6 negligent act of commission or omission, nor to any coach, manager,  
7 or official who has not participated in a safety orientation and training  
8 skills program which program shall include but not be limited to injury  
9 prevention and first aid procedures and general coaching concepts.

10       (2) A coach, manager, or official shall be deemed to have satisfied  
11 the requirements of this subsection if the safety orientation and skills  
12 training program attended by the person has met the minimum  
13 standards established by the Governor's Council on Physical Fitness  
14 and Sports in consultation with the Bureau of Recreation within the  
15 Department of Community and Urban Affairs, in accordance with rules  
16 and regulations adopted pursuant to the "Administrative Procedure  
17 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

18       d. Nothing in this section shall be deemed to grant immunity to any  
19 person causing damage as the result of his negligent operation of a  
20 motor vehicle.

21       e. Nothing in this section shall be deemed to grant immunity to any  
22 person for any damage caused by that person permitting a sports  
23 competition or practice to be conducted without supervision.

24       f. Nothing in this act shall apply to an athletic coach, manager, or  
25 official who provides services or assistance as part of a public or  
26 private educational institution's athletic program.

27 (cf: P.L.1988, c.87, s.1)

28

29       20. N.J.S.A.2A:158-10 is amended to read as follows:

30       2A:158-10. County prosecutors shall receive annual salaries to be  
31 fixed by the governing body of the county at \$115,000.00.

32       There shall be appropriated annually to the Department of  
33 Community and Urban Affairs for payment to each county for  
34 additional salary costs resulting from the increase in the salary of  
35 county prosecutors an amount equal to the amount by which the  
36 annual salary paid to the county prosecutor under this section exceeds  
37 \$100,000.00.

38 (cf: P.L.1995, c.424, s.2)

39

40       21. Section 3 of P.L.1993, c.275 (C.2B:10-3) is amended to read  
41 as follows:

42       3. As used in this act:

43       a. "Base year amount" means the total local fiscal year 1993  
44 expenditures for judicial costs and probation costs excluding the  
45 amount paid and charged in full in 1993 for equipment for court or  
46 probation purposes; less the realized revenue for judicial fees and

1 probation fees;

2 b. "Director" means the Director of the Division of Local  
3 Government Services in the Department of Community and Urban  
4 Affairs;

5 c. "Judicial costs" means the costs incurred by the county for  
6 funding the judicial system, including but not limited to the following:  
7 salaries, health benefits and pension costs of all judicial employees,  
8 juror fees, library material costs, and centrally-budgeted items such as  
9 printing, supplies, and mail services, except that judicial costs shall not  
10 include costs incurred by employees of the surrogate's office or the  
11 sheriff's office;

12 d. "Judicial employee" means any person employed by the county  
13 prior to January 1, 1995 to perform judicial functions, including but  
14 not limited to employees working for the courts and the law library,  
15 employees who act as court aides and employees of the county clerk  
16 judicial function and those involved in bail processing and any person  
17 employed by a county probation office, except that employees of the  
18 surrogate's office and employees of the sheriff's office shall not be  
19 construed to be judicial employees;

20 e. "Judicial fees" means any fees or court costs collected by the  
21 judiciary including bail forfeitures and interest earned on bail deposits  
22 for bail deposited after January 1, 1995 but shall not include sheriff's  
23 or surrogate's fees or fines otherwise allocated by law to counties or  
24 municipalities for offenses within the jurisdiction of municipal courts;

25 f. "Judicial functions" means any duties and responsibilities  
26 performed in providing any services and direct support necessary for  
27 the effective operation of the judicial system;

28 g. "Probation costs" means any costs incurred by the county for the  
29 operation of the county probation department, including but not  
30 limited to centrally-budgeted items such as printing, supplies and mail  
31 services;

32 h. "Probation fees" means any fees or fines collected in connection  
33 with the probation of any person.

34 (cf: P.L.1994, c.162, s.13)

35

36 22. Section 9 of P.L.1983, c.438 (C.2C:40-14) is amended to read  
37 as follows:

38 9. Pursuant to the "Administrative Procedure Act," P.L.1968,  
39 c.410 (C.52:14B-1 et seq.), the Commissioner of [the Department of]  
40 Community and Urban Affairs shall adopt regulations for the  
41 implementation and enforcement of this act.

42 (cf: P.L.1983, c.438, s.9)

43

44 23. N.J.S.2C:58-8 is amended to read as follows:

45 2C:58-8. Certain Wounds and Injuries to be Reported. a. Every  
46 case of a wound, burn or any other injury arising from or caused by a

1 firearm, destructive device, explosive or weapon shall be reported at  
2 once to the police authorities of the municipality where the person  
3 reporting is located or to the State Police by the physician consulted,  
4 attending or treating the case or the manager, superintendent or other  
5 person in charge, whenever such case is presented for treatment or  
6 treated in a hospital, sanitarium or other institution. This subsection  
7 shall not, however, apply to wounds, burns or injuries received by a  
8 member of the armed forces of the United States or the State of New  
9 Jersey while engaged in the actual performance of duty.

10 b. Every case which contains the criteria defined in this subsection  
11 shall be reported at once to the police authorities of the municipality  
12 where the person reporting is located, or to the Division of State  
13 Police, by the physician consulted, attending, or treating the injury, or  
14 by the manager, superintendent, or other person in charge, whenever  
15 such case is presented for treatment or treated in a hospital, sanitarium  
16 or any other institution, facility, or office where medical care is  
17 provided. This subsection shall not apply to injuries received by a  
18 member of the armed forces of the United States or the State of New  
19 Jersey while engaged in the actual performance of duty.

20 The defined criteria shall consist of a flame burn injury accompanied  
21 by one or more of the following factors:

22 (1) A fire accelerant was used in the incident causing the injury and  
23 the presence of an accelerant creates a reasonable suspicion that the  
24 patient committed arson in violation of N.J.S.2C:17-1.

25 (2) Treatment for the injury was sought after an unreasonable delay  
26 of time.

27 (3) Changes or discrepancies in the account of the patient or  
28 accompanying person concerning the cause of the injury which creates  
29 a reasonable suspicion that the patient committed arson in violation of  
30 N.J.S.2C:17-1.

31 (4) Voluntary statement by the patient or accompanying person  
32 that the patient was injured during the commission of arson in  
33 violation of N.J.S.2C:17-1.

34 (5) Voluntary statement by the patient or accompanying person  
35 that the patient was injured during a suicide attempt or the commission  
36 of criminal homicide in violation of N.J.S.2C:11-1.

37 (6) Voluntary statement by the patient or accompanying person  
38 that the patient has exhibited fire setting behavior prior to the injury  
39 or has received counseling for such behavior.

40 (7) Any other factor determined by the bureau of fire safety in the  
41 Department of Community and Urban Affairs from information in the  
42 burn patient arson registry established under section 4 of P.L.1991,  
43 c.433 (C.52:27D-25d3) to typify a patient whose injuries were caused  
44 during the commission of arson in violation of N.J.S.2C:17-1.

45 (cf: P.L.1991, c.433, s.1)

1       24. Section 4 of P.L.1983, c.31 (C.4:1C-4) is amended to read as  
2 follows:

3       4. a. In order that the State's regulatory action with respect to  
4 agricultural activities may be undertaken with a more complete  
5 understanding of the needs and difficulties of agriculture, there is  
6 established in the Executive Branch of the State Government a public  
7 body corporate and politic, with corporate succession, to be known  
8 as the State Agriculture Development Committee. For the purpose  
9 of complying with the provisions of Article V, Section IV, paragraph  
10 1 of the New Jersey Constitution, the committee is allocated within  
11 the Department of Agriculture, but, notwithstanding that allocation,  
12 the committee shall be independent of any supervision or control by  
13 the State Board of Agriculture, by the department or by the secretary  
14 or any officer or employee thereof, except as otherwise expressly  
15 provided in this act. The committee shall constitute an instrumentality  
16 of the State, exercising public and essential governmental functions,  
17 and the exercise by the committee of the powers conferred by this or  
18 any other act shall be held to be an essential governmental function of  
19 the State.

20       b. The committee shall consist of 11 members, five of whom shall  
21 be the Secretary of Agriculture, who shall serve as chairman, the  
22 Commissioner of Environmental Protection, the Commissioner of  
23 Community and Urban Affairs, the State Treasurer and the Dean of  
24 Cook College, Rutgers University, or their designees, who shall serve  
25 ex officio, and six citizens of the State, to be appointed by the  
26 Governor with the advice and consent of the Senate, four of whom  
27 shall be actively engaged in farming, the majority of whom shall own  
28 a portion of the land that they farm, and two of whom shall represent  
29 the general public. With respect to the members actively engaged in  
30 farming, the State Board of Agriculture shall recommend to the  
31 Governor a list of potential candidates and their alternates to be  
32 considered for each appointment.

33       c. Of the six members first to be appointed, two shall be appointed  
34 for terms of 2 years, two for terms of 3 years and two for terms of 4  
35 years. Thereafter, all appointments shall be made for terms of 4 years.  
36 Each of these members shall hold office for the term of the  
37 appointment and until a successor shall have been appointed and  
38 qualified. A member shall be eligible for reappointment for no more  
39 than two consecutive terms. Any vacancy in the membership  
40 occurring other than by expiration of term shall be filled in the same  
41 manner as the original appointment but for the unexpired term only.

42       d. Members of the committee shall receive no compensation but  
43 the appointed members may, subject to the limits of funds  
44 appropriated or otherwise made available for these purposes, be  
45 reimbursed for expenses actually incurred in attending meetings of the  
46 committee and in performance of their duties as members thereof.

1 e. The committee shall meet at the call of the chairman as soon as  
2 may be practicable following appointment of its members and shall  
3 establish procedures for the conduct of regular and special meetings,  
4 including procedures for the notification of departments of State  
5 regulating the activities of commercial agriculture, provided that all  
6 meetings are conducted in accordance with the provisions of the  
7 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

8 f. A true copy of the minutes of every meeting of the committee  
9 shall be prepared and forthwith delivered to the Governor. No action  
10 taken at such meeting by the commission shall have force or effect  
11 until 15 days, exclusive of Saturdays, Sundays and public holidays,  
12 after such copy of the minutes shall have been so delivered. If, in said  
13 15-day period, the Governor returns such copy of the minutes with a  
14 veto of any action taken by the commission at such meeting, such  
15 action shall be null and void and of no force and effect.

16 g. The department shall provide any personnel that may be required  
17 as staff for the committee.

18 (cf: P.L.1983, c.31, s.4)

19  
20 25. Section 3 of P.L.1993, c.339 (C.4:1C-51) is amended to read  
21 as follows:

22 3. a. There is established in the Executive Branch of the State  
23 Government a public body corporate and politic, with corporate  
24 succession, to be known as the State Transfer of Development Rights  
25 Bank. For the purpose of complying with the provisions of Article V,  
26 Section IV, paragraph 1 of the New Jersey Constitution, the bank is  
27 allocated within the office of the State Agriculture Development  
28 Committee within the Department of Agriculture, but notwithstanding  
29 that allocation, the bank shall be independent of any supervision or  
30 control by the committee or the department or by any officer or  
31 employee thereof, except as otherwise expressly provided in this act.  
32 The bank is constituted as an instrumentality of the State exercising  
33 public and essential governmental functions, and the exercise by the  
34 bank of the powers conferred by this act is deemed to be an essential  
35 governmental function of the State.

36 b. (1) The bank shall be governed by a board of directors  
37 consisting of ten voting members, or the designees thereof, as follows:  
38 the Secretary of Agriculture, who shall serve as chairperson and who  
39 shall vote only in the event there is a tie vote; the State Treasurer; the  
40 Commissioner of Environmental Protection; the Commissioner of  
41 Transportation; the Commissioner of Banking; the Commissioner of  
42 Community and Urban Affairs; the President of the State Board of  
43 Agriculture; the Chairman of the State Planning Commission; the  
44 President of the Association of New Jersey Environmental  
45 Commissions; and one member of the general public, who shall be a  
46 farmer actively engaged in agriculture in New Jersey and who shall be

1 appointed by the Governor, with the advice and consent of the Senate.

2 (2) All members of the board, except the member of the general  
3 public, shall serve ex officio. The term of the member of the general  
4 public shall be for four years, with reappointment possible for a second  
5 term only.

6 (3) A majority of the membership of the board shall constitute a  
7 quorum except that no action may be taken by the board except upon  
8 the affirmative vote of a majority of the total membership of the board.  
9 Designees of the nine ex officio members shall have the power to vote  
10 in the absence of members.

11 c. (1) Upon request of the board, the State Agriculture  
12 Development Committee shall provide that appropriate staff be made  
13 available to assist and advise the board in performing its functions,  
14 duties, and responsibilities pursuant to this act.

15 (2) Officials of State agencies serving on the board shall, to the  
16 maximum extent practicable and without remuneration from the board,  
17 avail the board of the expertise of their agencies in the areas of land  
18 use and planning, banking, law, agriculture, natural resource  
19 protection, historic site preservation, and other areas of expertise  
20 required by the board to adequately address the broader public and  
21 planning purposes of transfer of development rights and of the State  
22 Transfer of Development Rights Bank.

23 (3) Funding necessary to provide the board with direct staff  
24 assistance or professional services that cannot be made available  
25 through existing State agency staff as provided in this subsection shall  
26 be made available as provided for pursuant to section 8 of this act.

27 (cf: P.L.1993, c.339, s.3)

28

29 26. Section 4 of P.L.1985, c.383 (C.4:26-4) is amended to read as  
30 follows:

31 4. a. There is established in but not of the Department of  
32 Community and Urban Affairs a public body corporate and politic,  
33 with corporate succession, to be known as the "South Jersey Food  
34 Distribution Authority." The authority is constituted as an  
35 instrumentality of the State, exercising public and essential  
36 governmental functions, and the exercise by the authority of the  
37 powers conferred by this act are an essential governmental function of  
38 the State and the application of the revenue derived from the project  
39 to the purposes provided in this act are applied in support of  
40 government.

41 b. The authority shall consist of the Commissioner of Community  
42 and Urban Affairs, the State Treasurer, the Secretary of Agriculture,  
43 and the Commissioner of Commerce and Economic Development, who  
44 shall be members ex officio, and five members appointed by the  
45 Governor with the advice and consent of the Senate, for terms of four  
46 years, not more than three of whom shall be of the same political

1 party, provided that of the members of the authority, other than the ex  
2 officio members, first appointed by the Governor one shall serve for  
3 a term of one year, one for two years, one for three years and two for  
4 four years, respectively. The members appointed by the Governor  
5 shall be residents of Burlington, Ocean, Camden, Gloucester, Salem,  
6 Atlantic, Cumberland or Cape May county and shall broadly represent  
7 the economic and agricultural interests of South Jersey. Each member  
8 shall hold office for the term of his appointment and until his successor  
9 shall have been appointed and qualified. A member shall be eligible for  
10 reappointment. Any vacancy in the membership occurring other than  
11 by expiration of term shall be filled in the same manner as the original  
12 appointment but for the unexpired term only.

13 c. Each appointed member may be removed from office by the  
14 Governor, for cause, after a public hearing, and may be suspended by  
15 the Governor pending the completion of the hearing. Each member  
16 before entering upon his duties shall take and subscribe an oath to  
17 perform the duties of his office faithfully, impartially and justly to the  
18 best of his ability. A record of these oaths shall be filed in the office  
19 of the Secretary of State.

20 d. The chairman, who shall be the chief executive officer of the  
21 authority, shall be appointed by the Governor from the members of the  
22 authority other than the ex-officio members, and the members of the  
23 authority shall elect one of their number as vice chairman thereof. The  
24 authority shall elect a secretary and a treasurer, who need not be  
25 members, and the same person may be elected to serve both as  
26 secretary and treasurer. The powers of the authority shall be vested in  
27 the members thereof in office from time to time and a majority of the  
28 entire authorized membership of the authority, which shall include at  
29 least two ex officio members, shall constitute a quorum at any meeting  
30 thereof. Action may be taken and motions and resolutions adopted by  
31 the authority at any meeting of the members thereof by a vote of a  
32 majority of the members present (which shall include two ex officio  
33 members), unless in any case the bylaws of the authority shall require  
34 a larger number. No vacancy in the membership of the authority shall  
35 impair the right of a quorum of the members to exercise all the powers  
36 and perform all the duties of the authority.

37 e. Each member and the treasurer of the authority shall execute a  
38 bond to be conditioned upon their faithful performance of the duties  
39 of the member or treasurer, as the case may be, in such form and  
40 amount as may be prescribed by the Comptroller of the Treasury. The  
41 bonds shall be filed in the office of the Secretary of State. At all times  
42 thereafter the members and treasurer of the authority shall maintain  
43 these bonds in effect. All costs of the bonds shall be borne by the  
44 authority.

45 f. The members of the authority shall serve without compensation,  
46 but the authority shall reimburse its members for actual expenses

1 necessarily incurred in the discharge of their duties. Notwithstanding  
2 the provisions of any other law, no officer or employee of the State  
3 shall be deemed to have forfeited or shall forfeit his office or  
4 employment or any benefits or emoluments thereof by reason of his  
5 acceptance of the office of ex officio member of the authority or his  
6 services therein.

7 g. No member, officer or employee of the authority shall have or  
8 acquire any interest, direct or indirect, in the center or in any contract  
9 or proposed contract for materials or services to be furnished to or  
10 used by the authority. Neither the holding of any office or  
11 employment in the government of any county or municipality or of the  
12 State nor the owning of any other property within the State nor being  
13 engaged in any business or enterprise involving the handling, storage  
14 and marketing of agricultural or horticultural products, meat, fish,  
15 foods or similar products and commodities shall be deemed a  
16 disqualification for membership in or employment by the authority, and  
17 members of the governing body of a municipality may be appointed  
18 and may serve as members of the authority.

19 h. Each ex officio member of the authority may designate an officer  
20 or employee of his department or agency to represent him at meetings  
21 of the authority, and each designee may lawfully vote and otherwise  
22 act on behalf of the member for whom he constitutes the designee.  
23 The designation shall be in writing delivered to the authority and shall  
24 continue in effect until revoked or amended by writing delivered to the  
25 authority.

26 i. The authority may be dissolved by act of the Legislature on  
27 condition that the authority has no debts or obligations outstanding or  
28 that provision has been made for the payment or retirement of these  
29 debts or obligations. Upon the dissolution of the authority all property,  
30 funds and assets thereof shall be vested in the State.

31 j. A true copy of the minutes of every meeting of the authority shall  
32 be forthwith delivered by and under the certification of the secretary  
33 thereof to the Governor. No action taken at a meeting by the  
34 authority shall have effect until 15 days after the copy of the minutes  
35 is delivered, unless during the 15-day period the Governor shall  
36 approve the same, in which case the action shall become effective upon  
37 that approval. If, in the 15-day period, the Governor returns the copy  
38 of the minutes with veto of any action taken by the authority or any  
39 member thereof at that meeting, the action shall be of no effect. The  
40 powers conferred in this subsection upon the Governor shall be  
41 exercised with due regard for the rights of the holders of bonds and  
42 notes of the authority at any time outstanding, and nothing in, or done  
43 pursuant to, this subsection shall limit, restrict or alter the obligation  
44 or powers of the authority or any representative or officer of the  
45 authority to perform each covenant, agreement or contract made or  
46 entered into by or on behalf of the authority with respect to its bonds

1 or notes or for the benefit, protection or security of the holders  
2 thereof.

3 (cf: P.L.1985, c.383, s.4)

4

5 27. Section 4 of P.L.1971, c.137 (C.5:10-4) is amended to read as  
6 follows:

7 4. a. There is hereby established in the Department of Community  
8 and Urban Affairs a public body corporate and politic, with corporate  
9 succession, to be known as the "New Jersey Sports and Exposition  
10 Authority." The authority is hereby constituted as an instrumentality  
11 of the State exercising public and essential governmental functions,  
12 and the exercise by the authority of the powers conferred by the act  
13 shall be deemed and held to be an essential governmental function of  
14 the State and the application of the revenue derived from the projects  
15 to the purposes provided in this act shall be deemed and held to be  
16 applied in support of government.

17 b. The authority shall consist of the State Treasurer, the Attorney  
18 General, the President of the New Jersey Sports and Exposition  
19 Authority, and a member of the Hackensack Meadowlands  
20 Development Commission, to be appointed by the Governor, who shall  
21 be members ex officio, and nine members appointed by the Governor  
22 with the advice and consent of the Senate for terms of four years,  
23 provided that the members of the authority (other than the ex officio  
24 members) first appointed by the Governor shall serve for terms of one  
25 year, two years, three years and four years, respectively. Each  
26 member shall hold office for the term of his appointment and until his  
27 successor shall have been appointed and qualified. A member shall be  
28 eligible for reappointment. Any vacancy in the membership occurring  
29 other than by expiration of term shall be filled in the same manner as  
30 the original appointment but for the unexpired term only.

31 c. Each appointed member may be removed from office by the  
32 Governor, for cause, after a public hearing, and may be suspended by  
33 the Governor pending the completion of such hearing. Each member  
34 before entering upon his duties shall take and subscribe an oath to  
35 perform the duties of his office faithfully, impartially and justly to the  
36 best of his ability. A record of such oaths shall be filed in the office of  
37 the Secretary of State.

38 d. The chairman shall be appointed by the Governor from the  
39 members of the authority other than ex officio members, and the  
40 members of the authority shall elect one of their number as vice  
41 chairman thereof. The authority shall elect a secretary and a treasurer,  
42 who need not be members, and the same person may be elected to  
43 serve both as secretary and treasurer. The powers of the authority shall  
44 be vested in the members thereof in office from time to time and seven  
45 members of the authority shall constitute a quorum at any meeting  
46 thereof. Action may be taken and motions and resolutions adopted by

1 the authority at any meeting thereof by the affirmative vote of at least  
2 seven members of the authority. No vacancy in the membership of the  
3 authority shall impair the right of a quorum of the members to exercise  
4 all the powers and perform all the duties of the authority.

5 e. Each member and the treasurer of the authority shall execute a  
6 bond to be conditioned upon the faithful performance of the duties of  
7 such member or treasurer, as the case may be, in such form and  
8 amount as may be prescribed by the Director of the Division of Budget  
9 and Accounting in the Department of the Treasury. Such bonds shall  
10 be filed in the office of the Secretary of State. At all times thereafter  
11 the members and treasurer of the authority shall maintain such bonds  
12 in full force and effect. All costs of such bonds shall be borne by the  
13 authority.

14 f. The members of the authority shall serve without compensation,  
15 but the authority shall reimburse its members for actual expenses  
16 necessarily incurred in the discharge of their duties. Notwithstanding  
17 the provisions of any other law, no officer or employee of the State  
18 shall be deemed to have forfeited or shall forfeit his office or  
19 employment or any benefits or emoluments thereof by reason of his  
20 acceptance of the office of ex officio member of the authority or his  
21 services therein.

22 g. Each ex officio member of the authority may designate an officer  
23 or employee of his department or agency to represent him at meetings  
24 of the authority, and each such designee may lawfully vote and  
25 otherwise act on behalf of the member for whom he constitutes the  
26 designee. Any such designation shall be in writing delivered to the  
27 authority and shall continue in effect until revoked or amended by  
28 writing delivered to the authority.

29 h. The authority may be dissolved by act of the Legislature on  
30 condition that the authority has no debts or obligations outstanding or  
31 that provision has been made for the payment or retirement of such  
32 debts or obligations. Upon any such dissolution of the authority all  
33 property, funds and assets thereof shall be vested in the State.

34 i. A true copy of the minutes of every meeting of the authority shall  
35 be forthwith delivered by and under the certification of the secretary  
36 thereof to the Governor. No action taken at such meeting by the  
37 authority shall have force or effect until 15 days after such copy of the  
38 minutes shall have been so delivered unless during such 15-day period  
39 the Governor shall approve the same, in which case such action shall  
40 become effective upon such approval. If, in said 15-day period, the  
41 Governor returns such copy of the minutes with veto of any action  
42 taken by the authority or any member thereof at such meeting, such  
43 action shall be null and void and of no effect. The powers conferred  
44 in this subsection i. upon the Governor shall be exercised with due  
45 regard for the rights of the holders of bonds and notes of the authority  
46 at any time outstanding, and nothing in, or done pursuant to, this

1 subsection i. shall in any way limit, restrict or alter the obligation or  
2 powers of the authority or any representative or officer of the  
3 authority to carry out and perform in every detail each and every  
4 covenant, agreement or contract at any time made or entered into by  
5 or on behalf of the authority with respect to its bonds or notes or for  
6 the benefit, protection or security of the holders thereof.

7 (cf: P.L.1991, c.375, s.2)

8

9 28. Section 1 of P.L.1992, c.108 (C.5:12-145.3) is amended to  
10 read as follows:

11 1. There is created a commission to be known as the "Casino  
12 Revenue Fund Advisory Commission." The commission shall consist  
13 of 15 members to be appointed as follows: two members of the Senate,  
14 appointed by the President of the Senate, not more than one of whom  
15 shall be of the same political party; two members of the General  
16 Assembly, appointed by the Speaker of the General Assembly, not  
17 more than one of whom shall be of the same political party; three  
18 public members who are senior citizens, one of whom is appointed by  
19 the President of the Senate, one of whom is appointed by the Speaker  
20 of the General Assembly and one of whom is appointed by the  
21 Governor; three public members who are disabled, one of whom is  
22 appointed by the President of the Senate, one of whom is appointed by  
23 the Speaker of the General Assembly and one of whom is appointed by  
24 the Governor; one public member who is a representative of the casino  
25 industry to be appointed by the Governor upon the recommendation  
26 of the Casino Association of New Jersey; the President of the New  
27 Jersey Association of Directors of Area Agencies on Aging, the  
28 Chairperson of the New Jersey Association of County Representatives  
29 for Disabled Persons, the Director of the Division on Aging in the  
30 Department of Community and Urban Affairs and the Legislative  
31 Budget and Finance Officer, or their designees, who shall serve as ex  
32 officio members.

33 The legislative members shall serve during the two-year legislative  
34 session in which the appointment is made. The senior citizen and  
35 disabled members shall serve for three year terms or until a successor  
36 is appointed; but of the members initially appointed, one of the senior  
37 citizens and one of the disabled members shall serve for a term of one  
38 year, one of the senior citizens and one of the disabled members shall  
39 serve for a term of two years and one of the senior citizens and one of  
40 the disabled members shall serve for a term of three years.

41 Vacancies in the membership of the commission shall be filled in the  
42 same manner as the original appointments are made and a member may  
43 be eligible for reappointment. Vacancies occurring other than by  
44 expiration of a term shall be filled for the unexpired term.

45 Members shall be eligible for reimbursement for necessary and  
46 reasonable expenses incurred in the performance of their official duties

1 but reimbursement of expenses shall be within the limits of funds  
2 appropriated or otherwise made available to the commission for its  
3 purposes.

4 (cf: P.L.1992, c.108, s.1)

5

6 29. Section 146 of P.L.1977, c.110 (C.5:12-146) is amended to  
7 read as follows:

8 146. a. Any casino licensee whose licensed premises are located  
9 in an area which has been declared, by the Department of Community  
10 and Urban Affairs and the commission, to be a blighted area, or an  
11 area endangered by blight, may, for a period of not more than 25  
12 years, enter into a written agreement with the Department of the  
13 Treasury, which agreement shall, with respect to real property held for  
14 use as a licensed casino hotel, provide for the payment of taxes to the  
15 tax collector of the municipality, in lieu of full local real property tax  
16 payments, in an amount to be computed by the sum of the following  
17 amounts, payable at the time specified by law for the payment of local  
18 property taxes;

19 (1) An annual amount equal to 2% of the cost of the real property  
20 investment. For the purposes of this section, "cost of the real  
21 property investment" means only the actual cost or fair market value  
22 of direct labor and all materials used in the construction, expansion, or  
23 rehabilitation of all buildings, structures, and facilities at the project  
24 site, including the costs, if any, of land acquisition and land  
25 preparation, provision of access roads, utilities, drainage facilities, and  
26 parking facilities, together with architectural, engineering, legal,  
27 surveying, testing, and contractors' fees associated with the project;  
28 provided, however, that the applicant shall cause such costs to be  
29 certified and verified to the Department of the Treasury by an  
30 independent certified public accountant, following the completion of  
31 the investment in the project; and provided further, however, that  
32 upon execution of an agreement pursuant to this section, only real  
33 property improvements made after July 6, 1976 shall be subject to the  
34 provisions herein; plus

35 (2) An amount equivalent to the difference between an amount that  
36 would have been payable as property taxes under the full local  
37 property tax rate and the amount calculated pursuant to subsection  
38 a.(1) of this section, which shall be payable from such profits, if any,  
39 as hereinafter defined in section 147, as shall remain after deducting  
40 therefrom interest and principal paid on mortgage loans applicable to  
41 the real property held for use as a licensed casino hotel. The total  
42 payments provided by this section shall not exceed the full local  
43 property taxes normally payable for the year.

44 b. At the time an applicant applies for a license under this act, he  
45 shall determine whether to exercise the option to pay in lieu taxes  
46 under this section or whether the property of the applicant shall be

1 subject to the normal real property taxes of the municipality. This  
2 determination having been made and approved, the method selected  
3 may not be changed or altered during the term of the agreement.

4 c. Upon the filing of a certification by the State Treasurer in any  
5 year that an agreement has been entered into pursuant to this section,  
6 the in lieu tax provisions of this section shall be applicable with respect  
7 to the ensuing tax years.

8 (cf: P.L.1977, c.110, s.146)

9

10 30. Section 5 of P.L.1984, c.218 (C.5:12-153) is amended to read  
11 as follows:

12 5. a. There is established in, but not of, the Department of the  
13 Treasury a Casino Reinvestment Development Authority to consist of  
14 the following members:

15 (1) Six members appointed by the Governor with the advice and  
16 consent of the Senate for terms of four years, except that of the initial  
17 members to be appointed pursuant to this 1991 amendatory act,  
18 P.L.1991, c.219, one shall be appointed for a term of two years and  
19 one for a term of four years;

20 (2) One member appointed by the Governor upon the  
21 recommendation of the President of the Senate for a term of four  
22 years, except that the initial member to be appointed shall be appointed  
23 for a term of three years;

24 (3) One member appointed by the Governor upon the  
25 recommendation of the Speaker of the General Assembly for a term of  
26 four years, except that the initial member to be appointed shall be  
27 appointed for a term of one year;

28 (4) A member of the Casino Control Commission, who shall be  
29 appointed by the Governor and shall be a voting member of the  
30 authority;

31 (5) The mayor of Atlantic City, ex officio and voting;

32 (6) The Attorney General and the State Treasurer, ex officio and  
33 voting;

34 (7) Two casino industry representatives, both of whom shall be  
35 voting members, appointed by the Governor for terms of two years,  
36 except that of the initial appointees, one shall serve for a term of one  
37 year and one for a term of two years. No person shall be reappointed  
38 to succeed himself as a casino industry representative member, and no  
39 person appointed shall be an employee, officer or agent of the same  
40 casino licensee as the person whom he succeeds as a casino industry  
41 representative member; and

42 (8) One member appointed by the Governor to serve ex officio as  
43 a voting member, who shall be either the Commissioner of [the  
44 Department of] Commerce and Economic Development or the  
45 Commissioner of [the Department of] Community and Urban Affairs,  
46 or the Governor may appoint, in lieu thereof, an additional member of

1 the Casino Control Commission as a voting member.

2 No more than four of the voting members appointed by the  
3 Governor pursuant to paragraph (1) of this subsection shall be of the  
4 same political party.

5 In the appointment of members of the authority, consideration  
6 should be given to achieving a membership of high quality and varied  
7 experience, with special emphasis on the fields of banking, finance,  
8 investment, and housing and urban development.

9 b. Each member appointed by the Governor shall hold office for  
10 the term of his appointment and until his successor shall have been  
11 appointed and qualified. A member shall be eligible for reappointment.  
12 Any vacancy in the membership occurring other than by expiration of  
13 term shall be filled in the same manner as the original appointment but  
14 for the unexpired term only.

15 c. The member or members of the Casino Control Commission  
16 appointed by the Governor shall serve as a member or members of the  
17 Casino Reinvestment Development Authority at the pleasure of the  
18 Governor, subject to the limitations in subsections c., f., and h. of  
19 section 52 of P.L.1977, c.110 (C.5:12-52). Such a member may be  
20 removed or suspended from office as a member of the Casino  
21 Reinvestment Development Authority as provided in section 6 of this  
22 act. Any removal or suspension from office of a member of the Casino  
23 Control Commission from the Casino Reinvestment Development  
24 Authority shall not affect his office held as a member of the Casino  
25 Control Commission. Removal from office as a member of the Casino  
26 Control Commission may only be done in accordance with subsection  
27 g. of section 52 of P.L.1977, c.110 (C.5:12-52).

28 (cf: P.L.1996, c.118, s.4)

29

30 31. Section 9 of P.L.1984, c.218 (C.5:12-157) is amended to read  
31 as follows:

32 9. The Attorney General and the State Treasurer, and, where  
33 appropriate, the Commissioner of [the Department of] Commerce and  
34 Economic Development or the Commissioner of [the Department of]  
35 Community and Urban Affairs, may designate an officer or employee  
36 of their respective departments and the Casino Control Commission  
37 member or members on the Casino Reinvestment Development  
38 Authority may designate another commissioner or employee of the  
39 commission to represent them at meetings of the Casino Reinvestment  
40 Development Authority, and each designee may lawfully vote and  
41 otherwise act on behalf of the member for whom he constitutes the  
42 designee. Any designation shall be in writing delivered to the Casino  
43 Reinvestment Development Authority and shall continue in effect until  
44 revoked or amended by writing delivered to the Casino Reinvestment  
45 Development Authority.

46 (cf: P.L.1996, c.118, s.6)

1       32. Section 22 of P.L.1984, c.218 (C.5:12-170) is amended to read  
2 as follows:

3       22. The Casino Reinvestment Development Authority shall be  
4 entitled to call to its assistance and avail itself of the services of the  
5 employees of any State, county or municipal department, board,  
6 bureau, commission or agency as it may require and as may be  
7 available to it for that purpose. The cost and expense of any of these  
8 services shall be met and provided for by the Casino Reinvestment  
9 Development Authority. The Casino Reinvestment Development  
10 Authority shall also be entitled to employ professional, stenographic,  
11 and clerical assistants and incur traveling and other miscellaneous  
12 expenses as it may deem necessary in order to perform its duties, and  
13 as may be within the limits of funds appropriated or otherwise made  
14 available to it for those purposes. To the maximum extent feasible, the  
15 Casino Reinvestment Development Authority shall avail itself of the  
16 staffs of the Casino Control Commission, the Department of  
17 Community and Urban Affairs, the Department of Environmental  
18 Protection, the Department of Transportation, and the Department of  
19 the Treasury. Any use of the staff of the Casino Control Commission  
20 shall be subject to the approval of the chairman of the commission. In  
21 addition, the Casino Reinvestment Development Authority may accept  
22 the voluntary services of any person in the private sector. If a need is  
23 shown by the Casino Reinvestment Development Authority and  
24 approved by the Casino Control Commission, the members of the  
25 Casino Reinvestment Development Authority may have access to  
26 information which is regarded as confidential pursuant to section 74  
27 of P.L.1977, c.110 (C.5:12-74) and to the staffs of the Casino Control  
28 Commission and the Division of Gaming Enforcement in connection  
29 with that information. Any casino hotel industry representatives,  
30 however, shall not have access to information which is regarded as  
31 confidential pursuant to section 74 of P.L.1977, c.110 (C.5:12-74) or  
32 to the staffs of the Casino Control Commission or the Division of  
33 Gaming Enforcement in connection with that information.

34 (cf: P.L.1991, c.219, s.6)

35

36       33. N.J.S.8A:3-14 is amended to read as follows:

37       8A:3-14. a. No person shall build, construct or erect, wholly or  
38 partially above or below the surface of the ground, a public  
39 mausoleum, vault, crypt or other structure intended to hold or contain  
40 dead bodies, without obtaining a permit from the construction official  
41 of the municipality in which it is proposed to build or erect said  
42 structure. A denial or failure to issue said permit shall be reviewable  
43 by the Board of Appeals established pursuant to the "State Uniform  
44 Construction Code Act" (P.L.1975, c.117; C.52-27D-119 et seq.), and  
45 thereafter in the Superior Court by a proceeding in lieu of prerogative  
46 writ. The provisions of this section shall have application to every

1 cemetery company, religious corporation and religious society.

2 b. Full detailed plans and specifications of said structure shall be  
3 presented to the State Department of Community and Urban Affairs  
4 for its examination and approval before the commencement of the  
5 erection thereof. Before approving the plans and specifications the  
6 State Department of Community and Urban Affairs shall be satisfied  
7 that the mausoleum proposed to be constructed can be operated and  
8 maintained without constituting a hazard to public health or safety.

9 The approval of the plans and specifications by the State  
10 Department of Community and Urban Affairs shall be evidenced by a  
11 certificate in writing, properly signed, which certificate with the  
12 detailed plans and specifications so approved shall, before work is  
13 begun on the structure, be filed in the office of the municipal enforcing  
14 agency wherein the structure is to be erected and there remain as a  
15 public record.

16 c. The process of construction and erection of the structure shall  
17 be at all times under the supervision of the said construction official,  
18 whose duty it shall be to see that the approved plans and specifications  
19 are complied with in every particular as to kind, quality, character and  
20 quantity of all materials. No departure or deviation from the original  
21 plans and specifications shall be permitted, except upon the approval  
22 of the State Department of Community and Urban Affairs evidenced  
23 and filed in like manner and form as the approval of the original plans  
24 and specifications.

25 d. No structure erected under the provisions of this section shall be  
26 used for the purpose of interring or depositing therein any dead body  
27 until there shall have been obtained a certificate signed by the  
28 construction official of the municipality in which the structure shall  
29 have been erected, which certificate shall show that the plans and  
30 specifications as filed have been complied with fully.

31 e. No structure constructed or erected under the provisions of this  
32 section shall be used for the interment or depositing therein of a dead  
33 body until a trust fund shall have been established and set apart in  
34 accordance with the laws regulating trust funds in this State, of not  
35 less than 10% of the total cost of the structure. The interest on the  
36 trust fund, and the interest only, shall be used for the perpetuation of  
37 the structure. This provision shall not apply to private mausoleums  
38 or temporary receiving vaults.

39 f. This section shall not apply to a public mausoleum, vault, crypt  
40 or other structure intended to hold or contain dead bodies, constructed  
41 or erected or in the course of construction or erection prior to March  
42 21, 1916.

43 g. Any officer, manager or director of a cemetery failing to comply  
44 with the provisions of this section shall be personally liable to a  
45 penalty which shall be levied and collected by the commissioner or the  
46 municipality, as the case may be, in accordance with the applicable

1 provisions of the "State Uniform Construction Code Act" .  
2 (cf: P.L.1979, c.255, s.1)

3

4 34. Section 2 of P.L.1979, c.255 (C.8A:3-14.1) is amended to read  
5 as follows:

6 2. The Department of Community and Urban Affairs shall within  
7 90 days of the effective date of this act promulgate rules and  
8 regulations regulating the construction of public mausoleums or  
9 columbariums. To the extent applicable, such rules and regulations  
10 shall be the standards adopted in the subcodes of the Uniform  
11 Construction Code, or other national model code or standard. If the  
12 commissioner shall, after a public hearing, determine that such do not  
13 adequately protect the public interest, the commissioner may  
14 promulgate additional standards. Any local ordinance heretofore or  
15 hereafter enacted regulating the construction of said structures shall  
16 be of no force or effect; provided, however, that any municipality may  
17 enact zoning ordinances which provide for reasonable height and  
18 setback requirements in keeping with such standards established for  
19 property immediately abutting a cemetery. Any rule or regulation  
20 promulgated by the department contrary to the provisions of such  
21 zoning ordinance shall not be enforceable within said municipality.  
22 (cf: P.L.1979, c.255, s.2)

23

24 35. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read  
25 as follows:

26 3. The task force shall consist of 24 members as follows: the  
27 Commissioners of Human Services, Education, Community and Urban  
28 Affairs, Corrections and Health, the Attorney General, the Chief  
29 Justice of the Supreme Court, the Public Defender and the  
30 Superintendent of State Police, or their designees, as ex officio  
31 members; two members of the Senate and the General Assembly,  
32 respectively, no more than one of whom in each case shall be of the  
33 same political party; and the remaining public members to be  
34 appointed by the Governor.

35 The task force membership shall comply with the multidisciplinary  
36 requirements set forth in the "Child Abuse Prevention and Treatment  
37 Act," Pub.L.93-247 (42 U.S.C. s.5101 et seq.).

38 The task force shall be co-chaired, one co-chair shall be the  
39 Commissioner of Human Services and the other shall be appointed by  
40 the Governor with the advice and consent of the Senate. The second  
41 co-chair shall be selected from among the public members and shall  
42 serve at the pleasure of the Governor for a term not to exceed three  
43 years. The second co-chair shall be allowed to serve two three-year  
44 terms.

45 (cf: P.L.1994, c.119, s.3)

1       36. Section 4 of P.L.1968, c.125 (C.9:24-4) is amended to read as  
2 follows:

3       4. As used in this act, unless the context clearly indicates  
4 otherwise, the following terms shall have the following meanings:

5       (a) The term "act" shall mean this act, any amendments or  
6 supplements thereto, and any rules or regulations promulgated  
7 thereunder.

8       (b) The term "commissioner" shall mean the Commissioner of  
9 Community and Urban Affairs.

10       (c) The term "community service project" shall mean any public  
11 or private, nonprofit agency, organization, corporation or association,  
12 including, without limitation, a municipal corporation, a major part of  
13 the activities of which are devoted to the advancement of the public  
14 health, education and welfare.

15       (d) The term "community work program sponsor" shall mean any  
16 county, municipality, school district, community action agency  
17 organized and operating pursuant to Subchapter II of Public Law  
18 88-452 (the "Economic Opportunity Act of 1964" ) or public or  
19 private nonprofit agency, organization, corporation or association.

20       (e) The term "disadvantaged youth" shall mean those persons  
21 between 14 and 21 years of age from lower income families.  
22 Preference will be given to youths who are regularly enrolled in a  
23 full-time course of public instruction. Lower-income families are  
24 those families with annual incomes that do not exceed 1.75 times the  
25 poverty-level income standard defined by the United States  
26 Department of Labor as adjusted for family size.

27 (cf: P.L.1977, c.280, s.1)

28

29       37. Section 4 of P.L.1984, c.198 (C.9:25-3) is amended to read as  
30 follows:

31       4. For the purposes of this act:

32       a. "Corps" means the New Jersey Youth Corps created by section  
33 4 of this act.

34       b. "Administrator" means the Commissioner of [the Department  
35 of] Community and Urban Affairs or any community service project  
36 sponsor under an agreement pursuant to section 5 of this act.

37       c. "Community Service Project" means any undertaking designed  
38 to provide, or assist in providing, services to promote public health,  
39 education and welfare among the general population or segments  
40 thereof having identifiable needs or deficiencies in those areas. The  
41 term includes, without limiting the generality of the foregoing,  
42 projects for the rehabilitation of substandard housing; the repair,  
43 restoration and maintenance of public facilities and amenities;  
44 assisting in the organization and delivery of educational and health  
45 services and other social services required by various segments of  
46 urban populations.

1 d. "Eligible youth" means any person who (1) is between such  
2 ages as may be specified by rule or regulation adopted pursuant to  
3 section 9 of this act, but in any event is not less than 16 nor more than  
4 25 years of age, (2) is in compliance with section 6 of this act, and  
5 who

6 (3) is unable, through lack of employable skills or unavailability of  
7 job opportunities appropriate to the nature or level of his skills, to  
8 obtain socially worthwhile and reasonably remunerative employment  
9 in or near the municipality of his residence; or

10 (4) possesses skills and interests peculiarly appropriate to a  
11 particular community service project or projects in which he is  
12 recruited to serve.

13 e. "Community Service Project Sponsor" means any county,  
14 municipality or school district, or public or private non-profit  
15 corporations.

16 (cf: P.L.1984, c.198, s.3)

17

18 38. Section 4 of P.L.1984, c.198 (C.9:25-4) is amended to read as  
19 follows:

20 4. a. The Commissioner of [the Department of] Community and  
21 Urban Affairs is hereby authorized to create the New Jersey Youth  
22 Corps within the Department of Community and Urban Affairs. The  
23 function of the corps shall be to recruit, train and employ eligible  
24 youth in community service projects designated by the administrator,  
25 so as to accomplish the purposes set forth in section 2 of this act.

26 b. The commissioner or person administering the office of  
27 commissioner of that department shall be the administrator of the  
28 corps, and all personnel, budgetary and other administrative services  
29 necessary or incidental to its proper functioning shall be provided by  
30 and through that department.

31 c. The administrator may enter into agreements with the  
32 Department of Education or the Department of Labor, or with any  
33 public or private educational institution approved for the purpose and  
34 for the design, provision or supervision of educational,  
35 vocational-training or apprenticeship programs necessary or expedient  
36 to the implementation of this act. Approval of any public or private  
37 educational institution for purposes of this subsection shall be, in all  
38 cases, by the Commissioner of Education and, in regard to programs  
39 involving job training by the Commissioner of Labor.

40 d. The administrator may enter into agreements with recognized  
41 labor unions, or any member or representative thereof, for provision  
42 of supervisory services on any project, or of vocational training or  
43 apprenticeship programs, or, where appropriate, a combination of  
44 supervisory and training services in connection with any project, and  
45 may provide for just compensation of such services. The agreements

1 shall be subject to approval by the Commissioner of Labor.

2 (cf: P.L.1984, c.198, s.4)

3

4 39. Section 1 of P.L.1985, c.158 (C.9:24-4.1) is amended to read  
5 as follows:

6 1. The Commissioner of Community and Urban Affairs is  
7 authorized to appoint a supervisor and an assistant supervisor of the  
8 New Jersey Youth Corps created pursuant to P.L.1984, c.198, and,  
9 within the limit of funds appropriated or otherwise made available for  
10 the purpose, to fix their compensation and other terms and conditions  
11 of employment. The supervisor and assistant supervisor of the New  
12 Jersey Youth Corps shall serve at the pleasure of the commissioner,  
13 and their positions shall not be in the classified service of the Civil  
14 Service, notwithstanding any provision of Title 11 of the Revised  
15 Statutes or of any other law to the contrary.

16 (cf: P.L.1985, c.158, s.1)

17

18 40. Section 5 of P.L.1984, c.198 (C.9:25-5) is amended to read as  
19 follows:

20 5. a. The Commissioner of Community and Urban Affairs is  
21 authorized to enter into agreements with sponsors of community  
22 service projects for the employment of the Corps in these projects.  
23 The agreement may delegate to the sponsor the recruitment of eligible  
24 youth into the Corps for employment in the project or provision for  
25 recruitment of their training or both. The sponsor may be required to  
26 contribute a portion of the cost. Any eligible youth employed or  
27 assigned pursuant to the provisions of this act shall be so employed or  
28 assigned without regard to the provisions of Title II or the Revised  
29 Statutes where otherwise applicable.

30 b. An agreement under subsection a. of this section shall set forth:

31 (1) A general description of each community service project  
32 designated.

33 (2) The number of corps members to be assigned to each project;  
34 a description of the nature and duration of their employment.

35 (3) The amount of funds required to sustain each project,  
36 distinguishing between the amounts required for corps members'  
37 stipends, and the amounts required for other purposes.

38 (4) A statement of the amount and purpose of State funds to be  
39 contributed toward the expenses set forth in paragraph (3), above, and  
40 the manner and timing of their disbursement.

41 (5) A further description of projects or budgetary detail as the  
42 Commissioner of Community and Urban Affairs may require.

43 c. No disadvantaged youth shall be employed or assigned pursuant  
44 to the provisions of this act for a period in excess of 52 weeks unless  
45 the commissioner shall find, in the exercise of his discretion, that a  
46 longer period is required if appropriate.

1 d. Each community service project sponsor shall submit to the  
2 commissioner, within 60 days of the termination of each community  
3 service project for which a grant has been received, a report on the  
4 accomplishments of the goals and objectives of the project and may  
5 be required to submit an audit of the project conducted by an  
6 independent certified public accountant according to regulations  
7 specified by the commissioner.

8 e. It is lawful for the governing body of a municipality to  
9 appropriate funds of the municipality, or to receive and expend money  
10 or anything of value made available to it for the purpose from any  
11 public or private source, for the support of any activities or projects  
12 of the corps within the municipality pursuant to delegation of  
13 administrative authority under this section.

14 (cf: P.L.1984, c.198, s.5)

15  
16 41. Section 7 of P.L.1984, c.198 (C.9:25-7) is amended to read as  
17 follows:

18 7. a. Members of the corps while engaged in community service  
19 projects shall receive reasonably remunerative stipends, to be  
20 determined in accordance with guidelines promulgated by the  
21 Commissioner of Community and Urban Affairs.

22 b. Guidelines established for this purpose shall take into account:

23 (1) the necessity of offering sufficient inducement for participation  
24 in the corps by those persons whose enrollment will conduce to a  
25 realization of the aims and purposes set forth in section 2 of this act;

26 (2) the requirements, expressed in subsection e. of section 2 of this  
27 act, as to efficient operation and avoidance of unfair price and wage  
28 competition.

29 (cf: P.L.1984, c.198, s.7)

30  
31 42. Section 8 of P.L.1984, c.198 (C.9:25-8) is amended to read as  
32 follows:

33 8. The Commissioner of Community and Urban Affairs shall  
34 establish an advisory board to assist him in the formulation of policy  
35 and regulations incident to carrying out the terms and purposes of this  
36 act. The board shall consist of the Commissioners of Community and  
37 Urban Affairs, Education, and Labor, ex officio, and of at least five  
38 additional members, including at least one from each of the following  
39 categories: (1) mayors of urban municipalities, (2) persons of  
40 recognized leadership in volunteer civic service and community  
41 organization, (3) representatives of organized labor, (4) educators and  
42 specialists in vocational training and counseling; and (5) business  
43 leaders in the State of New Jersey.

44 (cf: P.L.1984, c.198, s.8)

45  
46 43. Section 9 of P.L.1984, c.198 (C.9:25-9) is amended to read as

1 follows:

2 9. The Commissioner of Community and Urban Affairs is  
3 authorized to adopt, in accordance with the "Administrative  
4 Procedures Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and  
5 regulations necessary to carry this act into effect, and to enter into  
6 any agreements authorized under this act for that purpose.

7 (cf: P.L.1984, c.198, s.9)

8

9 44. Section 10 of P.L.1984, c.198 (C.9:25-11) is amended to read  
10 as follows:

11 10. The Commissioner of Community and Urban Affairs is  
12 authorized to expend such sums from the existing administrative and  
13 discretionary grant or aid accounts of the department and related  
14 agencies as he may deem required to establish and maintain the  
15 Volunteer Youth Corps.

16 (cf: P.L.1984, c.198, s.10)

17

18 45. Section 11 of P.L.1984, c.198 (C.9:25-11) is amended to read  
19 as follows:

20 11. The Commissioner of Community and Urban Affairs is  
21 authorized to receive and expend for the purpose of stipends or other  
22 expenses of the corps those sums as may from time to time be  
23 appropriated for those purposes by the Legislature or otherwise made  
24 available out of State funds, grants from the federal government or  
25 any of its agencies, or from any private or public source; but an  
26 amount not to exceed 10% of the aggregate of these sums may be  
27 utilized for administration of the program, subject to such constraints  
28 as may be imposed on particular funds by their source. For fiscal year  
29 1985, there is appropriated \$1,500,000.00 to enable the planning and  
30 initiation of the New Jersey Youth Corps Program. Unexpended  
31 funds may be carried over from one fiscal year to the next fiscal year.

32 (cf: P.L.1984, c.198, s.11)

33

34 46. Section 11 of P.L.1992, c.146 (C.10:5-12.4) is amended to read  
35 as follows:

36 11. A failure to design and construct any multi-family dwelling of  
37 four units or more in accordance with barrier free standards  
38 promulgated by the Commissioner of Community and Urban Affairs  
39 pursuant to section 5 of P.L.1975, c.217 (C.52:27D-123) and section  
40 2 of P.L.1971, c.269 (C.52:32-5) shall be an unlawful discrimination.  
41 The Commissioner of Community and Urban Affairs shall ensure that  
42 standards established meet or exceed the standards established under  
43 the federal "Fair Housing Amendments Act of 1988," Pub. L.100-430.  
44 Whenever the Attorney General receives a complaint alleging an  
45 unlawful discrimination pursuant to this section, the Attorney General  
46 shall refer the complaint to the Commissioner of Community and

1 Urban Affairs for a determination and report as to whether there is a  
2 violation of such standards. Following receipt of the report, a  
3 complaint alleging an unlawful discrimination pursuant to this section  
4 shall be investigated and prosecuted in accordance with the provisions  
5 of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et  
6 seq.). Nothing in this section shall be construed to limit any  
7 enforcement authority of the Commissioner of Community and Urban  
8 Affairs or the Attorney General otherwise provided by law. Nothing  
9 in the "State Uniform Construction Code Act," P.L.1975, c.217  
10 (C.52:27D-119 et seq.) and P.L.1971, c.269 (C.52:32-4 et seq.) shall  
11 be deemed to limit the powers of the Attorney General under this act.  
12 The Attorney General and the Commissioner of Community and Urban  
13 Affairs shall adopt regulations to effectuate the purposes of this  
14 section.

15 (cf: P.L.1992, c.146, s.11)

16

17 47. Section 94 of P.L.1968, c.404 (C.13:1B-13.8) is amended to  
18 read as follows:

19 94. Within 10 days of receipt of any application for a conveyance  
20 or lease, or any extension thereof, the council or its staff shall send a  
21 copy of the application and all material submitted therewith to the  
22 Hackensack Meadowlands Development Commission, if said  
23 application pertains to lands within the district; the Department of  
24 Transportation; the Department of Community and Urban Affairs;  
25 and the Department of Environmental Protection and other interested  
26 governmental agencies. The council shall take no action on such  
27 application until receipt of the recommendations of said commission  
28 and departments and agencies regarding the application or for 45 days,  
29 whichever occurs first. Any such recommendation shall be considered  
30 by the council and the authorized State officials in determining the  
31 terms, conditions and consideration for the conveyance or lease, and  
32 a copy thereof shall be forwarded to the Governor.

33 (cf: P.L.1973, c.335, s.3)

34

35 48. Section 1 of P.L.1950, c.338 (C.13:1B-15.1) is amended to  
36 read as follows:

37 1. There shall be within the Department of Community and Urban  
38 Affairs a Bureau of Recreation, subject to the authority of the  
39 commissioner to reorganize the department. The Bureau of  
40 Recreation shall, under the supervision of the department and subject  
41 to the approval of the Commissioner of Community and Urban Affairs:

42 a. Promote and encourage the expansion and development of  
43 recreational programs on a Statewide and local basis.

44 b. Disseminate informational and related materials to governmental  
45 and other agencies engaged in fostering recreational programs.

46 (cf: P.L.1971, c.411, s.5)

1       49. Section 2 of P.L.1966, c.291 (C.13:1C-2) is amended to read  
2 as follows:

3       2. There is hereby established in the Department of Community and  
4 Urban Affairs the Board of Recreation Examiners of the State of New  
5 Jersey, which shall consist of five members to be appointed by the  
6 Governor with the advice and consent of the Senate.  
7 (cf: P.L.1971, c.411, s.6)

8  
9       50. Section 12 of P.L.1970, c.33 (C.13:1D-9) is amended to read  
10 as follows:

11       12. The department shall formulate comprehensive policies for the  
12 conservation of the natural resources of the State, the promotion of  
13 environmental protection and the prevention of pollution of the  
14 environment of the State. The department shall in addition to the  
15 powers and duties vested in it by this act or by any other law have the  
16 power to:

17       a. Conduct and supervise research programs for the purpose of  
18 determining the causes, effects and hazards to the environment and its  
19 ecology;

20       b. Conduct and supervise Statewide programs of education,  
21 including the preparation and distribution of information relating to  
22 conservation, environmental protection and ecology;

23       c. Require the registration of persons engaged in operations which  
24 may result in pollution of the environment and the filing of reports by  
25 them containing such information as the department may prescribe to  
26 be filed relative to pollution of the environment, all in accordance with  
27 applicable codes, rules or regulations established by the department;

28       d. Enter and inspect any building or place for the purpose of  
29 investigating an actual or suspected source of pollution of the  
30 environment and ascertaining compliance or noncompliance with any  
31 codes, rules and regulations of the department. Any information  
32 relating to secret processes concerning methods of manufacture or  
33 production, obtained in the course of such inspection, investigation or  
34 determination, shall be kept confidential, except this information shall  
35 be available to the department for use, when relevant, in any  
36 administrative or judicial proceedings undertaken to administer,  
37 implement, and enforce State environmental law, but shall remain  
38 subject only to those confidentiality protections otherwise afforded by  
39 federal law and by the specific State environmental laws and  
40 regulations that the department is administering, implementing and  
41 enforcing in that particular case or instance. In addition, this  
42 information shall be available upon request to the United States  
43 Government for use in administering, implementing, and enforcing  
44 federal environmental law, but shall remain subject to the  
45 confidentiality protection afforded by federal law. If samples are  
46 taken for analysis, a duplicate of the analytical report shall be furnished

- 1 promptly to the person suspected of causing pollution of the  
2 environment;
- 3 e. Receive or initiate complaints of pollution of the environment,  
4 including thermal pollution, hold hearings in connection therewith and  
5 institute legal proceedings for the prevention of pollution of the  
6 environment and abatement of nuisances in connection therewith and  
7 shall have the authority to seek and obtain injunctive relief and the  
8 recovery of fines and penalties in summary proceedings in the  
9 Superior Court;
- 10 f. Prepare, administer and supervise Statewide, regional and local  
11 programs of conservation and environmental protection, giving due  
12 regard for the ecology of the varied areas of the State and the  
13 relationship thereof to the environment, and in connection therewith  
14 prepare and make available to appropriate agencies in the State  
15 technical information concerning conservation and environmental  
16 protection, cooperate with the Commissioner of Health in the  
17 preparation and distribution of environmental protection and health  
18 bulletins for the purpose of educating the public, and cooperate with  
19 the Commissioner of Health in the preparation of a program of  
20 environmental protection;
- 21 g. Encourage, direct and aid in coordinating State, regional and  
22 local plans and programs concerning conservation and environmental  
23 protection in accordance with a unified Statewide plan which shall be  
24 formulated, approved and supervised by the department. In reviewing  
25 such plans and programs and in determining conditions under which  
26 such plans may be approved, the department shall give due  
27 consideration to the development of a comprehensive ecological and  
28 environmental plan in order to be assured insofar as is practicable that  
29 all proposed plans and programs shall conform to reasonably  
30 contemplated conservation and environmental protection plans for the  
31 State and the varied areas thereof;
- 32 h. Administer or supervise programs of conservation and  
33 environmental protection, prescribe the minimum qualifications of all  
34 persons engaged in official environmental protection work, and  
35 encourage and aid in coordinating local environmental protection  
36 services;
- 37 i. Establish and maintain adequate bacteriological, radiological and  
38 chemical laboratories with such expert assistance and such facilities as  
39 are necessary for routine examinations and analyses, and for original  
40 investigations and research in matters affecting the environment and  
41 ecology;
- 42 j. Administer or supervise a program of industrial planning for  
43 environmental protection; encourage industrial plants in the State to  
44 undertake environmental and ecological engineering programs; and  
45 cooperate with the State Departments of Health, Labor, and  
46 Commerce and Economic Development in formulating rules and

- 1 regulations concerning industrial sanitary conditions;
- 2 k. Supervise sanitary engineering facilities and projects within the  
3 State, authority for which is now or may hereafter be vested by law  
4 in the department, and shall, in the exercise of such supervision, make  
5 and enforce rules and regulations concerning plans and specifications,  
6 or either, for the construction, improvement, alteration or operation  
7 of all public water supplies, all public bathing places, landfill  
8 operations and of sewerage systems and disposal plants for treatment  
9 of sewage, wastes and other deleterious matter, liquid, solid or  
10 gaseous, require all such plans or specifications, or either, to be first  
11 approved by it before any work thereunder shall be commenced,  
12 inspect all such projects during the progress thereof and enforce  
13 compliance with such approved plans and specifications;
- 14 l. Undertake programs of research and development for the  
15 purpose of determining the most efficient, sanitary and economical  
16 ways of collecting, disposing or utilizing of solid waste;
- 17 m. Construct and operate, on an experimental basis, incinerators  
18 or other facilities for the disposal of solid waste, provide the various  
19 municipalities and counties of this State, the Board of Public Utilities,  
20 and the Division of Local Government Services in the Department of  
21 Community and Urban Affairs with statistical data on costs and  
22 methods of solid waste collection, disposal and utilization;
- 23 n. Enforce the State air pollution, water pollution, conservation,  
24 environmental protection, waste and refuse disposal laws, rules and  
25 regulations, including the making and signing of a complaint and  
26 summons for their violation by serving the summons upon the violator  
27 and thereafter filing the complaint promptly with a court having  
28 jurisdiction;
- 29 o. Acquire by purchase, grant, contract or condemnation, title to  
30 real property, for the purpose of demonstrating new methods and  
31 techniques for the collection or disposal of solid waste;
- 32 p. Purchase, operate and maintain, pursuant to the provisions of  
33 this act, any facility, site, laboratory, equipment or machinery  
34 necessary to the performance of its duties pursuant to this act;
- 35 q. Contract with any other public agency or corporation  
36 incorporated under the laws of this or any other state for the  
37 performance of any function under this act;
- 38 r. With the approval of the Governor, cooperate with, apply for,  
39 receive and expend funds from, the federal government, the State  
40 Government, or any county or municipal government or from any  
41 public or private sources for any of the objects of this act;
- 42 s. Make annual and such other reports as it may deem proper to the  
43 Governor and the Legislature, evaluating the demonstrations  
44 conducted during each calendar year;
- 45 t. Keep complete and accurate minutes of all hearings held before  
46 the commissioner or any member of the department pursuant to the

1 provisions of this act. All such minutes shall be retained in a  
2 permanent record, and shall be available for public inspection at all  
3 times during the office hours of the department;

4 u. Require any person subject to a lawful order of the department,  
5 which provides for a period of time during which such person subject  
6 to the order is permitted to correct a violation, to post a performance  
7 bond or other security with the department in such form and amount  
8 as shall be determined by the department. Such bond need not be for  
9 the full amount of the estimated cost to correct the violation but may  
10 be in such amount as will tend to insure good faith compliance with  
11 said order. The department shall not require such a bond or security  
12 from any public body, agency or authority. In the event of a failure  
13 to meet the schedule prescribed by the department, the sum named in  
14 the bond or other security shall be forfeited unless the department  
15 shall find that the failure is excusable in whole or in part for good  
16 cause shown, in which case the department shall determine what  
17 amount of said bond or security, if any, is a reasonable forfeiture  
18 under the circumstances. Any amount so forfeited shall be utilized by  
19 the department for the correction of the violation or violations, or for  
20 any other action required to insure compliance with the order.  
21 (cf: P.L.1984, c.5, s.1)

22

23 51. Section 6 of P.L.1970, c.39 (C.13:1E-6) is amended to read as  
24 follows:

25 6. a. The department shall, in addition to such other powers as it  
26 may possess by law:

27 (1) Undertake a program of research and development for the  
28 purpose of determining the most efficient, sanitary and economical  
29 way of collecting, disposing and utilizing solid waste.

30 (2) Formulate and promulgate, amend and repeal codes, rules and  
31 regulations concerning solid waste collection and solid waste disposal  
32 activities. Such codes, rules and regulations shall establish the  
33 procedures relating to the preparation and submission of  
34 environmental impact statements prior to the construction,  
35 acquisition, or operation of any solid waste facility, and shall establish  
36 standards for the construction and operation of solid waste facilities,  
37 which standards shall include, but not be limited to, provisions  
38 requiring: the maintenance of ground water quality monitoring wells  
39 to check water pollution; periodic monitoring of water quality by  
40 chemical analysis; measures to monitor methane gas production at  
41 sanitary landfills; plans for erosion control; revegetation procedures  
42 and plans for the maintenance, upkeep, and reuse of any sanitary  
43 landfill site; adequate cover material; safety measures; rodent, insect,  
44 bird, dust, fire and odor control programs; and such other measures  
45 as shall be deemed necessary to protect the public health and safety  
46 and the natural environment.

1 All codes, rules and regulations heretofore adopted by the Public  
2 Health Council relating to refuse disposal shall continue in full force  
3 and effect and be enforceable by the department, subject to its power  
4 as herein provided to amend or repeal the same.

5 (3) Develop, formulate, promulgate and review for the purpose of  
6 revising or updating not less than once every 2 years, a Statewide  
7 solid waste management plan which shall encourage the maximum  
8 practicable use of resource recovery procedures and which shall  
9 provide the objectives, criteria and standards for the evaluation of  
10 solid waste management plans prepared pursuant to the provisions of  
11 this amendatory and supplementary act for solid waste management  
12 districts in this State; and to the extent practicable, encourage and  
13 assist in the development and formulation of such solid waste  
14 management plans and guidelines to implement such plans. Such  
15 objectives, criteria and standards shall be promulgated within 180  
16 days of the effective date of this act; provided, however, that general  
17 guidelines sufficient to initiate the solid waste management planning  
18 process by solid waste management districts in this State shall be  
19 promulgated within 30 days of the effective date of this act. In the  
20 development and formulation of the Statewide solid waste  
21 management plan the department shall consult with relevant agencies  
22 and instrumentalities of the Federal Government, and the aforesaid  
23 objectives, criteria and standards provided by said Statewide solid  
24 waste management plan shall conform, to the extent practicable, or as  
25 may be required, to the provisions of any Federal law concerning such  
26 objectives, criteria and standards.

27 (4) Make an annual report to the Governor and the Legislature  
28 evaluating the operation of this amendatory and supplementary act,  
29 including any recommendations deemed necessary by the department  
30 to better effectuate the purposes hereof.

31 b. The department may, in addition:

32 (1) Order any district, pursuant to the Statewide solid waste  
33 management plan, the objectives, criteria and standards contained  
34 therein, the environmental and economic studies conducted by the  
35 department therefor and in a manner designed to enhance the  
36 environment within the concerned districts, (a) to plan for the  
37 construction of resource recovery facilities, (b) to specify what  
38 processes should be utilized therein, (c) to develop a joint program  
39 with one or more adjacent districts for providing resource recovery  
40 facilities, and (d) for those districts affected by the guarantee provided  
41 in P.L.1968, c.404, s.9.1 (C.13:17-10), to cooperate on a continuing  
42 basis with the department and with the other districts so affected in  
43 the development of a combined approach to solid waste management  
44 in northeastern New Jersey and make the final determination in the  
45 event of any overlap or conflict between the Hackensack Commission  
46 and any board of chosen freeholders pursuant to their respective

1 responsibilities under this amendatory and supplementary act or  
2 pursuant to the Hackensack Commission's responsibilities under  
3 P.L.1968, c.404 (C.13:17-1 et seq.).

4 (2) Acquire, by purchase, grant, contract or condemnation, title to  
5 real property, for the purpose of demonstrating new methods and  
6 techniques for the collection, disposal and utilization of solid waste;

7 (3) Purchase, operate and maintain, pursuant to the provisions of  
8 this act, any facility, site, laboratory equipment or machinery  
9 necessary to the performance of its duties pursuant to this act;

10 (4) Apply for, receive and expend funds from any public or private  
11 source;

12 (5) Contract with any other public agency, including county and  
13 municipal boards of health, or corporation incorporated under the laws  
14 of this or any other state for the performance of any function under  
15 this act. Any such contract with a county or municipal board of health  
16 may provide for the inspection and monitoring of solid waste facilities;  
17 the enforcement of the department's standards therefor; and the  
18 training of county or municipal health officers engaged in such  
19 inspection, monitoring or enforcement;

20 (6) Make grants to assist in experimenting with new methods of  
21 solid waste collection, disposal, or utilization, pursuant to the  
22 provisions of sections 21 through 25 of this amendatory and  
23 supplementary act;

24 (7) Construct and operate, on an experimental basis, incinerators  
25 or other facilities for the disposal or utilization of solid waste, to  
26 provide the various municipalities and counties of this State, the Board  
27 of Public Utility Commissioners, the Hackensack Commission, and the  
28 Division of Local Government Services in the Department of  
29 Community and Urban Affairs with statistical data on costs and  
30 methods of solid waste collection and disposal;

31 (8) Make annual and such other reports as it may deem proper to  
32 the Governor and the Legislature evaluating the demonstrations and  
33 experiments conducted during each calendar year.

34 (cf: P.L.1975, c.326, s.7)

35

36 52. Section 7 of P.L.1970, c.39 (C.13:1E-7) is amended to read as  
37 follows:

38 7. a. There is hereby created in the department an Advisory  
39 Council on Solid Waste Management which shall consist of 14  
40 members, four of whom shall be the President of the Board of Public  
41 Utilities, the Commissioner of Community and Urban Affairs, the  
42 Secretary of Agriculture and the Commissioner of Health, or their  
43 designees, who shall serve ex officio, and ten citizens of the State, four  
44 of whom shall be actively engaged in the solid waste collection,  
45 recycling or solid waste disposal industries, of whom one shall be a  
46 representative of the Institute for Scrap Recycling Industries who shall

1 represent the scrap recycling or processing industry in the State, two  
2 health professionals of whom one shall be a representative of the New  
3 Jersey Hospital Association and the other a licensed practitioner  
4 selected from the medical or dental communities in the State who shall  
5 represent the regulated medical waste generators in the State, and four  
6 of whom shall be representing the general public to be appointed by  
7 the Governor, with the advice and consent of the Senate. The  
8 Governor shall designate a chairman and vice chairman of the council  
9 from the public members who shall serve at the will of the Governor.

10 b. All public members shall be appointed for terms of four years.  
11 All appointed members shall serve after the expiration of their terms  
12 until their respective successors are appointed and shall qualify, and  
13 any vacancy occurring in the appointed membership of the council by  
14 expiration of term or otherwise, shall be filled in the same manner as  
15 the original appointment for the unexpired term only, notwithstanding  
16 that the previous incumbent may have held over and continued in  
17 office as aforesaid.

18 c. Members of the council shall serve without compensation but  
19 shall be reimbursed for expenses actually incurred in attending  
20 meetings of the council and in performance of their duties as members  
21 thereof.

22 (cf: P.L.1991, c.292, s.1)

23

24 53. Section 2 of P.L.1993, c.81 (C.13:1E-99.13a) is amended to  
25 read as follows:

26 2. The Commissioner of Environmental Protection, in cooperation  
27 with the Commissioner of Community and Urban Affairs, shall, within  
28 90 days of the effective date of this act, adopt a model ordinance  
29 requiring approval by the planning board of either subdivisions or site  
30 plans, or both, pursuant to paragraph (15) of subsection b. of section  
31 29 of P.L.1975, c.291 (C.40:55D-38), as provided herein. The  
32 department shall submit the model ordinance to the Legislature for  
33 review upon its adoption. A municipality shall adopt an ordinance  
34 which is substantially similar to the model ordinance within 12 months  
35 of the adoption of the model ordinance. The model ordinance shall set  
36 forth standards governing the inclusion, in all new multifamily housing  
37 developments which require subdivision or site plan approval, of  
38 collection or storage facilities which allow for the source separation  
39 of all recyclable materials required by the district recycling plan  
40 adopted pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13).  
41 For the purposes of this section, "multifamily housing" shall mean  
42 housing in which three or more units of dwelling space are occupied,  
43 or are intended to be occupied, by three or more persons who live  
44 independently of one another.

45 (cf: P.L.1993, c.81, s.2)

1       54. Section 18 of P.L.1987, c.102 (C.13:1E-99.26) is amended to  
2 read as follows:

3       18. a. The Director of the Division of Local Government Services  
4 in the Department of Community and Urban Affairs shall, pursuant to  
5 the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
6 seq.), permit counties, municipalities and authorities, and the State  
7 Board of Education shall, pursuant to the "Public School Contracts  
8 Law," N.J.S.18A:18A-1 et seq., permit any board of education to  
9 cooperatively purchase recycled paper or products made from recycled  
10 paper products procured by the Division of Purchase and Property.

11       b. The Director of the Division of Local Government Services in  
12 the Department of Community and Urban Affairs shall, pursuant to the  
13 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.),  
14 permit counties, municipalities and authorities to engage in the  
15 cooperative marketing of recyclable materials recovered through a  
16 recycling program.

17 (cf: P.L.1995, c.103, s.1)

18

19       55. Section 2 of P.L.1985, c.38 (C.13:1E-137) is amended to read  
20 as follows:

21       2. As used in this amendatory and supplementary act:

22       a. "Contract file" means a file established and maintained by a  
23 contracting unit, in which the contracting unit shall maintain a copy of  
24 its request for qualifications issued pursuant to section 19 of this  
25 amendatory and supplementary act, a list of vendors responding to its  
26 request for qualifications, a copy of its request for proposals issued  
27 pursuant to section 20 of this amendatory and supplementary act, a list  
28 of qualified vendors submitting proposals, and a document outlining  
29 the general criteria used by the contracting unit in selecting a proposal;

30       b. "Contracting unit" means any county; any municipality; any  
31 bistrate authority; or any board, commission, committee, authority or  
32 agency, which is not a State board, commission, committee, authority  
33 or agency, and which has administrative jurisdiction over any district  
34 other than a school district, project, or facility, included or operating  
35 in whole or in part, within the territorial boundaries of any county or  
36 municipality, which exercises functions which are appropriate for the  
37 exercise by one or more units of local government, and which has  
38 statutory power to make purchases and enter into contracts or  
39 agreements for the performance of any work or the furnishing or hiring  
40 of any materials or supplies usually required;

41       c. "County" means any county of this State of whatever class;

42       d. "Department" means the Department of Environmental  
43 Protection;

44       e. "Director" means the Director of the Division of Taxation in the  
45 Department of Treasury;

46       f. "District" means a solid waste management district as designated

- 1 by section 10 of P.L.1975, c. 326 (C. 13:1E-19), except that, as used  
2 in the provisions of this amendatory and supplementary act, "district"  
3 shall not include the Hackensack Meadowlands District;
- 4 g. "District investment tax fund" means a District Resource  
5 Recovery Investment Tax Fund established pursuant to subsection a.  
6 of section 15 of this amendatory and supplementary act;
- 7 h. "Division" means the Division of Taxation in the Department of  
8 Treasury;
- 9 i. "Division of Local Government Services" means the Division of  
10 Local Government Services in the Department of Community and  
11 Urban Affairs;
- 12 j. "Division of Rate Counsel" means the Division of Rate Counsel  
13 in the Department of the Public Advocate;
- 14 k. "Franchise" means the exclusive right to control and provide for  
15 the disposal of solid waste, except for recyclable material whenever  
16 markets for those materials are available, within a district or districts  
17 as awarded by the Board of Public Utilities;
- 18 l. "Independent public accountant" means a certified public  
19 accountant, a licensed public accountant or a registered municipal  
20 accountant;
- 21 m. "Investment tax" means the resource recovery investment tax  
22 imposed pursuant to subsection b. of section 3 of this amendatory and  
23 supplementary act;
- 24 n. "Investment tax fund" means the Resource Recovery Investment  
25 Tax Fund containing sub-accounts for each county established  
26 pursuant to the provisions of section 14 of this amendatory and  
27 supplementary act;
- 28 o. "Out-of-district solid waste" means any solid waste accepted for  
29 disposal in a district which was generated outside the receiving  
30 district;
- 31 p. "Person or party" means any individual, public or private  
32 corporation, company, partnership, firm, association, political  
33 subdivision of this State, or any State, bistate, or interstate agency or  
34 authority; q. "Proposed contract" means a contract negotiated by a  
35 contracting unit pursuant to the provisions of this amendatory and  
36 supplementary act, or a substantial renegotiation of a contract  
37 approved pursuant to the provisions of this amendatory and  
38 supplementary act if the renegotiation is determined to be substantial  
39 by the department, the Board of Public Utilities, or the Division of  
40 Local Government Services;
- 41 r. "Qualified vendor" means any person or party financially  
42 qualified for, and technically and administratively capable of,  
43 undertaking the design, financing, construction, operation, or  
44 maintenance, or any combination thereof, of a resource recovery  
45 facility or of providing resource recovery services, as provided in  
46 section 19 of this amendatory and supplementary act;

1 s. "Recyclable material" means those materials which would  
2 otherwise become solid waste, which may be collected, separated or  
3 processed and returned to the economic mainstream in the form of raw  
4 materials or products;

5 t. "Recycling" means any process by which materials which would  
6 otherwise become solid waste are collected, separated or processed  
7 and returned to the economic mainstream in the form of raw materials  
8 or products;

9 u. "Recycling facility" means a facility at which materials which  
10 would otherwise become solid waste are collected, separated or  
11 processed and returned to the economic mainstream in the form of raw  
12 materials or products;

13 v. "Resource recovery facility" means a solid waste facility  
14 constructed and operated for the incineration of solid waste for energy  
15 production and the recovery of metals and other materials for reuse;  
16 or a mechanized composting facility, or any other solid waste facility  
17 constructed or operated for the collection, separation, recycling, and  
18 recovery of metals, glass, paper, and other materials for reuse or for  
19 energy production;

20 w. "Sanitary landfill facility" means a solid waste facility at which  
21 solid waste is deposited on or in the land as fill for the purpose of  
22 permanent disposal or storage for a period exceeding six months,  
23 except that it shall not include any waste facility approved for disposal  
24 of hazardous waste;

25 x. "Services tax" means the solid waste services tax imposed  
26 pursuant to subsection a. of section 3 of this amendatory and  
27 supplementary act;

28 y. "Services tax fund" means the Solid Waste Services Tax Fund  
29 established pursuant to section 12 of this amendatory and  
30 supplementary act;

31 z. "Vendor" means any person or party proposing to undertake the  
32 design, financing, construction, operation, or maintenance, or any  
33 combination thereof, of a resource recovery facility or of providing  
34 resource recovery services;

35 aa. "Waste importation tax" means the solid waste importation tax  
36 imposed pursuant to subsection c. of section 3 of this amendatory and  
37 supplementary act.

38 (cf: P.L.1985, c.38, s.2)

39

40 56. Section 11 of P.L.1985, c.38 (C.13:1E-146) is amended to  
41 read as follows:

42 11. a. Each county, in consultation with the department, may  
43 conduct a study to determine the investment tax rate estimated to be  
44 necessary to be paid into the district investment tax fund so as to  
45 lower the cost of resource recovery facility services to a level which  
46 is competitive with the cost of disposal in a sanitary landfill facility

1 utilized by the county, or to finance the closing costs for the proper  
2 closure of any terminated sanitary landfill facility located within the  
3 county, except that only the additional tax revenues generated by an  
4 investment tax rate adjustment may be expended for closing costs.

5 b. After completion of the study, the county, by resolution of its  
6 governing body, and after review of the study by the Local Finance  
7 Board in the Division of Local Government Services in the  
8 Department of Community and Urban Affairs, may adjust the  
9 investment tax rate set forth in subsection b. of section 3 of this  
10 amendatory and supplementary act to a rate, not to exceed \$10.00 per  
11 ton of solids and \$0.04 per gallon of liquids, or the equivalent thereof,  
12 which is consistent with the conclusions of the study and with the plan  
13 developed pursuant to subsection c. of section 15 of this amendatory  
14 and supplementary act. The county, by resolution of its governing  
15 body, and after review of the study and any additional information  
16 received during the previous year by the Local Finance Board in the  
17 Division of Local Government Services in the Department of  
18 Community and Urban Affairs, may adjust the investment tax rate, up  
19 to the maximum rate, on an annual basis. Any adjustment in the  
20 investment tax rate made pursuant to this subsection shall take effect  
21 on the first day of the first calendar year following the adjustment,  
22 provided that notice of the adjustment shall be made to the director no  
23 later than 90 days prior to the first day of a calendar year.

24 c. Upon approval by the department, two or more counties may  
25 conduct a joint study and establish a single investment tax rate for the  
26 districts in the manner provided in subsection b. of this section.

27 d. The department, upon an investment tax rate adjustment by a  
28 county made in the manner provided in subsection b. of this section,  
29 shall notify the Board of Public Utilities of the investment tax rate  
30 adjustment in that county.

31 (cf: P.L.1985, c.38, s.11)

32  
33 57. Section 15 of P.L.1985, c.38 (C.13:1E-150) is amended to  
34 read as follows:

35 15. a. Each county shall create a District Resource Recovery  
36 Investment Tax Fund which shall be the depository for the moneys  
37 appropriated to each county pursuant to this section, and shall be  
38 administered by the governing body of each county.

39 b. The moneys deposited by the director in each investment tax  
40 fund sub-account shall be appropriated to each county for deposit in  
41 its district investment tax fund and shall be expended only in  
42 accordance with a plan prepared and approved pursuant to subsection  
43 c. of this section and only for the following purposes:

44 (1) To reduce the rates charged to all users by a resource recovery  
45 facility serving the county in order to provide a gradual transition to  
46 resource recovery facility rates from sanitary landfill facility rates. A

1 county may achieve reductions through the use of moneys in its district  
2 investment tax fund to pay directly part of the fees charged for  
3 disposal to all users of a resource recovery facility;

4 (2) To design, finance, construct, operate or maintain  
5 environmentally sound state-of-the-art sanitary landfill facilities to be  
6 utilized for disposing of those solid wastes which cannot be processed  
7 by a resource recovery facility or the waste products resulting from the  
8 operation of a resource recovery facility;

9 (3) To design, finance, construct, operate or maintain  
10 environmentally sound state-of-the-art sanitary landfill facilities to be  
11 utilized for disposal of solid waste, on a long-term basis, if a county  
12 can demonstrate to the satisfaction of the department that utilization  
13 of a resource recovery facility is not feasible for disposal of the solid  
14 waste generated in that county;

15 (4) To finance the closing costs for the proper closure of any  
16 terminated sanitary landfill facility located within a county whenever  
17 that county has made an investment tax rate adjustment for this  
18 purpose in accordance with the study conducted pursuant to section  
19 11 of this amendatory and supplementary act; and

20 (5) To administer the investment tax fund, up to an amount not to  
21 exceed 2% of the total moneys appropriated to the fund during the  
22 fiscal year.

23 c. Each county, within two years of the effective date of this  
24 amendatory and supplementary act, and prior to the disbursement of  
25 any funds in its district investment tax fund, shall prepare a plan which  
26 shall outline the proposed uses of moneys in the district investment tax  
27 fund as well as establish a schedule for the disbursement of the  
28 moneys. Each plan shall be adopted as an amendment to the district  
29 solid waste management plan required pursuant to the provisions of  
30 the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et  
31 seq.). This plan may be amended, as necessary, in accordance with the  
32 procedures provided therefor pursuant to the "Solid Waste  
33 Management Act."

34 d. Each county shall, by October 31 of each year in which moneys  
35 remain in its district investment tax fund, file an audit of the district  
36 investment tax fund and any expenditures therefrom with the Local  
37 Finance Board in the Division of Local Government Services in the  
38 Department of Community and Urban Affairs. The audit shall be  
39 conducted by an independent public accountant.

40 e. Upon approval by the department, two or more counties may  
41 establish a joint investment tax fund to receive the investment tax fund  
42 revenues collected pursuant to section 5 of this amendatory and  
43 supplementary act.

44 (cf: P.L.1985, c.38, s.15)

45

46 58. Section 29 of P.L.1985, c.38 (C.13:1E-164) is amended to

1 read as follows:

2 29. Any contract to be awarded to a vendor pursuant to the  
3 provisions of this amendatory and supplementary act or pursuant to  
4 the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
5 seq.) or any other contracting procedure permitted by law for resource  
6 recovery facilities, shall include where applicable, but not be limited  
7 to, provisions concerning:

8 a. Allocation of the risks of financing and constructing a resource  
9 recovery facility, such risks to include:

- 10 (1) Delays in project completion;  
11 (2) Construction cost overruns and change orders;  
12 (3) Changes necessitated by revisions in laws, rules or regulations;  
13 (4) Failure to achieve the required operating performance;  
14 (5) Loss of tax benefits; and  
15 (6) The need for additional equity contributions;

16 b. Allocation of the risks of operating and maintaining a resource  
17 recovery facility, such risks to include:

- 18 (1) Excess downtime or technical failure;  
19 (2) Excess labor or materials costs due to underestimation;  
20 (3) Changes in operating procedure necessitated by revisions in  
21 laws, rules or regulations;  
22 (4) Changes in the amount or composition of the solid waste  
23 delivered for disposal;  
24 (5) Excess operation or maintenance costs due to poor  
25 management;  
26 (6) Increased costs of disposal of the resource recovery facility  
27 residue;  
28 (7) The increased costs associated with the disposal of solid waste  
29 delivered to a resource recovery facility which cannot be processed at  
30 the facility; and  
31 (8) The costs of disposal of recovered material which cannot be  
32 sold;

33 c. Allocation of the risks associated with circumstances beyond the  
34 control of any party to the contract;

35 d. Allocation of the revenues from the sale of energy or other  
36 recovered metals and other materials for reuse;

37 e. Default and termination of the contract;

38 f. The periodic preparation by the vendor of an operating  
39 performance report and an audited balance statement of the facility  
40 which shall be submitted to the contracting unit, the department and  
41 the Division of Local Government Services in the Department of  
42 Community and Urban Affairs;

43 g. The intervals at which the contract shall be renegotiated;

44 h. Employment of current employees of the contracting unit whose  
45 positions will be affected by the terms of the contract;

46 i. Competitive bidding procedures, or other methods of cost

1 control, to be utilized by the vendor in obtaining any goods or services  
2 the cost of which will automatically be included, pursuant to the terms  
3 of the contract, in the rates to be charged at the resource recovery  
4 facility; and

5 j. The formulas to be used to determine the charges, rates, or fees  
6 to be charged for the resource recovery services, and the methodology  
7 or methodologies used to develop these formulas.

8 (cf: P.L.1985, c.38, s.29)

9

10 59. Section 16 of P.L.1971, c.418 (C.13:1G-16) is amended to  
11 read as follows:

12 16. The department shall cooperate with the Departments of Labor  
13 and Industry, Health, Community and Urban Affairs, Transportation,  
14 and Agriculture, with the State Division of Motor Vehicles, with the  
15 Federal Aviation Administration and with any other appropriate  
16 governmental agency while preparing and before promulgating any  
17 codes, rules and regulations. The department shall also be empowered  
18 to enter into agreements with the above mentioned agencies to  
19 expedite the administration of said codes, rules and regulations and to  
20 reduce the number of inspections which any person or premise might  
21 be subjected to.

22 (cf: P.L.1971, c.418, s.16)

23

24 60. Section 17 of P.L.1971, c.418 (C.13:1G-17) is amended to  
25 read as follows:

26 17. There is hereby created in the Department of Environmental  
27 Protection a Noise Control Council, which shall consist of 13  
28 members, four of whom shall be the Commissioner of Community and  
29 Urban Affairs or a member of the Department of Community and  
30 Urban Affairs designated by him, the Commissioner of Health, or a  
31 member of the Department of Health designated by him, the  
32 Commissioner of Labor and Industry, or a member of the Department  
33 of Labor and Industry designated by him, and the Director of the  
34 Division of Motor Vehicles, or a member of the Division of Motor  
35 Vehicles designated by him, all of whom shall serve ex officio, and  
36 nine public members, all of whom shall be appointed by the Governor.  
37 The public members shall include a medical doctor, an industrialist, an  
38 ecologist, a civil engineer and a member of a local governing body.

39 Of the nine members first to be appointed by the Governor, two  
40 shall be appointed for a term of 1 year, two for a term of 2 years, two  
41 for a term of 3 years, and three for terms of 4 years beginning on  
42 January 1, 1972. Thereafter, all appointments shall be made for terms  
43 of 4 years beginning on January 1. All appointed members shall serve  
44 after the expiration of their terms until their respective successors are  
45 appointed and shall qualify, and any vacancy occurring in the  
46 appointed membership of the council, by expiration of term or

1 otherwise, shall be filled in the same manner as the original  
2 appointment for the unexpired term only, notwithstanding that the  
3 previous incumbent may have held over and continued in office as  
4 aforesaid. The Governor may remove any appointed member of the  
5 council for cause after a public hearing.

6 Members of the council shall serve without compensation, but shall  
7 be reimbursed for expenses actually incurred in attending meetings of  
8 the council and in the performance of their duties as members thereof.

9 The council shall elect biannually a chairman and vice-chairman  
10 from its own membership, and seven members of the council shall  
11 constitute a quorum to transact its business.

12 (cf: P.L.1971, c.418, s.17)

13  
14 61. Section 5 of P.L.1968, c.404 (C.13:17-5) is amended to read  
15 as follows:

16 5. (a) There is hereby established in, but not of, the Department  
17 of Community and Urban Affairs a public body corporate and politic,  
18 with corporate succession, to be known as the "Hackensack  
19 Meadowlands Development Commission." The commission shall  
20 constitute a political subdivision of the State established as an  
21 instrumentality exercising public and essential governmental functions,  
22 and the exercise by the commission of the powers conferred by this  
23 act shall be deemed and held to be an essential governmental function  
24 of the State.

25 (b) The commission shall consist of 7 members appointed and  
26 qualified as follows:

27 (1) The Commissioner of [the Department of] Community and  
28 Urban Affairs, ex officio; provided that he may appoint an alternate to  
29 act in his place and stead, with the authority to attend, vote and  
30 perform any duty or function assigned to the Commissioner of [the  
31 Department of] Community and Urban Affairs in his absence. The  
32 alternate shall serve during the term of the Commissioner of [the  
33 Department of] Community and Urban Affairs, subject to removal at  
34 his pleasure. In the event of a vacancy in the position of alternate, it  
35 shall be filled in the same manner as an original appointment and only  
36 for the unexpired term.

37 (2) Six citizens of the State, appointed by the Governor, with the  
38 advice and consent of the Senate and no more than 3 of whom shall be  
39 of the same political party; 2 of whom shall be residents of the  
40 constituent municipalities of Bergen county and 2 of whom shall be  
41 residents of the constituent municipalities of Hudson county;  
42 provided, however, no more than one citizen shall be appointed from  
43 any one constituent municipality; one of whom shall be a resident of  
44 Bergen county and one of whom shall be a resident of Hudson county.  
45 The Commissioner of [the State Department of] Transportation, the  
46 Commissioner of [the Department of] Conservation and Economic

1 Development, and a representative of the United States Army Corps  
2 of Engineers, may, within the limits of their respective responsibilities  
3 and at the request of the commission, serve as non-voting advisors to  
4 the commission. The members of the liaison committee established,  
5 as hereinafter provided, by the Hackensack Meadowlands Municipal  
6 Committee, shall also serve as non-voting advisors to the commission;

7 (c) The Commissioner of [the Department of] Community and  
8 Urban Affairs shall serve on the commission during his term of office  
9 and shall be succeeded by his successor in office. Each member  
10 appointed by the Governor shall serve for terms of 5 years; provided  
11 that of the first members appointed by the Governor one shall serve  
12 for a term of 1 year, one for a term of 2 years, one for a term of 3  
13 years, one for a term of 4 years, and 2 for a term of 5 years. Each  
14 member shall serve for the term of his appointment and until his  
15 successor shall have been appointed and qualified. Any vacancy shall  
16 be filled in the same manner as the original appointment for the  
17 unexpired term only.

18 (d) Any member of the commission may be removed by the  
19 Governor for cause after a public hearing.

20 (e) Each member of the commission before entering upon his duties  
21 shall take and subscribe an oath to perform the duties of his office  
22 faithfully, impartially and justly to the best of his ability. A record of  
23 such oaths shall be filed in the office of the Secretary of State.

24 (f) The members of the commission shall serve without  
25 compensation, but the commission may reimburse its members for  
26 necessary expenses incurred in the discharge of their duties.

27 (g) The Governor shall designate one of the members of the  
28 commission as chairman. The commission shall select from its  
29 members a vice-chairman and a treasurer, and shall employ an  
30 executive director, who shall be secretary, and a chief fiscal officer.  
31 The commission may also appoint, retain and employ, without regard  
32 to the provisions of Title 11, Civil Service, of the Revised Statutes,  
33 such officers, agents, employees and experts as it may require, and it  
34 shall determine their qualifications, terms of office, duties, services and  
35 compensation.

36 (h) The powers of the commission shall be vested in the members  
37 thereof in office from time to time and a majority of the total  
38 authorized membership of the commission shall constitute a quorum  
39 at any meeting thereof. Action may be taken and motions and  
40 resolutions adopted by the commission at any meeting thereof by the  
41 affirmative vote of a majority of the members, unless in any case the  
42 by-laws of the commission or any of the provisions of this act shall  
43 require a larger number; provided that the commission may designate  
44 one or more of its agents or employees to exercise such administrative  
45 functions, powers and duties as it may deem proper, under its  
46 supervision and control. No vacancy in the membership of the

1 commission shall impair the right of a quorum to exercise all the  
2 rights and perform all the duties of the commission, except as  
3 provided by section 8.

4 (i) Before the issuance of any bonds under the provisions of this  
5 act, the members and the officer of the commission charged with the  
6 handling of the commission's moneys shall be covered by a surety bond  
7 or bonds in such sum as provided by the rules and regulations of the  
8 commission conditioned upon the faithful performance of the duties of  
9 their respective offices, and executed by a surety company authorized  
10 to transact business in the State of New Jersey as a surety. Each such  
11 surety bond shall be submitted to the Attorney General for his  
12 approval and upon his approval shall be filed in the office of the  
13 Secretary of State prior to the issuance of any bonds by the  
14 commission. At all times after the issuance of any bonds by the  
15 commission the officer of the commission charged with the handling  
16 of the commission's moneys and each member shall maintain such  
17 surety bonds in full force and effect. All costs of such surety bonds  
18 shall be borne by the commission.

19 (j) On or before March 31 in each year the commission shall make  
20 an annual report of its activities for the preceding calendar year to the  
21 Governor and to the Legislature. Each such report shall set forth a  
22 complete operating and financial statement covering its operations  
23 during the year.

24 (k) The commission shall cause an audit of its books and accounts  
25 to be made at least once in each year and the cost thereof shall be  
26 treated as one incurred by the commission in the administration of this  
27 act, and a copy thereof shall be filed with the State Treasurer, all as  
28 more fully provided in section 76 of this act.

29 (l) (1) No member, officer, employee or agent of the commission  
30 shall be financially interested, either directly or indirectly, in any  
31 project or any part of a project area (other than a residence) or in any  
32 contract, sale, purchase, lease or transfer of real or personal property  
33 to which the commission is a party;

34 (2) Any contract or agreement knowingly made in contravention  
35 of this section is voidable;

36 (3) Any person who shall willfully violate any of the provisions of  
37 this section shall forfeit his office or employment and shall be guilty of  
38 a misdemeanor.

39 (cf: P.L.1968, c.404, s.5)

40

41 62. Section 4 of P.L.1989, c.26 (C.13:17-67.1) is amended to read  
42 as follows:

43 4. Notwithstanding the provision of any law, rule or regulation to  
44 the contrary, no constituent municipality shall pay out or receive a  
45 meadowlands adjustment payment for any adjustment year in which its  
46 municipal equalized valuation per capita, as defined in section 1 of

1 P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of the  
2 Division of Local Government Services in the Department of  
3 Community and Urban Affairs exceeds \$1,000,000.00.

4 (cf: P.L.1989, c.26, s.4)

5

6 63. Section 76 of P.L.1968, c.404 (C.13:17-78) is amended to read  
7 as follows:

8 76. The commission shall cause an annual audit of its accounts to  
9 be made, and for this purpose it shall employ a registered municipal  
10 accountant of New Jersey or a certified public accountant of New  
11 Jersey. The audit shall be completed and filed with the commission  
12 within 4 months after the close of the fiscal year of the commission  
13 and a certified duplicate copy thereof shall be filed in the office of the  
14 Division of Local Finance in the Department of Community and Urban  
15 Affairs and in the office of the Division of Budget and Accounting in  
16 the Department of the Treasury in the office of the treasurer of the  
17 county of Bergen and in the office of the treasurer of the county of  
18 Hudson within 5 days after the original audit is filed with the  
19 commission.

20 (cf: P.L.1968, c.404, s.76)

21

22 64. Section 4 of P.L.1983, c.272 (C.13:17A-4) is amended to read  
23 as follows:

24 4. a. By December 31, 1983 the Hackensack Meadowlands  
25 Development Commission shall identify an appropriate site, if any, for  
26 a food distribution center within the Hackensack Meadowlands  
27 District and shall advise the Governor on whether the center is  
28 compatible with its master plan and is needed within the district. Upon  
29 receipt of this advice from the Hackensack Meadowlands Development  
30 Commission or in any event after December 31, 1983, the Governor  
31 may designate an appropriate site within the Hackensack  
32 Meadowlands District for a food distribution center and establish the  
33 Hackensack Meadowlands Food Distribution Center Commission. The  
34 site designated by the Governor need not be the site selected by the  
35 Hackensack Meadowlands Development Commission.

36 b. The commission is established in, but not of, the Department of  
37 Community and Urban Affairs and constituted a body politic and  
38 corporate and an instrumentality exercising public and essential  
39 governmental functions to provide for the public health and welfare,  
40 and the exercise by the commission of the powers conferred by this act  
41 shall be deemed and held to be an essential governmental function of  
42 the State.

43 c. The commission shall consist of eleven members to be appointed  
44 as follows:

45 (1) The Commissioner of [the Department of] Community and  
46 Urban Affairs, who shall be a member ex officio;

1 (2) The Secretary of the Department of Agriculture, who shall be  
2 a member ex officio;

3 (3) The State Treasurer, who shall be a member ex officio;

4 (4) The Commissioner of [the Department of] Commerce and  
5 Economic Development, who shall be a member ex officio;

6 (5) Two members of the Hackensack Meadowlands Development  
7 Commission, to be appointed by the Governor;

8 (6) Three members to be appointed by the Governor to represent  
9 the municipalities in which the site for the food distribution center is  
10 located. The members shall be selected from names submitted by the  
11 mayors of the municipalities and may include the mayors themselves;  
12 and

13 (7) Two public members, to be appointed by the Governor.

14 The members first appointed pursuant to subsections (6) and (7)  
15 above shall be designated to serve for terms respectively expiring on  
16 the first days of the first, second, third, fourth and fifth Februarys next  
17 ensuing after the dates of their appointments. Subsequent  
18 appointments shall be for a term of five years.

19 Each member shall hold office for the term of his appointment and  
20 until his successor shall have been appointed and qualified. A member  
21 of the commission shall be eligible for reappointment.

22 d. Each ex officio member of the commission may designate an  
23 officer or employee of his department to represent him at meetings of  
24 the commission, and each designee may lawfully vote and otherwise  
25 act on behalf of the member for whom he constitutes the designee.  
26 Any designation shall be in writing, delivered to the commission and  
27 shall continue in effect until revoked or amended by writing, delivered  
28 to the agency.

29 e. Each member of the agency before entering upon his duties shall  
30 take and subscribe an oath to perform the duties of the office  
31 faithfully, impartially and justly to the best of his ability. A record of  
32 these oaths shall be filed in the office of the Secretary of State.

33 f. Any vacancies in the membership of the commission occurring  
34 other than by expiration of term shall be filled in the same manner as  
35 the original appointments but for the unexpired terms only.

36 g. A true copy of the minutes of every meeting of the commission  
37 shall be forthwith delivered by and under the certification of the  
38 secretary thereof to the Governor. No action taken at such meeting  
39 by the commission shall have force or effect until 10 days, Saturdays,  
40 Sundays, and public holidays excepted, after the copy of the minutes  
41 shall have been so delivered, unless during the 10-day period the  
42 Governor shall approve the same, in which case such action shall  
43 become effective upon the approval. If, in said 10-day period, the  
44 Governor returns the copy of the minutes with veto of any action  
45 taken by the commission or any member thereof at the meeting, the  
46 action shall be null and void and of no effect. The Governor may

1 approve all or part of the action taken at the meeting prior to the  
2 expiration of the said 10-day period.

3 (cf: P.L.1983, c.272, s.4)

4

5 65. Section 31 of P.L.1983, c.272 (C.13:17A-31) is amended to  
6 read as follows:

7 31. For the purpose of aiding the commission in the planning,  
8 undertaking, acquisition, construction or operation of all or any part  
9 of the market facility, the county in which the site of the market  
10 facility is located, and any municipality may, pursuant to resolution or  
11 ordinance duly adopted by its governing body, after notice published  
12 in the manner provided for a resolution or ordinance authorizing bonds  
13 of the county or municipality pursuant to the "Local Bond Law"  
14 (N.J.S. 40A:2-1 et seq.), and with or without consideration, and upon  
15 terms and conditions as may be agreed to by and between any county  
16 or municipality and the commission, unconditionally guarantee to the  
17 punctual payment of the principal of and interest on any bonds of the  
18 commission. Any guaranty of bonds of the commission made pursuant  
19 to this section shall be evidenced by endorsement thereof of the bonds,  
20 executed in the name of the county or municipality and on its behalf by  
21 an officer thereof as may be designated in the resolution or ordinance  
22 authorizing the guaranty, and the county or municipality shall  
23 thereupon and thereafter be obligated to pay the principal of and  
24 interest on said bonds in the same manner and to the same extent as in  
25 the case of bonds issued by it. Any guaranty of bonds of the  
26 commission may be made, and any resolution or ordinance authorizing  
27 guaranty may be adopted, notwithstanding any statutory or other debt  
28 limitations, including particularly any limitation or requirement under  
29 or pursuant to the "Local Bond Law," but the principal amount of  
30 bonds so guaranteed shall, after their issuance, be included in the gross  
31 debt of the county or municipality for the purpose of determining the  
32 indebtedness of the county or municipality under or pursuant to  
33 "Local Bond Law." The principal amount of said bonds so  
34 guaranteed and included in gross debt shall be deducted and is  
35 declared to constitute a deduction from the gross debt under and for  
36 all the purposes of "Local Bond Law" : a. from and after the time of  
37 issuance of said bonds and until the end of the fifth fiscal year  
38 beginning next after the completion of acquisition or construction of  
39 the projects to be financed from the proceeds of the bonds, and b. in  
40 any annual debt statement filed pursuant to law as of the end of any  
41 fiscal year succeeding said fifth fiscal year, unless the county or  
42 municipality in the succeeding fiscal year shall have been required to  
43 make any payment on account of the principal and interest on said  
44 guaranteed bonds.

45 In order to meet the obligation for payment of principal of or  
46 interest on any bonds by virtue of the guaranty, the county or

1 municipality is authorized to borrow the funds necessary to meet the  
2 obligation and to issue its promissory note or notes therefor, payable  
3 within two years from the date of borrowing, to the extent that funds  
4 of the county or municipality are not otherwise available for this  
5 purpose.

6 The commission shall repay, as soon as practicable, to the county  
7 or the municipality, as appropriate, all sums paid by the county or  
8 municipality by virtue of a bond guaranty.

9 Promptly after each occurrence, the commission shall give written  
10 notice to the Director of Local Government Services in the  
11 Department of Community and Urban Affairs and the State Treasurer  
12 of any default in payment of principal or interest on bonds of the  
13 commission and of the payment by the county or the municipality of  
14 any sums by virtue of the guaranty of the county or municipality. The  
15 director shall thereafter have the right to examine any and all records  
16 of the commission, and, within six months after any default and at the  
17 end of each six-month period thereafter, the State Treasurer shall  
18 certify by writing delivered to the Governor and to the commission  
19 that there are no funds of the commission available for payment to the  
20 county or the municipality, as appropriate, of the commission's  
21 obligation thereto.

22 (cf: P.L.1983, c.272, s.31)

23

24 66. Section 43 of P.L.1983, c.272 (C.13:17A-43) is amended to  
25 read as follows:

26 43. a. It shall be the duty of the commission created pursuant to  
27 this act to cause an annual audit of the accounts of the commission to  
28 be made and filed with the commission, and for this purpose the  
29 commission shall employ a registered municipal accountant of New  
30 Jersey or a certified public accountant of New Jersey. The audit shall  
31 be completed and filed with the commission within four months after  
32 the close of the fiscal year of the commission, and a certified duplicate  
33 copy thereof shall be filed with the Director of the Division of Local  
34 Government Services in the Department of Community and Urban  
35 Affairs and State Treasurer within five days after the original report is  
36 filed with the commission.

37 b. The commission shall make an annual report of its activities for  
38 the preceding year to the Governor and Legislature. The report shall  
39 set forth a complete operating and financial statement covering the  
40 commission's operations during the year.

41 (cf: P.L.1983, c.272, s.43)

42

43 67. Section 44 of P.L.1983, c.272 (C.13:17A-44) is amended to  
44 read as follows:

45 44. The commission shall file in the office of the State Treasurer,  
46 in the office of the Secretary of Agriculture and in the office of the

1 Director of the Division of Local Government Services in the  
2 Department of Community and Urban Affairs certified copies of each  
3 bond resolution adopted by it, together with a certified summary of  
4 the dates, amounts, maturities and interest rates of all bonds to be  
5 issued pursuant thereto, prior to the issuance of any bonds.  
6 (cf: P.L.1983, c.272, s.44)

7

8 68. Section 1 of P.L.1990, c.69 (C.17:16F-15) is amended to read  
9 as follows:

10 1. As used in this act:

11 "Commissioner" means the Commissioner of Community and Urban  
12 Affairs.

13 "Duplicate copy" means a duplicate of the original property tax bill  
14 which duplicate is generated by the collector of a taxing district.

15 "Mortgagee" means the holder of a mortgage loan.

16 "Mortgage escrow account" or "escrow account" means an account  
17 which is part of a mortgage loan agreement, whether incorporated into  
18 the agreement or as part of a separately executed document, whereby:  
19 the mortgagor is obligated to make periodic payment to the mortgagee  
20 or his agent for taxes, insurance premiums, or other charges with  
21 respect to the real property which secures the mortgage loan; and the  
22 mortgagee or his agent is obligated to make payments for taxes,  
23 insurance premiums or other charges with respect to the real property  
24 which secures the mortgage loan.

25 "Mortgage loan" means a loan made to a natural person or persons  
26 to whom credit is offered or extended primarily for personal, family or  
27 household purposes which is secured by a mortgage constituting a lien  
28 upon real property located in this State on which there is erected or to  
29 be erected a structure containing one, two, three, four, five or six  
30 dwelling units, a portion of which structure may be used for  
31 nonresidential purposes, in the making of which the mortgagee relies  
32 primarily upon the value of the mortgaged property.

33 "Mortgagor" includes any person liable for the payment of a  
34 mortgage loan, and the owner of real property which secures the  
35 payment of a mortgage loan.

36 "Original tax bill" means the property tax bill as originally prepared  
37 and mailed by the collector of a taxing district pursuant to subsection  
38 a. of R.S.54:4-64.

39 "Property tax processing organization" means an organization  
40 which, under contract with a mortgagee or a servicing organization,  
41 collects and processes property tax information with respect to  
42 properties securing mortgage loans.

43 "Purchasing servicing organization" means a person or entity to  
44 whom or which a mortgagee or a selling servicing organization sells,  
45 assigns or transfers the servicing of a mortgage loan.

46 "Replacement bill" means a property tax bill made or generated by

1 a mortgagee, servicing organization or tax processing organization  
2 subject to the restrictions provided pursuant to subsection a. of section  
3 5 of this act and regulations promulgated by the Commissioner of  
4 Community and Urban Affairs pursuant to subsection a. of section 5  
5 of this act.

6 "Selling servicing organization" means a person or entity who sells,  
7 assigns or transfers the servicing of a mortgage loan.

8 "Servicing organization" means a mortgagee or an agent of the  
9 mortgagee, pursuant to a written agreement between the agent and the  
10 mortgagee, which is responsible for one or more mortgage escrow  
11 accounts.

12 "Tax authorization form" means a form approved by the  
13 Commissioner of Community and Urban Affairs whereby the  
14 mortgagor authorizes the municipal tax collector to send the original  
15 municipal tax bill to the mortgagee or the mortgagee's servicing  
16 organization pursuant to R.S.54:4-64.

17 (cf: P.L.1990, c.69, s.1)

18

19 69. Section 3 of P.L.1991, c.294 (C.17:16Q-3) is amended to read  
20 as follows:

21 3. There is created in the Department of Banking a Community  
22 Financial Services Advisory Board. The board shall consist of the  
23 commissioner or his designee, who shall be ex officio the chair of the  
24 board, the Commissioner of Community and Urban Affairs or his  
25 designee, who shall be ex officio the vice-chair of the board, and 11  
26 members to be appointed by the Governor with the advice and consent  
27 of the Senate for a term of three years, except that of the 11 members  
28 initially appointed by the Governor, four shall be appointed for three  
29 years, four shall be appointed for two years, and three shall be  
30 appointed for one year. Each member shall hold office for the term of  
31 appointment and until his successor is appointed and qualified. A  
32 member is eligible to be reappointed to the board. A member  
33 appointed to fill a vacancy occurring in the membership of the board  
34 for any reason other than the expiration of the term shall have a term  
35 of appointment for the unexpired term only. All vacancies shall be  
36 filled in the same manner as the original appointment. Any appointed  
37 member of the board may be removed from office by the Governor, for  
38 cause, after a hearing and may be suspended by the Governor pending  
39 the completion of the hearing. Members of the board shall serve  
40 without compensation, but shall be reimbursed for necessary expenses  
41 incurred in the performance of their duties as members. Action may  
42 be taken and motions and resolutions may be adopted by the board at  
43 a board meeting by an affirmative vote of not less than seven members.  
44 Of the 11 appointed members, five shall each have had, at the time of  
45 appointment, not less than five years of practical experience as an  
46 active executive officer in a depository institution located in the State

1 of New Jersey; and six shall be public members who are not salaried  
2 officers, directors or employees of any depository institution, at least  
3 four of whom shall be selected from nonprofit organizations which  
4 have had experience in developing low and moderate income housing  
5 programs, assisting low and moderate income consumers in securing  
6 credit from depository institutions in this State, or developing  
7 programs to educate consumers regarding the credit and lending  
8 practices of depository institutions in this State. At no time shall there  
9 be more than one representative on the board from any one depository  
10 institution or group of depository institutions which form a holding  
11 company. Of the five members specified to have had practical  
12 executive experience, at least three shall have had responsibility for a  
13 depository institution's community reinvestment activities and, at least  
14 one each shall be appointed from the following groups: savings banks;  
15 banks located in the Second Federal Reserve District; banks located in  
16 the Third Federal Reserve District; and savings and loan associations.  
17 (cf: P.L.1991, c.294, s.3)

18

19 70. Section 9 of P.L.1993, c.102 (C.18A:4-41) is amended to read  
20 as follows:

21 9. The commissioner or the Director of the Division of Local  
22 Government Services, in the Department of Community and Urban  
23 Affairs, as appropriate, is authorized, for those school districts issuing  
24 bonds pursuant to this 1993 amendatory and supplementary act, to  
25 waive the requirement imposed pursuant to N.J.S.18A:24-46 or  
26 N.J.S.40A:2-29, as the case may be, that school districts issue those  
27 bonds at not less than par value.  
28 (cf: P.L.1993, c.102, s.9)

29

30 71. Section 1 of P.L.1991, c.139 (C.18A:7A-46.1) is amended to  
31 read as follows:

32 1. a. In any State-operated school district created pursuant to the  
33 provisions of P.L.1975, c.212 (C.18A:7A-1 et seq.) there shall be  
34 established a Capital Project Control Board, hereinafter the board,  
35 which shall be responsible for the review of any capital project  
36 proposed by the State district superintendent provided that the State  
37 district superintendent proposes that the capital project be financed in  
38 whole or in part by bonds or notes, or through a lease purchase  
39 agreement pursuant to subsection f. of N.J.S.18A:20-4.2. The board  
40 shall also be responsible for the certification to the State district  
41 superintendent of schools and the Commissioner of Education of the  
42 necessity for the capital project and the certification of the  
43 appropriation to be made by the governing body of the municipality.

44 b. The board shall consist of five voting members. One member  
45 shall be appointed by the Commissioner of Education and two  
46 members shall be appointed by the chief executive officer with the

1 consent of a majority of the full membership of the local governing  
2 body of the municipality or municipalities in which the school district  
3 is located. If the school district is comprised of two municipalities,  
4 each municipality shall be entitled to one member, appointed by the  
5 executive officer with the consent of the governing body. If the school  
6 district is comprised of more than two municipalities, each of the two  
7 municipalities with the largest population according to the most recent  
8 federal decennial census shall be entitled to one member, appointed by  
9 the executive officer with the consent of the governing body.  
10 However, if a local governing body fails to agree upon the selection of  
11 either board member appointed by an executive officer, then the  
12 Commissioner of Education shall make the appointment. One member  
13 shall be appointed by the Director of the Division of Local  
14 Government Services in the Department of Community and Urban  
15 Affairs who shall have experience in the area of local finance and  
16 capital projects. The fifth member shall be the State district  
17 superintendent of schools who shall serve ex-officio and shall act as  
18 chairperson of the board. The board members, except for the State  
19 district superintendent, shall each serve for a term of one year  
20 commencing on July 1 of each year and expiring on June 30 of the  
21 following year. Any vacancy in the membership of the board shall be  
22 filled for the unexpired term in the manner provided by the original  
23 appointment. Members of the board may be employees of the State or  
24 any subdivision thereof. All members of the board shall serve without  
25 compensation.

26 c. The board shall meet from time to time upon the request of the  
27 State district superintendent. All meetings of the board shall be  
28 conducted pursuant to the provisions of the "Open Public Meetings  
29 Act," P.L.1975, c.231 (C.10:4-6 et seq.). The State district  
30 superintendent, or his designee, shall be charged with the responsibility  
31 of preparing a transcript of the proceedings and all votes shall be  
32 recorded in writing.

33 (cf: P.L.1991, c.139, s.1)

34

35 72. Section 2 of P.L.1991, c.139 (C.18A:7A-46.2) is amended to  
36 read as follows:

37 2. The board shall hear the recommendation of the State district  
38 superintendent concerning any proposed capital project, which is to be  
39 financed in whole or in part by bonds or notes, or through a lease  
40 purchase agreement pursuant to subsection f. of N.J.S.18A:20-4.2, and  
41 shall undertake all actions necessary to review the proposed capital  
42 project to determine whether the project will assist the State-operated  
43 school district in providing a thorough and efficient system of  
44 education in that district. In making this determination it may take into  
45 consideration factors such as the conditions in the school district, any  
46 applicable educational goals, the objectives and standards established

1 by the State, the need for the capital project, the reasonableness of the  
2 amount to be expended for the capital project, the estimated time for  
3 the undertaking and completion of the capital project, and any other  
4 factors which the board may deem necessary including the relationship  
5 of the capital project to the long-term capital budget or plan of the  
6 school district and the fiscal implications thereof.

7 Following its review and within 60 days of the date on which the  
8 State district superintendent submits the recommendation to the board,  
9 the board shall adopt a resolution as to whether the State-operated  
10 school district should undertake the capital project and providing its  
11 reasons therefor. The board shall adopt a resolution indicating the  
12 necessity for the capital project and shall also fix and determine by  
13 resolution the amount necessary for the capital project. If the board  
14 fails to act within 60 days of the submission date, the State district  
15 superintendent shall submit the recommendation to the commissioner  
16 who shall approve or disapprove the capital project. If the board  
17 makes a decision which is contrary to the recommendation of the  
18 superintendent, the superintendent may, within 30 days from the date  
19 of the board's action, submit the matter to the commissioner for final  
20 decision. If the commissioner determines that a capital project should  
21 be undertaken, the commissioner shall so notify the board and shall  
22 indicate the amount necessary for the capital project. Upon  
23 notification, the board shall adopt a resolution indicating the necessity  
24 for the capital project and shall also fix and determine by resolution  
25 the amount necessary for the capital project as indicated by the  
26 commissioner. Certified copies of any resolution requesting the  
27 authorization and issuance of bonds and notes or the authorization of  
28 a lease purchase agreement shall be delivered to the State district  
29 superintendent, the Commissioner of Education, the Director of the  
30 Division of Local Government Services in the Department of  
31 Community and Urban Affairs and the governing body of the  
32 municipality or municipalities in which the school district is located.  
33 The board shall not approve or recommend any capital project which  
34 is inconsistent with the provisions of N.J.S.18A:21-1.

35 (cf: P.L.1991, c.139, s.2)

36

37 73. Section 3 of P.L.1991, c.139 (C.18A:7A-46.3) is amended to  
38 read as follows:

39 3. Notwithstanding the provisions of any law to the contrary, the  
40 cost of any capital project authorized pursuant to this act which is to  
41 be funded by bonds or notes and certified by the board to the State  
42 district superintendent, the Commissioner of Education, the Director  
43 of the Division of Local Government Services in the Department of  
44 Community and Urban Affairs and the governing body of the  
45 municipality or municipalities in which the school district is located  
46 shall be financed by the issuance of bonds or notes pursuant to the

1 provisions of chapter 24 of Title 18A of the New Jersey Statutes and  
2 the "Local Bond Law," (N.J.S.40A:2-1 et seq.) and the notes, bonds  
3 or other obligations shall be authorized, issued, sold and delivered in  
4 the manner prescribed by the "Local Bond Law," (N.J.S.40A:2-1 et  
5 seq.).

6 (cf: P.L.1991, c.139, s.3)

7

8 74. Section 19 of P.L.1987, c.399 (C.18A:7A-52) is amended to  
9 read as follows:

10 19. a. After the public hearing provided for by section 18 of this  
11 amendatory and supplementary act but not later than April 8, the State  
12 district superintendent shall fix and determine the amount of money  
13 necessary to be appropriated for the ensuing school year and shall  
14 certify the amounts to be raised by special district tax for school  
15 purposes as well as the sum necessary for interest and debt  
16 redemption, if any, to the county board of taxation and the amount or  
17 amounts so certified shall be included in the taxes assessed, levied and  
18 collected in the municipality or municipalities comprising the district.  
19 Within 15 days after the certification by the State district  
20 superintendent, the governing body of the municipality or  
21 municipalities comprising the district shall notify the State district  
22 superintendent of its intent to appeal to the commissioner the amount  
23 determined to be necessary to be appropriated for each item appearing  
24 in the proposed budget. The commissioner, upon receipt of the appeal  
25 from the governing body of the municipality or municipalities  
26 comprising the district and upon completion of the hearing process,  
27 shall determine the amount necessary for the district to provide a  
28 thorough and efficient educational program including the  
29 implementation of the plan to correct deficiencies.

30 b. Notwithstanding that the State-operated district shall receive  
31 State education aid for its budget as prepared by the State district  
32 superintendent and as approved by the commissioner pursuant to  
33 subsection a. of this section, the governing body of the municipality or  
34 municipalities comprising the district may apply to the Director of the  
35 Division of Local Government Services in the Department of  
36 Community and Urban Affairs for a determination that the local share  
37 of revenues needed to support the district's budget results in an  
38 unreasonable tax burden. The director's findings of an unreasonable  
39 tax burden in a State-operated school district may be based on the  
40 overall school, county and municipal tax rates including any  
41 overlapping obligation of the community, cash deficit, insufficient  
42 percentage of tax collections, insufficient collection of other revenues,  
43 [overanticipation] over-anticipation of the revenues of prior years,  
44 nonliquidation of interfund transfers, reliance on emergency  
45 authorizations, continual rollover of tax anticipation notes, or other  
46 factors indicating a constrained ability to raise sufficient revenues to

1 meet its budgetary requirements. In addition, the director's review  
2 may include but need not be limited to an analysis of the ratable base  
3 of the community, the per capita income of the residents of the district  
4 and the percentage of residents on a fixed income, cash reserves and  
5 receivables of the district including the availability of any deferred tax,  
6 the ability of the community to dispose of property for which no public  
7 purpose is anticipated and all other current revenue raising capacity  
8 including procedures for collection which may permit greater  
9 anticipation of revenue.

10 c. Based upon his review, the director shall certify the amount of  
11 revenues which can be raised locally to support the budget of the  
12 State-operated district. Any difference between the amount which the  
13 director certifies and the total amount of local revenues required by  
14 the budget approved by the commissioner shall be paid by the State in  
15 the fiscal year in which the expenditures are made, subject to the  
16 availability of appropriations.

17 (cf: P.L.1992, c.159, s.8)

18

19 75. Section 6 of P.L.1975, c.360 (C.18A:13-56) is amended to  
20 read as follows:

21 6. Within 15 days after the filing of the answers to the petition, the  
22 Commissioner of Education shall submit the petition and answers to  
23 a board of review consisting of the commissioner as chairman, a  
24 member of the State Board of Education to be appointed by the  
25 president thereof, the State Treasurer or his designee and the Director  
26 of the Division of Local Government Services in the Department of  
27 Community and Urban Affairs, for a determination as to whether or  
28 not the petition should be granted, and if so, the amount of  
29 indebtedness, if any, to be assumed by the remaining and the new  
30 district, or by each of the constituent districts in the event of a  
31 dissolution, upon approval of the legal voters pursuant to section 9 of  
32 P.L.1975, c.360 (C.18A:13-59) at a special school election. The  
33 board of review shall consider the effect of the proposed withdrawal  
34 or dissolution upon the educational and financial condition of the  
35 withdrawing and the remaining districts, or upon each of the  
36 constituent districts in the event of a dissolution, and shall schedule  
37 and hold a public hearing on the petition upon the application of any  
38 interested party. In considering the effect of the proposed withdrawal  
39 or dissolution upon the educational and financial condition of the  
40 withdrawing and remaining districts, or upon each of the constituent  
41 districts in the event of a dissolution, the board of review shall:

42 a. Consent to the granting of the application; or

43 b. Oppose the same because, if the same be granted--

44 1. An excessive debt burden will be imposed upon the remaining  
45 districts, or the withdrawing district, or upon any of the constituent  
46 districts in the event of a dissolution;

1       2. An efficient school system cannot be maintained in the remaining  
2 districts or the withdrawing district, or in any of the constituent  
3 districts in the event of a dissolution, without excessive costs;

4       3. Insufficient pupils will be left in the remaining districts, or in any  
5 of the constituent districts in the event of a dissolution, to maintain a  
6 properly graded school system; or

7       4. Any other reason, which it may deem to be sufficient; or

8       c. Request that if the petition be granted, the amount of debt which  
9 the remaining districts, or any of the constituent districts in the event  
10 of a dissolution, would be required to assume, calculated as  
11 hereinbefore provided, be reduced for the reason that--

12       1. Such amount of indebtedness, together with all other  
13 indebtedness of the municipalities or school districts would be  
14 excessive;

15       2. The amount of expenditure for debt service which would be  
16 required would be so great that sufficient funds would not be available  
17 for current expenses without excessive taxation; or

18       3. Such amount of indebtedness is inequitable in relation to the  
19 value of the property to be acquired by the remaining districts, or by  
20 any of the constituent districts in the event of a dissolution, and would  
21 materially impair the credit of the municipalities or such districts and  
22 the ability to pay punctually the principal and interest of their debt and  
23 to supply such essential educational facilities and public improvements  
24 and services as might reasonably be anticipated would be required of  
25 them.

26       The board of review shall make its findings and determination, by  
27 the recorded vote of at least three of the four members of the board,  
28 within 60 days of the receipt of the petition and answers.

29 (cf: P.L.1993, c.255, s.5)

30

31       76. Section 6 of P.L.1989, c.90 (C.18A:13-71) is amended to read  
32 as follows:

33       6. Within 15 days after the filing of the answers to the petition, the  
34 Commissioner of Education shall submit the petition and answers to  
35 a board of review consisting of the commissioner, as chairman, the  
36 State Treasurer or his designee and the Director of the Division of  
37 Local Government Services in the Department of Community and  
38 Urban Affairs, for a determination as to whether or not the petition  
39 should be granted, and if so, the amount of indebtedness, if any, to be  
40 assumed by the withdrawing municipality and the all purpose regional  
41 district upon approval of the legal voters of the withdrawing  
42 municipality and the remaining constituent municipalities at a special  
43 school election. The board of review shall consider the effect of the  
44 proposed withdrawal upon the educational and financial condition of  
45 the withdrawing municipality and the all purpose regional district and  
46 shall schedule and hold a public hearing on the petition upon the

1 application of any interested party. In considering the effect of the  
2 proposed withdrawal upon the educational and financial condition of  
3 the withdrawing and remaining municipalities the board of review  
4 shall:

5 a. Consent to the granting of the application;

6 b. Oppose the granting of the application because, if it is granted:

7 (1) An excessive debt burden will be imposed upon the  
8 withdrawing municipality and regional district;

9 (2) An efficient school system cannot be maintained in the all  
10 purpose regional district or the withdrawing municipality without  
11 excessive costs;

12 (3) Insufficient pupils will be left in the all purpose regional district  
13 to maintain a properly graded school system; or

14 (4) Any other reason, which it may deem to be sufficient; or

15 c. Request that if the petition is granted, the amount of debt which  
16 the regional district would be required to assume, calculated as  
17 hereinbefore provided, be reduced for the reason that:

18 (1) The amount of indebtedness, together with all other  
19 indebtedness of the constituent municipalities of the all purpose  
20 regional district would be excessive;

21 (2) The amount of expenditure for debt service which would be  
22 required would be so great that sufficient funds would not be available  
23 for current expenses without excessive taxation; or

24 (3) The amount of indebtedness is inequitable in relation to the  
25 value of the property to be acquired by the all purpose regional district  
26 and would materially impair the credit of the constituent municipalities  
27 of the district, and the ability to pay punctually the principal and  
28 interest of their debt and so supply the essential educational facilities  
29 and public improvements and services that might reasonably be  
30 anticipated would be required of them. The board of review shall make  
31 its findings and determination, by the recorded vote of at least two of  
32 the three members of the board, within 60 days of the receipt of the  
33 petition and answers.

34 (cf: P.L.1989, c.90, s.6)

35

36 77. N.J.S.18A:20-4.2 is amended to read as follows:

37 18A:20-4.2. The board of education of any school district may, for  
38 school purposes:

39 (a) Purchase, take and condemn lands within the district and lands  
40 not exceeding 50 acres in extent without the district but situate in a  
41 municipality or municipalities adjoining the district, but no more than  
42 25 acres may be so acquired in any one such municipality, without the  
43 district, except with the consent, by ordinance, of such municipality;

44 (b) Grade, drain and landscape lands owned or to be acquired by  
45 it and improve the same in like manner;

46 (c) Erect, lease for a term not exceeding 50 years, enlarge,

1 improve, repair or furnish buildings;

2 (d) Borrow money therefor, with or without mortgage; in the case  
3 of a type II district without a board of school estimate, when  
4 authorized so to do at any annual or special school election; and in the  
5 case of a type II district having a board of school estimate, when the  
6 amount necessary to be provided therefor shall have been fixed,  
7 determined and certified by the board of school estimate; and in the  
8 case of a type I district, when an ordinance authorizing expenditures  
9 for such purpose is finally adopted by the governing body of a  
10 municipality comprised within the district; provided, however, that no  
11 such election shall be held nor shall any such resolution of a school  
12 estimate board or ordinance of a municipal governing body be  
13 introduced to authorize any lease of any building for a term exceeding  
14 one year, until the proposed terms of such lease have been reviewed  
15 and approved by the Commissioner of Education and the Local  
16 Finance Board in the Department of Community and Urban Affairs;

17 (e) Construct, purchase, lease or otherwise acquire a building with  
18 the federal government, the State, a political subdivision thereof or any  
19 other individual or entity properly authorized to do business in the  
20 State; provided that: (1) the noneducational uses of the building are  
21 compatible with the establishment and operation of a school, as  
22 determined by the Commissioner of Education; (2) the portion of the  
23 building to be used as a school meets regulations of the Department of  
24 Education; (3) the board of education has complied with the  
25 provisions of law and regulations relating to the selection and approval  
26 of sites; and (4) in the case of a lease, that any lease in excess of five  
27 years shall be approved by the Commissioner of Education and the  
28 Local Finance Board in the Department of Community and Urban  
29 Affairs;

30 (f) Acquire by lease purchase agreement a site and school building;  
31 provided that the site and building meet guidelines and regulations of  
32 the Department of Education and that any lease purchase agreement  
33 in excess of five years shall be approved by the Commissioner of  
34 Education as in the best interest of the school district after determining  
35 that the relationship of the proposed lease purchase project to the  
36 district's goals and objectives established pursuant to P.L.1975, c.212  
37 (C.18A:7A-1 et seq.) has clearly been established; and provided that  
38 for any lease purchase agreement in excess of five years the Local  
39 Finance Board in the Department of Community and Urban Affairs  
40 shall determine within 30 days that the cost and the financial terms and  
41 conditions of the agreement are reasonable. As used herein, a "lease  
42 purchase agreement" refers to any agreement which gives the board of  
43 education as lessee the option of purchasing the leased premises during  
44 or upon termination of the lease, with credit toward the purchase price  
45 of all or part of rental payments which have been made by the board  
46 of education in accordance with the lease. As part of such a

1 transaction approved by the Commissioner of Education, the board of  
2 education may transfer or lease land or rights in land, including any  
3 building thereon, after publicly advertising for proposals for the  
4 transfer for nominal or fair market value, to the party selected by the  
5 board of education, by negotiation or otherwise, after determining that  
6 the proposal is in the best interest of the taxpayers of the district, to  
7 construct or to improve and to lease or to own or to have ownership  
8 interests in the site and the school building to be leased pursuant to  
9 such lease purchase agreement, notwithstanding the provisions of any  
10 other law to the contrary. The land and any building thereon which is  
11 described in a lease purchase agreement entered into pursuant to this  
12 amendatory act, shall be deemed to be and treated as property of the  
13 school district, used for school purposes pursuant to R.S.54:4-3.3, and  
14 shall not be considered or treated as property leased to another whose  
15 property is not exempt, and shall not be assessed as real estate  
16 pursuant to section 1 of P.L.1949, c.177 (C.54:4-2.3). Any lease  
17 purchase agreement authorized by this section shall contain a provision  
18 making payments thereunder subject to the annual appropriation of  
19 funds sufficient to meet the required payments or shall contain an  
20 annual cancellation clause and shall require all construction contracts  
21 let by public school districts or let by developers or owners of  
22 property used for school purposes to be competitively bid, pursuant to  
23 P.L.1977, c.114 (N.J.S.18A:18A-1 et seq.);

24 (g) Establish with an individual or entity authorized to do business  
25 in the State a tenancy in common, condominium, horizontal property  
26 regime or other joint ownership arrangement on a site contributed by  
27 the school district; provided the following conditions are met:

28 (1) The individual or entity agrees to construct on the site, or  
29 provide for the construction thereon, a building or buildings for use of  
30 the board of education separately or jointly with the individual or  
31 entity, which shall be subject to the joint ownership arrangement;

32 (2) The provision of the building shall be at no cost or at a reduced  
33 cost to the board of education;

34 (3) The school district shall not make any payment for use of the  
35 building other than its pro rata share of costs of maintenance and  
36 improvements;

37 (4) The noneducational uses of the building are compatible with the  
38 establishment and operation of a school, as determined by the  
39 Commissioner of Education;

40 (5) The portion of the building to be used as a school, and the site,  
41 meet regulations of the Department of Education; and

42 (6) Any such agreement shall be approved by the Commissioner of  
43 Education and the Local Finance Board in the Department of  
44 Community and Urban Affairs.

45 (cf: P.L.1991, c.477,s.1)

1 78. N.J.S.18A:22-45 is amended to read as follows:

2 18A:22-45. Whenever a board of education of a district has  
3 received moneys transferred to it, by the governing body or bodies of  
4 the municipality or municipalities comprising the district, from  
5 unappropriated surplus revenue, or from unappropriated anticipated  
6 receipts, of the municipality or municipalities, the board of education  
7 shall, subject to the provisions of section 18A:22-46, apply the moneys  
8 so received, so far as the same shall be sufficient:

9 a. To the payment of interest on the bonded indebtedness of the  
10 district becoming due and payable during the next ensuing school fiscal  
11 year;

12 b. To the payment of the principal of the bonded indebtedness of  
13 the district maturing in such school fiscal year; and

14 c. To any of the purposes for which bonds of the district shall have  
15 been authorized but not issued to an amount not exceeding the face  
16 value of such bonds not issued; or

17 d. To the payment of general fund expenses of the district during  
18 said school fiscal year; or said board may, subject to the provisions of  
19 said section, apply the whole or any part of said moneys, not in excess  
20 of \$50,000.00 in any one year, to the retirement of bonds maturing in  
21 any year or years subsequent to said school fiscal year, with the  
22 approval of the [director of the division of local finance in the  
23 department of community affairs and the commissioner of education]  
24 Director of the Division of Local Government Services in the  
25 Department of Community and Urban Affairs and the Commissioner  
26 of Education and the consent of the bondholders.

27 (cf: P.L.1993, c.83, s.15)

28

29 79. N.J.S.18A:24-7 is amended to read as follows:

30 18A:24-7. If the governing body of any municipality comprising a  
31 type I school district or the board of education of a type II school  
32 district shall determine that the limits of maturities or amounts of  
33 annual installments, or both, applicable according to law to any bonds  
34 proposed to be authorized or theretofore authorized but remaining  
35 unissued, would adversely affect the financial position of such  
36 municipality or school district, it may make application in writing to  
37 the [local finance board in the division of local finance in the  
38 department of community affairs] Local Finance Board in the Division  
39 of Local Government Services in the Department of Community and  
40 Urban Affairs setting forth such determination and the grounds  
41 therefor and requesting approval of a schedule of maturities and  
42 annual installments for such bonds.

43 (cf: N.J.S.18A:24-7)

44

45 80. N.J.S.18A:24-9.1 is amended to read as follows:

46 18A:24-9.1. Any obligation issued pursuant to this chapter, may be

1 issued subject to redemption prior to maturity with or without  
2 premium at such redemption price or prices and under such terms and  
3 conditions as shall be fixed by resolution of the governing body of the  
4 municipality, or of the board of education of the district, issuing the  
5 same, which price or prices shall not exceed the principal amount of  
6 such obligations plus interest accrued to the date of redemption unless  
7 the [local finance board in the division of local finance in the  
8 department of community affairs] Local Finance Board in the Division  
9 of Local Government Services in the Department of Community and  
10 Urban Affairs, after consultation with the commissioner and after  
11 consideration of the redemption price or prices, including any  
12 redemption premium applicable thereto, the time or times of the  
13 proposed issuance thereof, the rate or maximum rate of interest borne  
14 or to be borne thereby, the maturity or maturities thereof and the  
15 earliest date of redemption thereof, shall by resolution, find that such  
16 redemption price or prices and such redemption premium, if any, are  
17 not unreasonable or exorbitant, and shall assent to the issuance of  
18 such obligations, subject to redemption at such redemption price or  
19 prices and at such redemption premium, if any.

20 (cf: N.J.S.18A:24-9.1)

21

22 81. N.J.S.18A:24-17 is amended to read as follows:

23 18A:24-17. Upon request by the secretary of the board of  
24 education, the chief financial officer of each municipality comprising  
25 a school district shall prepare a supplemental debt statement with  
26 respect to authorization of school bonds by ordinance or proposal as  
27 follows:

28 a. With respect to a municipality comprising a Type I district, the  
29 statement shall be prepared as of the date of introduction of the  
30 ordinance authorizing the bonds for school purposes. Copies of such  
31 statement shall be filed in the office of the clerk of the municipality and  
32 in the office of the secretary of the board of education prior to  
33 introduction of the ordinance, and a copy of such statement shall be  
34 filed in the office of the Director of the Division of Local Government  
35 Services in the Department of Community and Urban Affairs prior to  
36 final adoption of the ordinance.

37 b. With respect to each municipality comprising a Type II district  
38 having a board of school estimate, the statement shall be prepared as  
39 of the date the board of education adopts the resolution authorizing  
40 the issuance of bonds pursuant to section 18A:24-12 a. or, if the bonds  
41 are to be authorized pursuant to the provisions of section 18A:24-21  
42 or section 18A:24-23, as of the date the board of education adopts a  
43 resolution authorizing the issuance of bonds and providing for the  
44 submission of said resolution to the legally qualified voters of the  
45 school district. Copies of such supplemental debt statement shall be  
46 filed in the office of the clerk of each such municipality and in the

1 office of the secretary of the board of education prior to the adoption  
2 of the resolutions referred to above and a copy of such statement shall  
3 be filed in the office of the Director of the Division of Local  
4 Government Services in the Department of Community and Urban  
5 Affairs as of the date of the adoption of the resolution authorizing the  
6 bonds.

7 c. With respect to Type II districts without a board of school  
8 estimate, supplemental debt statements shall be prepared as of the date  
9 the board of education by resolution approves and adopts the proposal  
10 or proposals to be submitted to the legal voters of the district. Copies  
11 of such statement shall be filed in the office of the clerk of each  
12 municipality comprising the school district and in the office of the  
13 secretary of the board of education prior to the adoption of the  
14 resolution. Copies of such debt statement shall be filed in the office of  
15 the Director of the Division of Local Government Services in the  
16 Department of Community and Urban Affairs prior to the date of the  
17 election at which the proposal or proposals are submitted to the  
18 voters.

19 (cf: P.L.1978, c.71, s.2)

20

21 82. Section 4 of P.L.1965, c.130 (C.18A:24-61.4) is amended to  
22 read as follows:

23 4. A refunding bond ordinance may be enacted by the board of  
24 education of any Type II school district after the approval thereof by  
25 resolution of such board of education, and by subsequent adoption  
26 thereof after advertised public hearing, notice of which shall be given  
27 by publication of such proposed refunding bond ordinance and notice  
28 of hearing once at least 7 days prior to date of such hearing, in a  
29 newspaper circulating in the school district. Following the holding of  
30 such public hearing, at which all interested persons shall be given an  
31 opportunity to be heard, such refunding bond ordinance may  
32 thereupon be adopted by the recorded affirmative vote of  $\frac{2}{3}$  of the  
33 full membership of such board of education or at such other time and  
34 place to which such hearing or further consideration thereof shall have  
35 been adjourned. The refunding bond ordinance in the case of a Type  
36 II school district shall contain in substance: (a) an authorization of  
37 the issuance of the refunding bonds, stating in brief and general terms  
38 sufficient for reasonable identification the refunded bonds to be  
39 funded or refunded, and the amount of the cost of issuing the  
40 refunding bonds which is included in the authorized principal amount  
41 of the refunding bonds; (b) the principal amount of refunding bonds  
42 authorized; and (c) in either the refunding bond ordinance or a  
43 resolution adopted prior to the issuance of the refunding bonds such  
44 further provisions as the Local Finance Board in the Department of  
45 Community and Urban Affairs of the State of New Jersey may require  
46 or approve as to deposit, securing, regulation, investment,

1 reinvestment, disposition or application of the proceeds of such  
2 refunding bonds, and matters in connection therewith, including the  
3 officer or officers of the school district to be responsible therefor, and  
4 amortization or other provision for premiums or other losses incurred.

5 Such refunding bond ordinance or resolution may also contain  
6 provisions, which shall be a part of the contract with the holders of the  
7 refunding bonds, as to the establishment of, and the making of  
8 appropriations for, reserves or sinking funds and the amount, source,  
9 securing, regulation and disposition thereof. Any matter relating to  
10 refunding bonds and not required to be contained in the refunding  
11 bond ordinance may be performed or determined by subsequent  
12 resolution of the board of education, or the performance or  
13 determination thereof delegated by resolution to a financial officer of  
14 the school district.

15 (cf: P.L.1978, c.75, s.3)

16

17 83. Section 5 of P.L.1969, c.130 (C.18A:24-61.5) is amended to  
18 read as follows:

19 5. A certified copy of any refunding bond ordinance shall be filed  
20 with the Director of the Division of Local Finance in the Department  
21 of Community and Urban Affairs before adoption, together with a  
22 complete statement in form prescribed by the director and signed by  
23 the chief financial officer of the school district as to the outstanding  
24 bonds to be funded or refunded by issuance of the refunding bonds.  
25 No refunding bond ordinance or any resolution performing,  
26 determining or authorizing matters or acts in connection with  
27 refunding bonds shall take effect until the consent of the local finance  
28 board shall have been endorsed upon a certified copy thereof as  
29 adopted.

30 Any certification or endorsement of consent made by the local  
31 finance board or by a majority of the members thereof or by the  
32 secretary thereof pursuant to its direction as to any issue of refunding  
33 bonds shall, after the issuance of such refunding bonds in reliance  
34 thereon, be conclusive as to its validity or regularity and shall not be  
35 contested in any action or proceeding relating to such refunding bonds  
36 instituted after the issuance of such bonds.

37 The county, municipality or school district may enter into any  
38 contracts or agreements to implement the refunding program,  
39 including agreements with banking institutions with respect to the  
40 application of moneys deposited in a sinking fund for the payment of  
41 the refunding bonds at their maturity date to the purchase of  
42 obligations of the United States Government or obligations the  
43 principal of and interest on which are guaranteed by the United States  
44 Government or obligations of any agency or instrumentality of the  
45 United States Government without regard to any limitations as to the

1 investment or deposit of moneys.

2 (cf: P.L.1978, c.75, s.4)

3

4 84. Section 2 of P.L.1971, c.36 (C.18A:24-67) is amended to read  
5 as follows:

6 2. Any board of education desiring to issue bonds under this act  
7 shall file application for authorization to do so with the Division of  
8 Local Finance in the Department of Community and Urban Affairs.  
9 The application shall be on such form, and shall contain such  
10 information as said division may specify by rule or regulation, and shall  
11 be acted upon within 30 days after filing. The authorization, if  
12 granted, may be made contingent upon compliance with terms and  
13 conditions therein specified, and shall be accompanied by a certificate  
14 of the division, or shall be supplemented by such certificate in  
15 instances for which terms and conditions are specified, stating that the  
16 provisions of this act have been complied with and that the bonds to  
17 be issued will be valid and binding obligations of the issuing board, and  
18 of any guaranteeing municipality when such guaranty is provided. The  
19 certificate shall be conclusive proof of the validity of the said bonds  
20 and of the fact that the same are governmental obligations for a public  
21 purpose, and such conclusive proof shall not be open to question or  
22 challenge in any place or proceeding. The issuing board shall cause  
23 notice of said certificate to be published in such manner and at such  
24 times as the certificate directs, and no proceeding to challenge the  
25 certificate or the conclusive effect thereof shall be instituted after the  
26 expiration of 30 days from the first publication of said notice.

27 (cf: P.L.1971, c.36, s.2)

28

29 85. Section 2 of P.L.1976, c.39 (C.18A:24-87) is amended to read  
30 as follows:

31 2. For the purposes of this act, unless the context clearly requires  
32 a different meaning:

33 a. "Commissioner" means the Commissioner of Education of the  
34 State of New Jersey;

35 b. "Debt service" means and includes payments of principal and  
36 interest upon qualified bonds issued pursuant to the terms of this act  
37 or amounts required in order to satisfy sinking fund payment  
38 requirements with respect to such bonds;

39 c. "Local Finance Board" means the Local Finance Board in the  
40 Division of Local Government Services in the Department of  
41 Community and Urban Affairs, established pursuant to P.L.1974, c.35  
42 (C.52:27D-18.1);

43 d. "Paying agent" means any bank, trust company or national  
44 banking association having the power to accept and administer trusts,  
45 named or designated in any qualified bond of a school district or  
46 municipality as the agent for the payment of the principal of and

1 interest thereon and shall include the holder of any sinking fund  
2 established for the payment of such bonds;

3 e. "Qualified bonds" means those bonds of a school district or  
4 municipality authorized and issued in conformity with the provisions  
5 of this act;

6 f. "State board" means the State Board of Education of the State  
7 of New Jersey;

8 g. "School district" means a Type I, Type II, regional, or  
9 consolidated school district as defined in Title 18A of the New Jersey  
10 Statutes;

11 h. "State school aid" means the funds made available to local  
12 school districts pursuant to section 4 of P.L.1990, c.52 (C.18A:7D-4).  
13 (cf: P.L.1990, c.52, s.47)

14

15 86. Section 2 of P.L.1979, c.42 (C.18A:35-4.4) is amended to read  
16 as follows:

17 2. The Commissioner of Education, in consultation with the  
18 Department of Community and Urban Affairs, Division on Women,  
19 shall appoint an advisory council to assist and advise the State Board  
20 of Education in the development and implementation of educational  
21 programs for the prevention of sexual assault.

22 The advisory council shall consist of 15 members chosen from  
23 among the legal, law enforcement, medical and educational  
24 communities, and shall also include representatives of  
25 community-based groups providing services and assistance to victims  
26 of sexual assault. Each shall be appointed for a 2-year term and shall  
27 serve without compensation.

28 (cf: P.L.1979, c.42, s.2)

29

30 87. Section 2 of P.L.1989, c.42 (C.18A:41-5) is amended to read  
31 as follows:

32 2. Each school district shall immediately notify the appropriate  
33 local fire department of any fire which occurs in a school building or  
34 on school property. The local fire department shall forward the data  
35 to the bureau of fire safety in the Department of Community and  
36 Urban Affairs.

37 (cf: P.L.1989, c.42, s.2)

38

39 88. Section 4 of P.L.1968, c.182 (C.18A:54A-4) is amended to  
40 read as follows:

41 4. The following terms shall have the following meanings for the  
42 purposes of this act, unless a different meaning clearly appears from  
43 the context:

44 (a) The term "act" shall mean this act, and any amendments and  
45 supplements thereto, and any rules and regulations promulgated  
46 thereunder.

1 (b) The term "commissioner" shall mean the Commissioner of  
2 Community and Urban Affairs.

3 (c) The term "council" shall mean the Governor's Council on  
4 Neighborhood Education Centers created by section 5 of this act.

5 (d) The term "neighborhood education center" shall mean a  
6 facility which has been or will be developed, organized or operated,  
7 subject to the approval and with the assistance of the Governor's  
8 Council on Neighborhood Education Centers created by section 5 of  
9 this act, for the purpose of providing to public high school students  
10 and to public high-school dropouts educational, cultural and social  
11 programs and services supplementary to or in lieu of similar programs  
12 and services made available as part of the course of instruction at a  
13 public high school.

14 (e) The term "sponsor" shall mean any corporation or association  
15 organized not for profit pursuant to the provisions of Title 15 of the  
16 Revised Statutes which has been determined by the council as capable  
17 of developing, organizing or operating a neighborhood education  
18 center.

19 (cf: P.L.1968, c.182, s.4)

20

21 89. Section 5 of P.L.1968, c.182 (C.18A:54A-5) is amended to  
22 read as follows:

23 5. There is hereby created in but not of the Department of  
24 Community and Urban Affairs the Governor's Council on  
25 Neighborhood Education Centers, which shall consist of the  
26 Commissioner of Community and Urban Affairs and the Commissioner  
27 of Education who shall be members of the council for such times as  
28 they shall hold their respective offices. The commissioner shall serve  
29 as the administrator and chief executive officer of the council, and  
30 shall have primary responsibility for the activities of the council. The  
31 Commissioner of Education shall serve as the chairman of the council,  
32 which shall meet at the call of said chairman.

33 (cf: P.L.1994, c.48, s.69)

34

35 90. Section 3 of P.L.1985, c.427 (C.18A:54D-3) is amended to  
36 read as follows:

37 3. The Commissioners of Education and Labor each shall:

38 a. Identify the regulations, policies, programs and procedures of  
39 their respective departments which relate to apprenticeship programs  
40 and other forms of preparation for technical trades;

41 b. In consultation with the Division on Civil Rights in the  
42 Department of Law and Public Safety and the Division on Women in  
43 the Department of Community and Urban Affairs, identify the factors  
44 which have produced low rates of minority and female participation in  
45 apprenticeship and other technical training programs;

46 c. Take appropriate action to encourage a higher rate of minority

1 and female participation in these programs;

2 d. Advise the Legislature of any additional legislative action which  
3 would advance the purposes of this act.

4 (cf: P.L.1985, c.427, s.3)

5

6 91. Section 7 of P.L.1978, c.74 (C.18A:58-33.28) is amended to  
7 read as follows:

8 7. a. A copy of the resolution of the State Board of Education  
9 referred to in subsection a. of section 5 and a copy of the proposal or  
10 ordinance referred to in subsection b. of section 5, bearing the  
11 endorsement of the Commissioner of Education as aforesaid, shall be  
12 submitted to the Local Finance Board in the Department of  
13 Community and Urban Affairs for its consideration, and the Local  
14 Finance Board in considering such copy of proposal or ordinance  
15 submitted to it and before endorsing its consent thereon may require  
16 the county, the board of education of any school district or the  
17 governing body of any municipality in such school district to adopt  
18 resolutions restricting or limiting any future proceedings therein or  
19 other matters or things deemed by the Local Finance Board to affect  
20 any estimate made or to be made by it in accordance with subsection  
21 b. hereof, and every such resolution so adopted shall constitute a valid  
22 and binding obligation of such school district, municipality or county,  
23 as the case may be, running to and enforceable by, and releasable by,  
24 the Local Finance Board.

25 b. Within 60 days after such submission to it, the Local Finance  
26 Board shall cause its consent to be endorsed upon such copy of any  
27 proposal or ordinance authorizing such bonds, if it shall be satisfied,  
28 and shall record by resolution, its estimates that the amounts to be  
29 expended for the education facilities to be financed pursuant to such  
30 proposal or ordinance are not unreasonable or exorbitant, and that  
31 issuance of the bonds, to be authorized by such proposal ordinance,  
32 will not materially impair the credit of the county, any municipality  
33 comprised within the district or substantially reduce its ability, during  
34 the ensuing 10 years, to pay punctually the principal and interest of its  
35 debts and supply essential public improvements and services, but if the  
36 Local Finance Board is not so satisfied it shall cause its disapproval  
37 to be endorsed on such copy within said period of 60 days.

38 (cf: P.L.1978, c.74, s.7)

39

40 92. Section 2 of P.L.1986, c.12 (C.18A:72-25.2) is amended to  
41 read as follows:

42 2. The Division of Local Government Services in the Department  
43 of Community and Urban Affairs, in conjunction with the State  
44 Department of the Treasury, shall prepare guidelines concerning the  
45 procedures and methods to be employed by local units for the  
46 implementation of this act. The guidelines, and all actions taken by

1 local units pursuant to this act, shall be consistent with all federal  
2 regulations or limitations regarding any information utilized in any  
3 collection. Prior to any collection a local unit shall provide notice to  
4 the employee and an opportunity for a hearing, upon request.

5 (cf: P.L.1986, c.12, s.2)

6

7 93. Section 2 of P.L.1988, c.33 (C.18A:72-25.5) is amended to  
8 read as follows:

9 2. The Department of Education and the Division of Local  
10 Government Services in the Department of Community and Urban  
11 Affairs, in conjunction with the State Department of the Treasury and  
12 the Higher Education Assistance Authority, shall prepare guidelines  
13 concerning the procedures and methods to be employed by boards and  
14 authorities for the implementation of this act. The guidelines, and all  
15 actions taken by a board or authority pursuant to this act, shall be  
16 consistent with all federal regulations or limitations regarding any  
17 information utilized in any collection. Prior to any collection a board  
18 or authority shall provide notice to the employee and an opportunity  
19 for a hearing, upon request.

20 (cf: P.L.1988, c.33, s.2)

21

22 94. Section 3 of P.L.1971, c.362 (C.20:4-3) is amended to read as  
23 follows:

24 3. As used in this act the term:

25 a. "Taking agency" means the entity, public or private, including  
26 the State of New Jersey, which is condemning private property for a  
27 public purpose under the power of eminent domain.

28 b. "Person" means any individual, partnership, corporation, or  
29 association.

30 c. "Displaced person" means any person who, on or after the  
31 effective date of this act, moves from real property, or moves his  
32 personal property from real property, as a result of the acquisition of  
33 such real property, in whole or in part, or as the result of the written  
34 order of the acquiring agency to vacate real property, for a program  
35 or project undertaken by a taking agency; and solely for the purposes  
36 of sections 4 a. and b. and section 7 of this act, as a result of the  
37 acquisition of or as the result of the written order of the acquiring  
38 agency to vacate other real property, on which such person conducts  
39 a business or farm operation, for such program or project.

40 d. "Business" means any lawful activity, excepting a farm  
41 operation, conducted primarily:

42 (1) for the purchase, sale, lease and rental of personal and real  
43 property, and for the manufacture, processing, or marketing of  
44 products, commodities, or any other personal property;

45 (2) for the sale of services to the public;

46 (3) by a nonprofit organization; or

1 (4) solely for the purposes of section 4 a. of this act for assisting  
2 in the purchase, sale, resale, manufacture, processing, or marketing  
3 of products, commodities, personal property, or services by the  
4 erection and maintenance of an outdoor advertising display or  
5 displays, whether or not such display or displays are located on the  
6 premises on which any of the above activities are conducted.

7 e. "Farm operation" means any activity conducted solely or  
8 primarily for the production of one or more agricultural products or  
9 commodities, including timber, for sale or home use, and customarily  
10 producing such products or commodities in sufficient quantity to be  
11 capable of contributing materially to the operator's support.

12 f. The term "commissioner" shall mean the Commissioner of [the  
13 Department of] Community and Urban Affairs.

14 (cf: P.L.1971, c.362, s.3)

15

16 95. Section 22 of P.L.1971, c.362 (C.20:4-22) is amended to read  
17 as follows:

18 22. The provisions of this act shall not apply to the State  
19 Department of Transportation; provided, however, that the State  
20 Department of Transportation shall supplement its existing relocation  
21 assistance program designed to minimize the hardships of persons and  
22 business concerns displaced as a result of the acquisition by said State  
23 Department of Transportation of any real property for a public use,  
24 by July 1, 1972. Said supplemented program shall be in compliance  
25 with the rules and regulations of the Federal Highway Administration  
26 relating to relocation assistance so as to fully qualify the Department  
27 of Transportation for Federal aid reimbursement and to equal or  
28 exceed the requirements of this statute. For purposes of coordinating  
29 and formulating uniform relocation programs of the State, the  
30 Commissioner of Transportation shall consult with the Commissioner  
31 of [the Department of] Community and Urban Affairs in order that  
32 said relocation assistance program will be in general conformity with  
33 any rules and regulations promulgated by the Commissioner of [the  
34 Department of] Community and Urban Affairs pursuant to P.L.91-646,  
35 the Uniform Relocation Assistance and Real Property Acquisition  
36 Policies Act of 1970, and amendments thereto.

37 (cf: P.L.1971, c.362, s.22)

38

39 96. Section 6 of P.L.1996, c.52 (C.22A-2-51) is amended to read  
40 as follows:

41 6. a. An amount equal to 95 percent of the increase in fees  
42 collected pursuant to the provisions of P.L.1996, c.52 (C.22A:2-51 et  
43 al.) shall be annually appropriated to the Department of Community  
44 and Urban Affairs for the provision to the poor of legal assistance in  
45 civil matters by Legal Services of New Jersey and to the Judiciary to  
46 fund 10 Superior Court judgeships, to supplement other funds

1 appropriated from any other source in a fiscal year for these purposes.  
2 An appropriation pursuant to this section shall not be used to replace  
3 appropriations from other sources for these purposes.

4 b. An amount equal to 5% of the increase in fees collected  
5 pursuant to the provisions of P.L.1996, c.52 (C.22A:2-51 et al.) shall  
6 be annually appropriated to the Department of State, Higher  
7 Educational Services, to be allocated equally among Rutgers-Newark  
8 Law School, Rutgers-Camden Law School and Seton Hall Law School  
9 for clinical programs which provide free legal representation to the  
10 poor, to supplement other funds appropriated from any other source  
11 in a fiscal year for these purposes. An appropriation pursuant to this  
12 section shall not be used to replace appropriations from other sources  
13 for these purposes.

14 c. There is created in the Department of the Treasury a  
15 non-lapsing, revolving fund into which the Treasurer shall deposit  
16 annually an amount equal to the revenue derived from the increase in  
17 the fees collected pursuant to P.L.1996, c.52 (C.22A:2-51 et al.).  
18 Interest and other income earned on moneys deposited into this fund  
19 shall be credited to the fund. Moneys in the fund shall be appropriated  
20 and distributed annually exclusively for the purposes set forth in  
21 subsections a. and b. of this section. The State Treasurer shall have  
22 [~~performed~~] performed an audit of this fund biennially following the  
23 effective date of P.L.1996, c.52 (C.22A:2-51) and the results of the  
24 audit shall be included in the report required pursuant to subsection d.  
25 of this section.

26 d. The State Treasurer shall submit an annual report to the  
27 Legislature on the use of the fees collected pursuant to P.L.1996 , c.52  
28 (C.22A:2-51 et al.) and deposited into the fund created pursuant to  
29 subsection c. of this section. The report shall be submitted to the  
30 President of the Senate and Speaker of the General Assembly, and the  
31 Senate Budget and Appropriations Committee, Assembly  
32 Appropriations Committee, Senate Judiciary Committee and Assembly  
33 Judiciary Committee, or their successors.

34 (cf: P.L.1996, c.52, s.6)

35

36 97. Section 3 of P.L.1967, c.106 (C.26:2C-3.2) is amended to read  
37 as follows:

38 3. (a) There is hereby created in the State Department of Health  
39 a Clean Air Council, which shall consist of 17 members, 3 of whom  
40 shall be the Commissioner of Commerce and Economic Development  
41 or a member of the Department of Commerce and Economic  
42 Development designated by him, the Commissioner of Community and  
43 Urban Affairs or a member of the Department of Community and  
44 Urban Affairs designated by him, and the Secretary of Agriculture or  
45 a member of the Department of Agriculture designated by him, who  
46 shall serve ex officio; six citizens of the State, representing the general

1 public at least one of whom shall be a medical doctor licensed to  
2 practice in this State; and eight members to be appointed from persons  
3 to be nominated by the organizations hereinafter enumerated, by the  
4 Governor.

5 (b) Within 30 days following the effective date hereof and  
6 thereafter as required, at least one month prior to the expiration of the  
7 term of the member chosen from nominees of each organization  
8 hereinafter enumerated, each such organization shall submit to the  
9 Governor a list of three recommended nominees for membership on  
10 the council, from which list the Governor shall appoint one.

11 If any organization does not submit a list of recommended nominees  
12 at any time required by this act, the Governor may appoint a member  
13 of his choice.

14 The organizations which shall be entitled to submit recommended  
15 nominees are: New Jersey Health Officers Association, New Jersey  
16 State Chamber of Commerce, New Jersey Society of Professional  
17 Engineers, Inc., New Jersey Manufacturers Association, New Jersey  
18 Section of the American Industrial Hygiene Association, New Jersey  
19 State League of Municipalities, the New Jersey Freeholders'  
20 Association and the New Jersey State AFL-CIO.

21 (c) Of the 14 members first to be appointed, four shall be  
22 appointed for terms of one year, four for terms of two years, three for  
23 terms of three years and three for terms of four years. Thereafter, all  
24 appointments shall be made for terms of four years. All appointed  
25 members shall serve after the expiration of their terms until their  
26 respective successors are appointed and shall qualify, and any vacancy  
27 occurring in the appointed membership of the council, by expiration of  
28 term or otherwise, shall be filled in the same manner as the original  
29 appointment, for the unexpired term only, notwithstanding that the  
30 previous incumbent may have held over and continued in office as  
31 aforesaid. The Governor may remove any appointed member of the  
32 council for cause after a public hearing.

33 (d) Members of the council shall serve without compensation but  
34 shall be reimbursed for expenses actually incurred in attending  
35 meetings of the council and in the performance of their duties as  
36 members thereof.

37 (e) The council shall elect annually a chairman and vice-chairman  
38 from its own membership.

39 (cf: P.L.1985, c.430, s.2)

40

41 98. Section 11 of P.L.1986, c.83 (C.26:2D-80) is amended to read  
42 as follows:

43 11. The Department of Community and Urban Affairs is authorized  
44 to enter into an agreement with a public or private agency to carry out  
45 testing for radon gas and radon progeny at the sites of residential  
46 dwellings, the construction of which is in progress or commences on

1 or after the effective date of this act, and to provide funding for that  
2 testing, provided that each \$1.00 of that funding is matched by \$1.00  
3 from other public or private sources.

4 (cf: P.L.1986, c.83, s.11)

5

6 99. Section 3 of P.L.1969, c.152 (C.26:2G-3) is amended to read  
7 as follows:

8 3. All the functions, powers and duties of the Commissioner of  
9 Institutions and Agencies and the Commissioner of Community and  
10 Urban Affairs, in regard to the prevention and control of drug  
11 addiction and the diagnosis, treatment, rehabilitation and aftercare of  
12 drug addicts are hereby transferred to and vested in the Director of  
13 Narcotic and Drug Abuse Control. All functions, powers and duties  
14 of the Commissioner of Health in regard to the manufacture, sale,  
15 distribution, possession and use of narcotic, depressant and stimulant  
16 drugs are hereby delegated to the Director of Narcotic and Drug  
17 Abuse Control.

18 (cf: P.L.1969, c.152, s.3)

19

20 100. Section 5 of P.L.1969, c.152 (C.26:2G-5) is amended to read  
21 as follows:

22 5. The director, as head of the division, shall have all of the  
23 functions, powers and duties heretofore vested in the Commissioner  
24 of Institutions and Agencies, and the Commissioner of Community and  
25 Urban Affairs when either commissioner was acting with regard to the  
26 prevention and control of drug addiction and the treatment of drug  
27 addicts and also, all the functions, powers and duties vested in the  
28 Commissioner of Health by chapter 18 of Title 24 of the Revised  
29 Statutes (Uniform Narcotic Drug Law); and shall, in addition to the  
30 functions, powers and duties vested in him by this act or by any other  
31 law:

32 a. To survey and analyze the State's need and formulate a  
33 comprehensive plan for the long-range development, through the  
34 utilization of Federal, State, local and private resources, of adequate  
35 services and facilities for the prevention and control of drug addiction  
36 and the diagnosis, treatment and rehabilitation of drug addicts, and  
37 from time to time to revise such plan.

38 b. To promote, develop, establish, co-ordinate and conduct unified  
39 programs for education, prevention, diagnosis, treatment, aftercare,  
40 community referral, rehabilitation and control in the field of drug  
41 addiction, based on the comprehensive plan formulated under  
42 paragraph a. of this section, and, in co-operation with such other  
43 Federal, State, local and private agencies as are necessary and within  
44 the amount made available by appropriation therefor implement and  
45 administer such programs.

46 c. To direct and carry on basic, clinical, epidemiological, social

1 science and statistical research in drug addiction either individually or  
2 in conjunction with other agencies, public or private and, within the  
3 amount made available by appropriation therefor develop pilot  
4 programs. In pursuance of the foregoing and notwithstanding any  
5 other provision of law, the director is empowered to establish, direct  
6 and carry on experimental pilot clinic programs for the treatment of  
7 drug addiction and of the condition of drug addicts.

8 d. To provide education and training in prevention, diagnosis,  
9 treatment, rehabilitation and control of drug addiction for medical  
10 students, physicians, nurses, teachers, social workers and others with  
11 responsibilities for drug addicts either alone or in conjunction with  
12 other agencies, public or private.

13 e. To provide public education on the nature and results of drug  
14 addiction and on the potentialities of prevention and rehabilitation in  
15 order to promote public understanding, interest and support.

16 f. To disseminate information relating to public and private services  
17 and facilities in the State available for the assistance of drug addicts  
18 and potential drug addicts.

19 g. To gather information and maintain statistical and other records  
20 relating to drug addicts and drug addiction in the State. It shall be the  
21 duty of every physician, dentist, veterinarian or other person who is  
22 authorized to administer or professionally use narcotic, depressant or  
23 stimulant drugs, or hospitals, clinics, dispensaries or persons  
24 authorized to dispense narcotic, depressant or stimulant drugs and all  
25 public officials having duties to perform with respect to such drugs or  
26 users of such drugs to report and supply such information in relation  
27 thereto as the director shall by rule, regulation or order require.

28 h. To submit to the Governor, the Legislature and the  
29 Commissioner of Health an annual report of the division's operations  
30 and specific recommendations pertaining to matters within the scope  
31 of its jurisdiction in proper bill form not later than January 15 of each  
32 year.

33 i. To provide psychiatric, medical and psychological services to the  
34 Department of Institutions and Agencies and similar agencies of the  
35 political subdivisions of the State with respect to prisoners and  
36 parolees who are or were at any time addicted to morphine, heroin or  
37 similar narcotic substance, or to depressant or stimulant drugs.

38 j. With the approval of the Governor, to accept as agent of the  
39 State any gift, grant, devise or bequest, whether conditional or  
40 unconditional for any of the purposes of this act. Any moneys so  
41 received may be expended by the director to effectuate any purpose of  
42 this act subject to the same limitations as to approval of expenditures  
43 and audit as are prescribed for State moneys appropriated for the  
44 purposes of this act.

45 k. To make agreements with the Federal Government, political  
46 subdivisions, public agencies or private agencies to do or cause to be

1 done that which may be necessary, desirable or proper to carry out  
2 the purposes and objectives of this article within the amounts made  
3 available therefor by appropriation, gift, grant, devise or bequest.

4 l. To control and regulate the manufacture, sale, distribution,  
5 possession and use of narcotic, depressant and stimulant drugs in  
6 accordance with the provisions of this act and chapter 18 of Title 24  
7 of the Revised Statutes.

8 m. To prescribe, amend and rescind rules and regulations to  
9 effectuate the purposes of this act.

10 (cf: P.L.1969, c.152, s.5)

11

12 101. Section 4 of P.L.1993, c.288 (C.26:2Q-4) is amended to read  
13 as follows:

14 4. a. The department shall develop, offer, or accredit training  
15 courses which shall be required for certification. These training  
16 courses shall include instruction in safe and effective evaluation and  
17 abatement methods. The training courses shall be developed in  
18 accordance with regulations adopted by the Department of  
19 Community and Urban Affairs pursuant to sections 14 through 24 of  
20 P.L.1993, c.288 (C.52:27D-427 through C.52:27D-437) and the  
21 "State Uniform Construction Code Act," P.L.1975, c.217  
22 (C.52:27D-119 et seq.).

23 b. The training course for persons performing lead evaluation shall  
24 include, but not be limited to, instruction in:

25 (1) safe and effective techniques and methods to test for lead  
26 hazards and assess lead hazards on premises before, during and after  
27 abatement of lead hazards;

28 (2) risk assessment of the dangers posed by lead hazards on a  
29 premises and the effectiveness of various abatement techniques and  
30 methods and hazard reduction measures to reduce the risk posed by  
31 the presence of lead;

32 (3) safe work practices, including determining whether occupants  
33 must be relocated during lead abatement;

34 (4) practices to prevent contamination of the premises; and

35 (5) applicable State and federal requirements.

36 c. The training course for persons performing lead abatement shall  
37 include, but not be limited to, instruction concerning:

38 (1) safe and effective abatement techniques to remove, cover,  
39 encapsulate, or otherwise mitigate lead-based paint and  
40 lead-contaminated dust and soil;

41 (2) possible routes of exposure during abatement of lead hazards;

42 (3) safe work practices, including determining whether occupants  
43 must be relocated during lead abatement;

44 (4) proper cleanup of lead-contaminated waste generated on the  
45 premises during and after lead abatement;

46 (5) safe and lawful handling, transport and disposal of

1 lead-contaminated waste; and

2 (6) applicable State and federal requirements.

3 d. The commissioner is authorized to adopt any applicable federal  
4 requirements or guidelines established by federal law, including any  
5 requirements or guidelines that apply to homeowners or other property  
6 owners, notwithstanding that the requirements or guidelines may be  
7 inconsistent with the provisions of sections 1 through 12 of P.L.1993,  
8 c.288 (C.26:2Q-1 through C.26:2Q-12).

9 e. The department may establish continuing education requirements  
10 for recertification.

11 f. A person shall not hold himself out as accredited by the  
12 department or otherwise represent that he is competent to offer  
13 training unless he has been accredited to provide training pursuant to  
14 this section.

15 (cf: P.L.1993, c.288, s.4)

16

17 102. Section 5 of P.L.1993, c.288 (C.26:2Q-5) is amended to read  
18 as follows:

19 5. a. The department may deny, suspend, impose conditions upon,  
20 revoke, or refuse to renew a certification for good cause, including but  
21 not limited to, the department's finding that:

22 (1) a person has obtained a certification based upon a  
23 misrepresentation or fraud;

24 (2) a person performed work without a certification as required  
25 in section 3 of P.L.1993, c.288 (C.26:2Q-3);

26 (3) a person engaged in unsafe work practices, violated the rules  
27 promulgated by the Department of Community and Urban Affairs  
28 pursuant to sections 14 through 24 of P.L.1993, c.288 (C.52:27D-427  
29 through C.52:27D-437), failed to obtain a permit pursuant to the  
30 Uniform Construction Code, N.J.A.C.5:23-1.1 et seq. or acted in a  
31 manner which posed a health risk to others;

32 (4) the quality of the person's performance is below standards set  
33 by the department and remedial measures such as consultation and  
34 training are not accepted or do not result in improvement to a level of  
35 acceptable proficiency;

36 (5) a person made false reports or reports not based on work done;

37 (6) a person knowingly authorized or permitted the use of the  
38 name of a certified person to an uncertified person;

39 (7) a person falsely represented his certification credentials; or

40 (8) a person has violated any provision of sections 1 through 12 of  
41 P.L.1993, c.288 (C.26:2Q-1 through C.26:2Q-12).

42 b. An applicant or certificate holder whose application or  
43 certification is denied, suspended, conditionally issued, revoked or not  
44 renewed is entitled to a hearing pursuant to the provisions of the  
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
46 seq.).

1 c. Denial of, suspension of, imposition of conditions upon,  
2 revocation of, or refusal to renew a certification shall not limit the  
3 department from pursuing against the applicant or certificate holder  
4 any other lawful remedy available to the department.

5 d. Any person whose certification has been revoked shall be  
6 ineligible to apply for certification for three years from the date of  
7 revocation.

8 (cf: P.L.1993, c.288, s.5)

9  
10 103. Section 12 of P.L.1993, c.288 (C.26:2Q-12) is amended to  
11 read as follows:

12 12. The department, in consultation with the Department of  
13 Community and Urban Affairs, shall adopt rules and regulations  
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
15 (C.52:14B-1 et seq.) to carry out the provisions of sections 1 through  
16 12 of P.L.1993, c.288 (C.26:2Q-1 through C.26:2Q-12).

17 (cf: P.L.1993, c.288, s.12)

18  
19 104. Section 3 of P.L.1985, c.185 (C.26:3E-9) is amended to read  
20 as follows:

21 3. a. The provisions of this act shall apply to all restaurants but  
22 shall not apply to any bar. A restaurant which provides a nonsmoking  
23 section shall post a sign no smaller than eight inches by five inches  
24 stating that "This restaurant offers a nonsmoking area." A restaurant  
25 which does not provide a nonsmoking section shall in the same manner  
26 post a sign stating that "This restaurant does not offer a nonsmoking  
27 area, as permitted by law." A restaurant which is equipped with air  
28 cleaners or air recirculating systems which meet the standards of the  
29 model code of the Building Officials and Code Administrators  
30 International, Inc., known as the "BOCA Basic National Building  
31 Code 1984," as administered by the State Department of Community  
32 and Urban Affairs, shall in the same manner post a sign stating,  
33 "Approved air-cleaning equipment is installed in place of a  
34 nonsmoking area." This requirement shall not apply to any portion of  
35 a restaurant while it is being used for a privately sponsored social  
36 affair or which is outdoors.

37 b. The size and location of the nonsmoking area shall be  
38 determined by the owner or manager or person in charge in  
39 accordance with patron needs.

40 (cf: P.L.1985, c.185, s.3)

41  
42 105. Section 1 of P.L.1991, c.135 (C.26:4A-4) is amended to read  
43 as follows:

44 1. As used in this act:

45 "Campground" means a plot of ground upon which two or more  
46 campsites are located, established or maintained for occupancy by

1 camping units of the general public as temporary living quarters for  
2 children or adults, or both, for a total of 15 days or more in any  
3 calendar year, for recreation, education, or vacation purposes.

4 "Common interest community" means:

5 a. property subject to the "Condominium Act," P.L.1969, c.257  
6 (C.46:8B-1 et seq.) or the "Horizontal Property Act," P.L.1963, c.168  
7 (C.46:8A-1 et seq.);

8 b. a housing corporation or association, commonly known as a  
9 cooperative, which entitles the holder of a share or membership  
10 interest thereof to possess and occupy for dwelling purposes a house,  
11 apartment, manufactured or mobile home or other unit of housing  
12 owned or leased by the corporation or association, or to lease or  
13 purchase a unit of housing constructed or to be constructed by the  
14 corporation or association; or

15 c. real estate with respect to which a person, by virtue of his  
16 ownership of a unit, is obligated to pay for real estate taxes, insurance  
17 premiums, maintenance or improvement of other real estate described  
18 in the instrument, however denominated, which creates the common  
19 interest community. Ownership of a unit does not include holding a  
20 leasehold interest of less than 20 years in a unit, including renewal  
21 options;

22 "Hotel" or "motel" means a commercial establishment with a  
23 building of four or more dwelling units or rooms used for rental and  
24 lodging by guests.

25 "Mobile home park" means a parcel of land, or two or more  
26 contiguous parcels of land, containing at least 10 sites equipped for  
27 the installation of mobile or manufactured homes, where these sites are  
28 under common ownership and control, other than as a cooperative, for  
29 the purpose of leasing each site to the owner of a mobile or  
30 manufactured home for the installation thereof, and where the owner  
31 provides services, which are provided by the municipality in which the  
32 park is located for property owners outside the park, which services  
33 may include, but shall not be limited to:

34 a. Construction and maintenance of streets;

35 b. Lighting of streets and other common areas;

36 c. Garbage removal;

37 d. Snow removal; and

38 e. Provision for the drainage of surface water from home sites and  
39 common areas.

40 "Private lake, river or bay or private community lake, river or bay  
41 association" means an organization of property owners within a fixed  
42 or defined geographical area with deeded or other rights to utilize,  
43 with similarly situated owners, various lakefront, riverfront or bayfront  
44 properties, which properties are not open to the general public, other  
45 than bona fide guests of a member of the private lake, river or bay or  
46 private community lake, river or bay association.

1 "Retirement community" means a retirement community which is  
2 registered with the Division of Housing and Development in the  
3 Department of Community and Urban Affairs pursuant to "The  
4 Planned Real Estate Development Full Disclosure Act," P.L.1977,  
5 c.419 (C.45:22A-21 et seq.).

6 "Specially exempt facility" means a private lake, river or bay or  
7 private community lake, river or bay association, or private nonprofit  
8 common interest community which restricts the use of its lake, river,  
9 bay or pool, as appropriate, to the owners of units thereof and their  
10 invited guests. Specially exempt facility also includes a campground,  
11 hotel, motel, mobile home park, or retirement community which  
12 restricts the use of its pool to renters of the lodging units or owners of  
13 the dwelling units, as appropriate, and their invited guests.

14 (cf: P.L.1991, c.135, s.1)

15

16 106. Section 4 of P.L.1973, c.126 (C.27:1A-67) is amended to  
17 read as follows:

18 4. In establishing this program, the commissioner shall, after  
19 consulting with the Commissioner of Community and Urban Affairs,  
20 the New Jersey State Commission on Aging and the Board of Public  
21 Utility Commissioners, establish uniform procedures for:

22 a. Determining the eligibility of persons to receive the reduced  
23 fares provided pursuant to this act;

24 b. Making such reduced fares available to eligible persons; and

25 c. Auditing and accounting to insure that no carrier receives  
26 payments in excess of the value of services actually rendered to senior  
27 citizens and handicapped citizens pursuant to this act.

28 (cf: P.L.1975, c.271, s.4)

29

30 107. Section 18 of P.L.1989, c.100 (C.27:1C-18) is amended to  
31 read as follows:

32 18. The commissioner upon notice and the holding of a public  
33 hearing shall adopt the rules and regulations, in accordance with the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.), necessary to effectuate the purposes of this act, except that any  
36 transportation development district trust fund established under  
37 section 7 of this act shall be administered in accordance with all of the  
38 regulations adopted by the Local Finance Board or the Division of  
39 Local Government Services of the Department of Community and  
40 Urban Affairs which are applicable to county funds generally, and that  
41 the Local Finance Board shall have authority to adopt, after  
42 consultation with the commissioner, regulations specifically governing  
43 the administration of transportation development district trust funds.

44 (cf: P.L.1989, c.100, s.18)

45

46 108. Section 17 of P.L.1979, c.496 (C.30:1A-2) is amended to

1 read as follows:

2 17. Every executive department or agency of this State charged  
3 with administering any licensing, inspection, enforcement, referral or  
4 placement program for residential health care facilities, rooming  
5 houses or boarding houses shall cooperate fully, and coordinate its  
6 programs to the greatest extent possible, with any other department or  
7 agency so charged.

8 In order to facilitate such cooperation and coordination, the  
9 Commissioner of [the Department of] Human Services shall convene  
10 quarterly meetings of a policy coordinating committee, which shall  
11 consist of said commissioner, the Commissioners of [the Departments  
12 of] Community and Urban Affairs and Health and the Ombudsman for  
13 the Institutionalized Elderly or their designated representatives, and to  
14 which the Public Defender, and representatives of such other State and  
15 local agencies as may be designated by said commissioner, shall be  
16 invited to attend.

17 At meetings of the policy coordinating committee, and on a  
18 continuous basis:

19 a. The Commissioner of Human Services shall, at a minimum: (1)  
20 Provide the Commissioners of Community and Urban Affairs and  
21 Health with such information consistent with federal law and  
22 regulations, concerning the disbursement of Supplemental Security  
23 Income checks, under P.L.1973, c.256 (C.44:7-85 et seq.), as may be  
24 necessary to implement their duties under the provisions of this act and  
25 prevent fraud and improper payment, and work with the federal  
26 government to ensure close supervision of the disbursement of such  
27 checks; (2) Refer complaints concerning services and conditions at  
28 residential health care facilities, rooming houses and boarding houses  
29 to said commissioners, as appropriate; and (3) Render services to  
30 residents of such facilities through its several divisions and by means  
31 of its responsibilities delegated to county welfare boards;

32 b. The Commissioner of Community and Urban Affairs shall, at a  
33 minimum, solicit recommendations from the Commissioners of Human  
34 Services and Health on the preparation of standards for rooming and  
35 boarding houses, and when such recommendations are not adopted,  
36 inform said commissioners of the reasons therefor, notify said  
37 commissioners concerning any waiver, modification or postponement  
38 granted under the provisions of section 5 of this act, and inform said  
39 commissioners as quickly as possible of any such facilities that have  
40 relinquished their licenses or had their licenses revoked, and of any  
41 serious violations of standards for such facilities;

42 c. The Commissioner of Health shall, at a minimum, solicit  
43 recommendations from the Commissioners of Human Services and  
44 Community and Urban Affairs on the preparation of standards for  
45 residential health care facilities, and when such recommendations are  
46 not adopted, inform the commissioners of the reasons therefor, inform

1 the commissioners as quickly as possible of any such facilities that  
2 have relinquished their licenses or had their licenses revoked, and of  
3 any serious violations of standards for such facilities; and

4 d. The Ombudsman for the Institutionalized Elderly shall, at a  
5 minimum, refer all complaints received concerning services and  
6 conditions at residential health care facilities, rooming and boarding  
7 houses to the Commissioners of Human Services, Community and  
8 Urban Affairs and Health.

9 (cf: P.L.1994, c.58, s.46)

10

11 109. Section 7 of P.L.1968, c.413 (C.30:4D-7) is amended to read  
12 as follows:

13 7. Duties of commissioner. The commissioner is authorized and  
14 empowered to issue, or to cause to be issued through the Division of  
15 Medical Assistance and Health Services, all necessary rules and  
16 regulations and administrative orders, and to do or cause to be done  
17 all other acts and things necessary to secure for the State of New  
18 Jersey the maximum federal participation that is available with respect  
19 to a program of medical assistance, consistent with fiscal responsibility  
20 and within the limits of funds available for any fiscal year, and to the  
21 extent authorized by the medical assistance program plan; to adopt fee  
22 schedules with regard to medical assistance benefits and otherwise to  
23 accomplish the purposes of this act, including specifically the  
24 following:

25 a. Subject to the limits imposed by this act, to submit a plan for  
26 medical assistance, as required by Title XIX of the federal Social  
27 Security Act, to the federal Department of Health and Human Services  
28 for approval pursuant to the provisions of such law; to act for the  
29 State in making negotiations relative to the submission and approval  
30 of such plan, to make such arrangements, not inconsistent with the  
31 law, as may be required by or pursuant to federal law to obtain and  
32 retain such approval and to secure for the State the benefits of the  
33 provisions of such law;

34 b. Subject to the limits imposed by this act, to determine the  
35 amount and scope of services to be covered, that the amounts to be  
36 paid are reasonable, and the duration of medical assistance to be  
37 furnished; provided, however, that the department shall provide  
38 medical assistance on behalf of all recipients of categorical assistance  
39 and such other related groups as are mandatory under federal laws and  
40 rules and regulations, as they now are or as they may be hereafter  
41 amended, in order to obtain federal matching funds for such purposes  
42 and, in addition, provide medical assistance for the foster children  
43 specified in section 3i. (7) of this act. The medical assistance provided  
44 for these groups shall not be less in scope, duration, or amount than  
45 is currently furnished such groups, and in addition, shall include at  
46 least the minimum services required under federal laws and rules and

1 regulations to obtain federal matching funds for such purposes.

2 The commissioner is authorized and empowered, at such times as  
3 he may determine feasible, within the limits of appropriated funds for  
4 any fiscal year, to extend the scope, duration, and amount of medical  
5 assistance on behalf of these groups of categorical assistance  
6 recipients, related groups as are mandatory, and foster children  
7 authorized pursuant to section 3i. (7) of this act, so as to include, in  
8 whole or in part, the optional medical services authorized under  
9 federal laws and rules and regulations, and the commissioner shall have  
10 the authority to establish and maintain the priorities given such  
11 optional medical services; provided, however, that medical assistance  
12 shall be provided to at least such groups and in such scope, duration,  
13 and amount as are required to obtain federal matching funds.

14 The commissioner is further authorized and empowered, at such  
15 times as he may determine feasible, within the limits of appropriated  
16 funds for any fiscal year, to issue, or cause to be issued through the  
17 Division of Medical Assistance and Health Services, all necessary  
18 rules, regulations and administrative orders, and to do or cause to be  
19 done all other acts and things necessary to implement and administer  
20 demonstration projects pursuant to Title XI, section 1115 of the  
21 federal Social Security Act, including, but not limited to waiving  
22 compliance with specific provisions of this act, to the extent and for  
23 the period of time the commissioner deems necessary, as well as  
24 contracting with any legal entity, including but not limited to  
25 corporations organized pursuant to Title 14A, New Jersey Statutes  
26 (N.J.S.14A:1-1 et seq.), Title 15, Revised Statutes (R.S.15:1-1 et  
27 seq.) and Title 15A, New Jersey Statutes (N.J.S.15A:1-1 et seq.) as  
28 well as boards, groups, agencies, persons and other public or private  
29 entities;

30 c. To administer the provisions of this act;

31 d. To make reports to the federal Department of Health and  
32 Human Services as from time to time may be required by such federal  
33 department and to the New Jersey Legislature as hereinafter provided;

34 e. To assure that any applicant, qualified applicant or recipient shall  
35 be afforded the opportunity for a hearing should his claim for medical  
36 assistance be denied, reduced, terminated or not acted upon within a  
37 reasonable time;

38 f. To assure that providers shall be afforded the opportunity for an  
39 administrative hearing within a reasonable time on any valid complaint  
40 arising out of the claim payment process;

41 g. To provide safeguards to restrict the use or disclosure of  
42 information concerning applicants and recipients to purposes directly  
43 connected with administration of this act;

44 h. To take all necessary action to recover any and all payments  
45 incorrectly made to or illegally received by a provider from such  
46 provider or his estate or from any other person, firm, corporation,

1 partnership or entity responsible for or receiving the benefit or  
2 possession of the incorrect or illegal payments or their estates,  
3 successors or assigns, and to assess and collect such penalties as are  
4 provided for herein;

5 i. To take all necessary action to recover the cost of benefits  
6 incorrectly provided to or illegally obtained by a recipient, including  
7 those made after a voluntary divestiture of real or personal property  
8 or any interest or estate in property for less than adequate  
9 consideration made for the purpose of qualifying for assistance. The  
10 division shall take action to recover the cost of benefits from a  
11 recipient, legally responsible relative, representative payee, or any  
12 other party or parties whose action or inaction resulted in the incorrect  
13 or illegal payments or who received the benefit of the divestiture, or  
14 from their respective estates, as the case may be and to assess and  
15 collect the penalties as are provided for herein, except that no lien  
16 shall be imposed against property of the recipient prior to his death  
17 except in accordance with section 17 of P.L.1968, c.413  
18 (C.30:4D-17). No recovery action shall be initiated more than five  
19 years after an incorrect payment has been made to a recipient when the  
20 incorrect payment was due solely to an error on the part of the State  
21 or any agency, agent or subdivision thereof;

22 j. To take all necessary action to recover the cost of benefits  
23 correctly provided to a recipient from the estate of said recipient in  
24 accordance with sections 6 through 12 of this amendatory and  
25 supplementary act;

26 k. To take all reasonable measures to ascertain the legal or  
27 equitable liability of third parties to pay for care and services (available  
28 under the plan) arising out of injury, disease, or disability; where it is  
29 known that a third party has a liability, to treat such liability as a  
30 resource of the individual on whose behalf the care and services are  
31 made available for purposes of determining eligibility; and in any case  
32 where such a liability is found to exist after medical assistance has  
33 been made available on behalf of the individual, to seek reimbursement  
34 for such assistance to the extent of such liability;

35 l. To compromise, waive or settle and execute a release of any  
36 claim arising under this act including interest or other penalties, or  
37 designate another to compromise, waive or settle and execute a release  
38 of any claim arising under this act. The commissioner or his designee  
39 whose title shall be specified by regulation may compromise, settle or  
40 waive any such claim in whole or in part, either in the interest of the  
41 Medicaid program or for any other reason which the commissioner by  
42 regulation shall establish;

43 m. To pay or credit to a provider any net amount found by final  
44 audit as defined by regulation to be owing to the provider. Such  
45 payment, if it is not made within 45 days of the final audit, shall  
46 include interest on the amount due at the maximum legal rate in effect

1 on the date the payment became due, except that such interest shall  
2 not be paid on any obligation for the period preceding September 15,  
3 1976. This subsection shall not apply until federal financial  
4 participation is available for such interest payments;

5 n. To issue, or designate another to issue, [subpenas] subpoenas  
6 to compel the attendance of witnesses and the production of books,  
7 records, accounts, papers and documents of any party, whether or not  
8 that party is a provider, which directly or indirectly relate to goods or  
9 services provided under this act, for the purpose of assisting in any  
10 investigation, examination, or inspection, or in any suspension,  
11 debarment, disqualification, recovery, or other proceeding arising  
12 under this act;

13 o. To solicit, receive and review bids pursuant to the provisions of  
14 P.L.1954, c.48 (C.52:34-6 et seq.) and all amendments and  
15 supplements thereto, by any corporation doing business in the State of  
16 New Jersey, including nonprofit hospital service corporations, medical  
17 service corporations, health service corporations or dental service  
18 corporations incorporated in New Jersey and authorized to do business  
19 pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), P.L.1940, c.74  
20 (C.17:48A-1 et seq.), P.L.1985, c.236 (C.17:48E-1 et seq.), or  
21 P.L.1968, c.305 (C.17:48C-1 et seq.), and to make recommendations  
22 in connection therewith to the State Medicaid Commission;

23 p. To contract, or otherwise provide as in this act provided, for the  
24 payment of claims in the manner approved by the State Medicaid  
25 Commission;

26 q. Where necessary, to advance funds to the underwriter or fiscal  
27 agent to enable such underwriter or fiscal agent, in accordance with  
28 terms of its contract, to make payments to providers;

29 r. To enter into contracts with federal, State, or local governmental  
30 agencies, or other appropriate parties, when necessary to carry out the  
31 provisions of this act;

32 s. To assure that the nature and quality of the medical assistance  
33 provided for under this act shall be uniform and equitable to all  
34 recipients;

35 t. To provide for the reimbursement of State and  
36 county-administered skilled nursing and intermediate care facilities  
37 through the use of a governmental peer grouping system, subject to  
38 federal approval and the availability of federal reimbursement.

39 (1) In establishing a governmental peer grouping system, the  
40 State's financial participation is limited to an amount equal to the  
41 nonfederal share of the reimbursement which would be due each  
42 facility if the governmental peer grouping system was not established,  
43 and each county's financial participation in this reimbursement system  
44 is equal to the nonfederal share of the increase in reimbursement for  
45 its facility or facilities which results from the establishment of the  
46 governmental peer grouping system.

1 (2) On or before December 1 of each year, the commissioner shall  
2 estimate and certify to the Director of the Division of Local  
3 Government Services in the Department of Community and Urban  
4 Affairs the amount of increased federal reimbursement a county may  
5 receive under the governmental peer grouping system. On or before  
6 December 15 of each year, the Director of the Division of Local  
7 Government Services shall certify the increased federal reimbursement  
8 to the chief financial officer of each county. If the amount of  
9 increased federal reimbursement to a county exceeds or is less than the  
10 amount certified, the certification for the next year shall account for  
11 the actual amount of federal reimbursement that the county received  
12 during the prior calendar year.

13 (3) The governing body of each county entitled to receive  
14 increased federal reimbursement under the provisions of this  
15 amendatory act shall, by March 31 of each year, submit a report to the  
16 commissioner on the intended use of the savings in county  
17 expenditures which result from the increased federal reimbursement.  
18 The governing body of each county, with the advice of agencies  
19 providing social and health related services, shall use not less than  
20 10% and no more than 50% of the savings in county expenditures  
21 which result from the increased federal reimbursement for  
22 community-based social and health related programs for elderly and  
23 disabled persons who may otherwise require nursing home care. This  
24 percentage shall be negotiated annually between the governing body  
25 and the commissioner and shall take into account a county's social,  
26 demographic and fiscal conditions, a county's social and health related  
27 expenditures and needs, and estimates of federal revenues to support  
28 county operations in the upcoming year, particularly in the areas of  
29 social and health related services.

30 (4) The commissioner, subject to approval by law, may terminate  
31 the governmental peer grouping system if federal reimbursement is  
32 significantly reduced or if the Medicaid program is significantly altered  
33 or changed by the federal government subsequent to the enactment of  
34 this amendatory act. The commissioner, prior to terminating the  
35 governmental peer grouping system, shall submit to the Legislature  
36 and to the governing body of each county a report as to the reasons  
37 for terminating the governmental peer grouping system;

38 u. The commissioner, in consultation with the Commissioner of  
39 Health, shall:

40 (1) Develop criteria and standards for comprehensive maternity or  
41 pediatric care providers and determine whether a provider who  
42 requests to become a comprehensive maternity or pediatric care  
43 provider meets the department's criteria and standards;

44 (2) Develop a program of comprehensive maternity care services  
45 which defines the type of services to be provided, the level of services  
46 to be provided, and the frequency with which qualified applicants are

1 to receive services pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.);

2 (3) Develop a program of comprehensive pediatric care services  
3 which defines the type of services to be provided, the level of services  
4 to be provided, and the frequency with which qualified applicants are  
5 to receive services pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.);

6 (4) Develop and implement a system for monitoring the quality and  
7 delivery of comprehensive maternity and pediatric care services and a  
8 system for evaluating the effectiveness of the services programs in  
9 meeting their objectives;

10 (5) Establish provider reimbursement rates for the comprehensive  
11 maternity and pediatric care services;

12 v. The commissioner, jointly with the Commissioner of Health,  
13 shall report to the Governor and the Legislature no later than two  
14 years following the date of enactment of P.L.1987, c. 115 (C.  
15 30:4D-2.1 et al.) and annually thereafter on the status of the  
16 comprehensive maternity and pediatric care services and their  
17 effectiveness in meeting the objectives set forth in section 1 of  
18 P.L.1987, c.115 (C.30:4D-2.1) accompanying the report with any  
19 recommendations for changes in the law governing the services that  
20 the commissioners deem necessary.

21 (cf: P.L.1988, c.6, s.1)

22

23 110. Section 2 of P.L.1980, c.35 (C.30:4E-2) is amended to read  
24 as follows:

25 2. a. The Commissioner of Human Services shall organize an  
26 Interagency Task Force on Home Care Services, hereinafter known as  
27 the "task force," which shall consist of the commissioner, the  
28 Commissioner of Health, the Commissioner of Insurance and the  
29 Commissioner of Community and Urban Affairs or their designated  
30 representatives. The task force shall review and coordinate efforts  
31 among departments to develop home health care and homemaker  
32 services and shall consult on the propriety and effects of State and  
33 Federal home health care and homemaker legislation, rules, and  
34 regulations. The task force shall work toward regulatory and  
35 legislative change which it feels will promote the utilization of home  
36 health care and homemaker services as an alternative to institutional  
37 care.

38 b. The task force shall meet as frequently as its business may  
39 require and at least once in each calendar quarter of each year.

40 c. The task force shall consult on a regular basis with the Statewide  
41 Health Coordinating Council and with public and private nonprofit,  
42 proprietary, and hospital based providers of home health care and  
43 homemaker services. The task force shall also consult with service  
44 consumers.

45 (cf: P.L.1980, c.35, s.2)

1 111. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to  
2 read as follows:

3 14. a. The Director of the Division of Youth and Family Services  
4 in the Department of Human Services and the Director of the Division  
5 on Women in the Department of Community and Urban Affairs shall  
6 establish a Child Care Advisory Council which shall consist of at least  
7 15 individuals who have experience, training or other interests in child  
8 care issues. To the extent possible, the directors shall designate  
9 members of existing councils or task forces heretofore established on  
10 child care in New Jersey as the advisory council.

11 b. The advisory council shall:

12 (1) Review rules and regulations or proposed revisions to existing  
13 rules and regulations governing the licensing of child care centers;

14 (2) Review proposed statutory amendments governing the licensing  
15 of child care centers and make recommendations to the commissioner;

16 (3) Advise the commissioner on the administration of the licensing  
17 responsibilities under this act;

18 (4) Advise the Commissioners of Human Services and Community  
19 and Urban Affairs and other appropriate units of State government on  
20 the needs, priorities, programs, and policies relating to child care  
21 throughout the State;

22 (5) Study and recommend alternative resources for child care; and

23 (6) Facilitate employer supported child care through information  
24 and technical assistance.

25 c. The advisory council may accept from any governmental  
26 department or agency, public or private body or any other source  
27 grants or contributions to be used in carrying out its responsibilities  
28 under this act.

29 (cf: P.L.1992, c.95, s.4)

30

31 112. Section 3 of P.L.1987, c.215 (C.30:5B-28) is amended to  
32 read as follows:

33 3. The Commissioner of Human Services, in consultation with the  
34 Commissioner of Education and the Advisory Council on Child Care  
35 established pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14)  
36 and the Division on Women in the Department of Community and  
37 Urban Affairs established pursuant to P.L.1974, c.87 (C.52:27D-43.8  
38 et seq.), shall establish criteria for assessing the suitability of grant  
39 applicants. Each applicant for a grant under this act shall:

40 a. Describe the need for and type of child care services to be  
41 furnished;

42 b. Provide assurances that the applicant has knowledge of and  
43 experience in the special nature of child care services for school-age  
44 children;

45 c. Provide assurances that each person to be employed by the  
46 applicant for child care has appropriate experience and character

1 including a criminal history records check of the files of the State  
2 Bureau of Identification and the Federal Bureau of Investigation,  
3 Identification Division;

4 d. Provide evidence that the applicant will be afforded use of an  
5 appropriate school facility or another appropriate location as approved  
6 by the commissioner, which may be a child care center licensed  
7 pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);

8 e. Provide assurances that the program will be in conformity with  
9 all appropriate statutes, regulations, ordinances, and such programs as  
10 shall be developed for the program created by this act;

11 f. Provide a tentative budget for the program, including a proposed  
12 sliding-fee schedule which should reflect a family's capacity to pay;

13 g. Provide assurances that the parents of school-age children will  
14 be involved in the development and implementation of the child care  
15 program; and

16 h. Provide such other assurances and information as the  
17 commissioner shall reasonably require to carry out the provisions of  
18 this act.

19 (cf: P.L.1987, c.215, s.3)

20

21 113. Section 4 of P.L.1979, c.37 (C.30:13-4) is amended to read  
22 as follows:

23 4. a. There is created an Advisory Council on Domestic Violence  
24 which shall consist of 19 members: the Director of the Division on  
25 Women in the Department of Community and Urban Affairs, the  
26 Director of the Division of Youth and Family Services and the  
27 Director of the Division of Public Welfare in the Department of  
28 Human Services, the Director of the Administrative Office of the  
29 Courts, the Commissioner of [the Department of] Education, the  
30 Attorney General, or their designees, and one representative of Legal  
31 Services of New Jersey, one former domestic violence shelter resident,  
32 one representative of the Police Chiefs Association, one representative  
33 of the County Prosecutors Association, one representative of the New  
34 Jersey State Nurses Association, one representative of the Mental  
35 Health Association in New Jersey, one representative of the New  
36 Jersey Crime Prevention Officers Association, one representative of  
37 the New Jersey Hospital Association, one representative of the Violent  
38 Crimes Compensation Board, and four representatives of the New  
39 Jersey Coalition for Battered Women to be appointed by the  
40 Governor.

41 b. The advisory council shall:

42 (1) Monitor the effectiveness of the laws concerning domestic  
43 violence and make recommendations for their improvement;

44 (2) Review proposed legislation governing domestic violence and  
45 make recommendations to the Governor and the Legislature;

46 (3) Study the needs, priorities, programs, and policies relating to

1 domestic violence throughout the State; and

2 (4) Ensure that all service providers and citizens are aware of the  
3 needs of and services available to victims of domestic violence and  
4 make recommendations for community education and training  
5 programs.

6 c. The advisory council shall periodically advise the Director of the  
7 Division of Youth and Family Services in the Department of Human  
8 Services and the Director of the Division on Women in the Department  
9 of Community and Urban Affairs on its activities, findings and  
10 recommendations.

11 (cf: P.L.1987, c.103, s.1)

12

13 114. Section 3 of P.L.1974, c.80 (C.34:1B-3) is amended to read  
14 as follows:

15 3. As used in this act, unless a different meaning clearly appears  
16 from the context:

17 a. "Authority" means the New Jersey Economic Development  
18 Authority, created by section 4 of this act.

19 b. "Bonds" means bonds or other obligations issued by the  
20 authority pursuant to this act or "Economic Recovery Bonds or  
21 Notes" issued pursuant to P.L.1992, c.16 (C.34:1B-7.10 et al.).

22 c. "Cost" means the cost of the acquisition, construction,  
23 reconstruction, repair, alteration, improvement and extension of any  
24 building, structure, facility including water transmission facilities, or  
25 other improvement; the cost of machinery and equipment; the cost of  
26 acquisition, construction, reconstruction, repair, alteration,  
27 improvement and extension of energy saving improvements or  
28 pollution control devices, equipment or facilities; the cost of lands,  
29 rights-in-lands, easements, privileges, agreements, franchises, utility  
30 extensions, disposal facilities, access roads and site development  
31 deemed by the authority to be necessary or useful and convenient for  
32 any project or in connection therewith; discount on bonds; cost of  
33 issuance of bonds; engineering and inspection costs; costs of financial,  
34 legal, professional and other estimates and advice; organization,  
35 administrative, insurance, operating and other expenses of the  
36 authority or any person prior to and during any acquisition or  
37 construction, and all such expenses as may be necessary or incident to  
38 the financing, acquisition, construction or completion of any project  
39 or part thereof, and also such provision for reserves for payment or  
40 security of principal of or interest on bonds during or after such  
41 acquisition or construction as the authority may determine.

42 d. "County" means any county of any class.

43 e. "Development property" means any real or personal property,  
44 interest therein, improvements thereon, appurtenances thereto and air  
45 or other rights in connection therewith, including land, buildings,  
46 plants, structures, systems, works, machinery and equipment acquired

1 or to be acquired by purchase, gift or otherwise by the authority within  
2 an urban growth zone.

3 f. "Person" means any person, including individuals, firms,  
4 partnerships, associations, societies, trusts, public or private  
5 corporations, or other legal entities, including public or governmental  
6 bodies, as well as natural persons. "Person" shall include the plural as  
7 well as the singular.

8 g. "Pollution control project" means any device, equipment,  
9 improvement, structure or facility, or any land and any building,  
10 structure, facility or other improvement thereon, or any combination  
11 thereof, whether or not in existence or under construction, or the  
12 refinancing thereof in order to facilitate improvements or additions  
13 thereto or upgrading thereof, and all real and personal property  
14 deemed necessary thereto, having to do with or the end purpose of  
15 which is the control, abatement or prevention of land, sewer, water,  
16 air, noise or general environmental pollution, including, but not limited  
17 to, any air pollution control facility, noise abatement facility, water  
18 management facility, thermal pollution control facility, radiation  
19 contamination control facility, wastewater collection system,  
20 wastewater treatment works, sewage treatment works system, sewage  
21 treatment system or solid waste disposal facility or site; provided that  
22 the authority shall have received from the Commissioner of [the State  
23 Department of] Environmental Protection or his duly authorized  
24 representative a certificate stating the opinion that, based upon  
25 information, facts and circumstances available to the State  
26 Department of Environmental Protection and any other pertinent data,  
27 (1) said pollution control facilities do not conflict with, overlap or  
28 duplicate any other planned or existing pollution control facilities  
29 undertaken or planned by another public agency or authority within  
30 any political subdivision, and (2) that such facilities, as designed, will  
31 be a pollution control project as defined in this act and are in  
32 furtherance of the purpose of abating or controlling pollution.

33 h. "Project" means: (1) (a) acquisition, construction,  
34 reconstruction, repair, alteration, improvement and extension of any  
35 building, structure, facility, including water transmission facilities or  
36 other improvement, whether or not in existence or under construction,  
37 (b) purchase and installation of equipment and machinery, (c)  
38 acquisition and improvement of real estate and the extension or  
39 provision of utilities, access roads and other appurtenant facilities; and  
40 (2) (a) the acquisition, financing, or refinancing of inventory, raw  
41 materials, supplies, work in process, or stock in trade, or (b) the  
42 financing, refinancing or consolidation of secured or unsecured debt,  
43 borrowings, or obligations, or (c) the provision of financing for any  
44 other expense incurred in the ordinary course of business; all of which  
45 are to be used or occupied by any person in any enterprise promoting  
46 employment, either for the manufacturing, processing or assembly of

1 materials or products, or for research or office purposes, including,  
2 but not limited to, medical and other professional facilities, or for  
3 industrial, recreational, hotel or motel facilities, public utility and  
4 warehousing, or for commercial and service purposes, including, but  
5 not limited to, retail outlets, retail shopping centers, restaurant and  
6 retail food outlets, and any and all other employment promoting  
7 enterprises, including, but not limited to, motion picture and television  
8 studios and facilities and commercial fishing facilities, commercial  
9 facilities for recreational fishermen, fishing vessels, aquaculture  
10 facilities and marketing facilities for fish and fish products and (d)  
11 acquisition of an equity interest in, including capital stock of, any  
12 corporation; or any combination of the above, which the authority  
13 determines will: (i) tend to maintain or provide gainful employment  
14 opportunities within and for the people of the State, or (ii) aid, assist  
15 and encourage the economic development or redevelopment of any  
16 political subdivision of the State, or (iii) maintain or increase the tax  
17 base of the State or of any political subdivision of the State, or (iv)  
18 maintain or diversify and expand employment promoting enterprises  
19 within the State; and (3) the cost of acquisition, construction,  
20 reconstruction, repair, alteration, improvement and extension of an  
21 energy saving improvement or pollution control project which the  
22 authority determines will tend to reduce the consumption in a building  
23 devoted to industrial or commercial purposes, or in an office building,  
24 of nonrenewable sources of energy or to reduce, abate or prevent  
25 environmental pollution within the State; and (4) the acquisition,  
26 construction, reconstruction, repair, alteration, improvement,  
27 extension, development, financing or refinancing of infrastructure and  
28 transportation facilities or improvements related to economic  
29 development and of cultural, recreational and tourism facilities or  
30 improvements related to economic development and of capital facilities  
31 for primary and secondary schools and of mixed use projects  
32 consisting of housing and commercial development. Project may also  
33 include: (i) reimbursement to any person for costs in connection with  
34 any project, or the refinancing of any project or portion thereof, if  
35 determined by the authority as necessary and in the public interest to  
36 maintain employment and the tax base of any political subdivision and  
37 will facilitate improvements thereto or the completion thereof, and (ii)  
38 development property and any construction, reconstruction,  
39 improvement, alteration, equipment or maintenance or repair, or  
40 planning and designing in connection therewith. For the purpose of  
41 carrying out mixed use projects consisting of both housing and  
42 commercial development, the authority may enter into agreements with  
43 the New Jersey Housing and Mortgage Finance Agency for loan  
44 guarantees for any such project in accordance with the provisions of  
45 P.L.1995, c.359 (C.55:14K-64 et al.), and for that purpose shall  
46 allocate to the New Jersey Housing and Mortgage Finance Agency,

1 under such agreements, funding available pursuant to subsection a. of  
2 section 4 of P.L.1992, c.16 (C.34:1B-7.13).

3 i. "Revenues" means receipts, fees, rentals or other payments to be  
4 received on account of lease, mortgage, conditional sale, or sale, and  
5 payments and any other income derived from the lease, sale or other  
6 disposition of a project, moneys in such reserve and insurance funds  
7 or accounts or other funds and accounts, and income from the  
8 investment thereof, established in connection with the issuance of  
9 bonds or notes for a project or projects, and fees, charges or other  
10 moneys to be received by the authority in respect of projects and  
11 contracts with persons.

12 j. "Resolution" means any resolution adopted or trust agreement  
13 executed by the authority, pursuant to which bonds of the authority  
14 are authorized to be issued.

15 k. "Energy saving improvement" means the construction, purchase  
16 and installation in a building devoted to industrial or commercial  
17 purposes of any of the following, designed to reduce the amount of  
18 energy from nonrenewable sources needed for heating and cooling that  
19 building: insulation, replacement burners, replacement high efficiency  
20 heating and air conditioning units, including modular boilers and  
21 furnaces, water heaters, central air conditioners with or without heat  
22 recovery to make hot water for industrial or commercial purposes or  
23 in office buildings, and any solar heating or cooling system  
24 improvement, including any system which captures solar radiation to  
25 heat a fluid which passes over or through the collector element of that  
26 system and then transfers that fluid to a point within the system where  
27 the heat is withdrawn from the fluid for direct usage or storage. These  
28 systems shall include, but not necessarily be limited to, systems  
29 incorporating flat plate, evacuated tube or focusing solar collectors.

30 The foregoing list shall not be construed to be exhaustive, and shall  
31 not serve to exclude other improvements consistent with the legislative  
32 intent of this amendatory act.

33 l. "Urban growth zone" means any area within a municipality  
34 receiving State aid pursuant to the provisions of P.L.1978, c.14  
35 (C.52:27D-178 et seq.) or a municipality certified by the  
36 Commissioner of Community and Urban Affairs to qualify under such  
37 law in every respect except population, which area has been so  
38 designated pursuant to an ordinance of the governing body of such  
39 municipality.

40 (cf: P.L.1995, c.359, s.8)

41

42 115. Section 4 of P.L.1983, c.516 (C.34:6A-28) is amended to  
43 read as follows:

44 4. There is created a Public Employees' Occupational Safety and  
45 Health Advisory Board to assist the commissioner in establishing  
46 standards for the occupational safety and health of public employees.

1 The board shall make itself available to receive information regarding  
2 matters of concern to public employees in the areas of occupational  
3 safety and health. The advisory board, under the chairmanship of the  
4 commissioner, shall consist of the Commissioner of Education, the  
5 Commissioner of Health, the Commissioner of Environmental  
6 Protection, the Commissioner of Community and Urban Affairs, the  
7 State Treasurer, or their designees, and 18 members to be appointed  
8 by the Governor, as follows: one member representing the fire service,  
9 one member representing municipalities, one member representing  
10 municipal employees, one member representing county government,  
11 one member representing employees of county government, one  
12 member representing State employees, one member representing public  
13 health care facilities, one member representing employees of public  
14 health care facilities, one member representing correctional  
15 institutions, one member representing employees of correctional  
16 institutions, one member representing law enforcement employees, one  
17 member representing local school boards, one member representing  
18 local school board employees, one member representing Rutgers, The  
19 State University, one member representing employees in institutions  
20 of higher education, and three members representing the public. The  
21 members selected by the Governor shall be selected on the basis of  
22 their experience and competence in the field of occupational safety and  
23 health. No more than nine members appointed by the Governor shall  
24 be from the same political party. Each member shall serve for a term  
25 of three years and until his successor is appointed and qualified. A  
26 vacancy shall be filled by appointment by the Governor to the  
27 unexpired term. The members of the advisory board shall serve  
28 without compensation but shall be entitled to reimbursement for their  
29 actual traveling expenses and other expenses incurred in the  
30 performance of their duties.

31 (cf: P.L.1990, c.129, s.1)

32

33 116. Section 5 of P.L.1983, c.516 (C.34:6A-29) is amended to  
34 read as follows:

35 5. The commissioner shall, in consultation with the Commissioner  
36 of Health, the Commissioner of Community and Urban Affairs and the  
37 advisory board, promulgate a plan for the development and  
38 enforcement of occupational safety and health standards with respect  
39 to public employers and public employees, in accordance with section  
40 18(c) of the "Occupational Safety and Health Act of 1970,"  
41 Pub.L.91-596 (29 U.S.C. s.651 et seq.). The Department of Labor  
42 shall be the sole agency responsible for administering and enforcing  
43 this plan throughout the State. The plan shall:

44 a. Provide for the development and enforcement of safety and  
45 health standards;

46 b. Provide for the right of entry and inspection in all workplaces by

- 1 the commissioner;
- 2 c. Provide for the right of entry and inspection in all workplaces by  
3 the Commissioner of Health;
- 4 d. Prohibit advance notice of inspections;
- 5 e. Contain satisfactory assurances that the Department of Labor  
6 and the Department of Health have the legal authority and qualified  
7 personnel necessary to carry out their responsibilities under this act;
- 8 f. Give satisfactory assurances that the State will devote adequate  
9 funds to the administration and enforcement of the standards;
- 10 g. Contain satisfactory assurances that the State will, to the extent  
11 permitted by law, establish and maintain an effective and  
12 comprehensive occupational safety and health program applicable to  
13 all employees of public agencies of the State and its political  
14 subdivisions, which program is as effective as the corresponding  
15 provisions of the "Occupational Safety and Health Act of 1970,"  
16 Pub.L.91-596 (29 U.S.C. s.651 et seq.);
- 17 h. Provide that the Department of Labor shall make such reports  
18 to the secretary in the form and containing the information that the  
19 secretary from time to time requires; and
- 20 i. Provide for such cooperation with the Department of Community  
21 and Urban Affairs in implementing the plan as is consistent with the  
22 provisions of P.L.1983, c.516 (C.34:6A-25 et seq.) and the  
23 "Occupational Safety and Health Act of 1970," Pub.L.91-596 (29  
24 U.S.C. s.651 et seq.).  
25 (cf: P.L.1995, c.186, s.1)

26  
27 117. Section 6 of P.L.1983, c.516 (C.34:6A-30) is amended to  
28 read as follows:

- 29 6. a. The commissioner shall provide for the adoption of all  
30 applicable occupational health and safety standards, amendments or  
31 changes adopted or recognized by the secretary under the authority of  
32 the "Occupational Safety and Health Act of 1970." Whenever the  
33 United States Secretary of Labor adopts a standard pursuant to the  
34 provisions of the "Occupational Safety and Health Act of 1970" (29  
35 U.S.C. s.651 et seq.), the commissioner shall publish that federal  
36 standard in the New Jersey Register in accordance with the provisions  
37 of section 5 of P.L.1968, c.410 (C.52:14B-5) and, notwithstanding the  
38 provisions of section 4 of P.L.1968, c.410 (C.52:14B-4), that federal  
39 standard shall be deemed to be duly adopted as a State regulation upon  
40 its publication by the commissioner.
- 41 b. The commissioner shall not adopt any standard within the scope  
42 of the State uniform construction code adopted pursuant to P.L.1975,  
43 c.217 (C.52:27D-119 et seq.) or the uniform fire safety code adopted  
44 pursuant to P.L.1983, c.383 (C.52:27D-192 et al.), unless the standard  
45 is a standard adopted pursuant to subsection a. of this section. If the  
46 Commissioner of Community and Urban Affairs determines that a

1 standard for building or structural safety adopted by the commissioner  
2 pursuant to subsection a. of this section is more stringent than the  
3 applicable standards adopted into code pursuant to the State uniform  
4 construction code or the uniform fire safety code, he shall adopt a rule  
5 incorporating the more stringent standard into the relevant code. If the  
6 Commissioner of Community and Urban Affairs determines that there  
7 is a difference between a provision of any new or existing standard  
8 adopted pursuant to subsection a. of this section and a provision of the  
9 uniform construction code or the uniform fire safety code, and he  
10 determines that the provision of the code is as effective as the  
11 provision of the standard, he shall prepare and submit to the  
12 commissioner an application for submission to the Secretary of Labor  
13 seeking (1) the approval of that provision of the uniform construction  
14 code or the uniform fire safety code as being as effective as the  
15 provision of the standard and (2) the approval of the incorporation of  
16 the code provision into the State plan.

17 c. Where no federal standards are applicable or where standards  
18 more stringent than the federal standards are deemed advisable, the  
19 commissioner shall, in consultation with the Commissioner of Health  
20 and the Commissioner of Community and Urban Affairs and, with the  
21 advice of the advisory board, provide for the development of State  
22 standards as may be necessary in special circumstances.

23 d. The commissioner and the Commissioner of Health, or their  
24 designees, shall meet with the advisory board at each scheduled  
25 meeting for these purposes. The advisory board shall meet not less  
26 than four times each year.

27 e. The Commissioner of Health shall not adopt standards or issue  
28 orders to comply in any area but shall be charged with inspection,  
29 investigation and related activities in the following areas:

- 30 (1) Occupational health and environmental control;
- 31 (2) Medical and first aid;
- 32 (3) Toxic and hazardous substances;
- 33 (4) Respiratory protective equipment; and
- 34 (5) Sanitation.

35 The Commissioner of Labor shall be charged with inspection,  
36 investigation and related activities for all other regulated areas and  
37 with adopting of standards and issuing orders to comply in all  
38 regulated areas.

39 (cf: P.L.1995, c.186, s.2)

40

41 118. Section 7 of P.L.1983, c.516 (C.34:6A-31) is amended to  
42 read as follows:

43 7. The commissioner, in consultation with the Commissioner of  
44 Health and the Commissioner of Community and Urban Affairs and  
45 with the advice of the advisory board, shall:

46 a. Provide for a method of encouraging employers and employees

1 in their efforts to reduce the number of safety and health hazards  
2 arising from undesirable, inappropriate, or unnecessarily hazardous or  
3 unhealthful working conditions at the workplace and of stimulating  
4 employers and employees to institute new, and to perfect existing,  
5 programs for providing safe and healthful working conditions;

6 b. Provide for the publication and dissemination to employers,  
7 employees, and labor organizations, and the posting, where  
8 appropriate, by employers of informational, educational and training  
9 materials calculated to aid and assist in achieving the objectives of this  
10 act;

11 c. Provide for the establishment of new, and for the perfection and  
12 expansion of existing, programs for occupational safety and health  
13 education for employers and employees and institute methods and  
14 procedures for the establishment of a program for voluntary  
15 compliance by employers and employees with the standards established  
16 pursuant to this act.

17 (cf: P.L.1995, c.186, s.3)

18

19 119. Section 8 of P.L.1983, c.516 (C.34:6A-32) is amended to  
20 read as follows:

21 8. The commissioner shall, in consultation with the Commissioner  
22 of Health and the Commissioner of Community and Urban Affairs and  
23 with the advice of the advisory board, promulgate all regulations  
24 which he deems necessary for the proper administration and  
25 enforcement of this act. A variance may be granted if the  
26 commissioner determines that the applicant is in compliance with the  
27 requirements for a permanent variance as set forth in subsection c. of  
28 section 15 of this act. The variance shall not be deemed to be a  
29 variation approved pursuant to the "State Uniform Construction Code  
30 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire  
31 Safety Act," P.L.1983, c.383 (C.52:27D-192 et al.) or any other  
32 building or fire safety standard or code.

33 Space leased by a public employer shall be subject to current health  
34 or safety rules and regulations. Any deficiency, including a deficiency  
35 resulting either from occupant use or deferred maintenance by the  
36 lessor, shall be subject to correction in accordance with the governing  
37 rules and regulations at the time that the deficiency is cited by the  
38 commissioner or the Commissioner of Health. However, a lease of any  
39 duration may not be entered into unless the leased property is in  
40 conformance with such rules and regulations as are in effect at the time  
41 the lease is executed.

42 (cf: P.L.1995, c.186, s.4)

43

44 120. Section 14 of P.L.1983, c.516 (C.34:6A-38) is amended to  
45 read as follows:

46 14. a. Any employee, group of employees or employee

1 representative who believes that a violation of a health standard exists,  
2 or that an imminent danger exists, may request an inspection by giving  
3 notice to the Commissioner of Health of the violation or danger. The  
4 notice and request shall be in writing, shall set forth the grounds for  
5 the notice and shall be signed by the employee, a group of employees  
6 or employee representative. Upon the request of the person giving the  
7 notice, his name or the name of any employee representative giving the  
8 notice shall be withheld. The Commissioner of Health shall conduct  
9 an appropriate inspection at the earliest time possible. In any case of  
10 a possible imminent hazard, the commissioner may request the  
11 assistance of other State agencies having appropriate expertise.

12 The Commissioner of Health shall so interpret and administer this  
13 section so as to encourage any employee, group of employees or  
14 employee representative who believes that a violation of a health  
15 standard exists, or that an imminent danger exists, to report that  
16 violation or danger in the first instance to the employer's safety officer.

17 b. A representative of the employer, an employee giving the notice  
18 and an employee representative shall be given the opportunity to  
19 accompany the Commissioner of Health during an inspection for the  
20 purpose of aiding in such inspection. Where there is no authorized  
21 employee representative, the Commissioner of Health shall consult  
22 with a reasonable number of employees concerning matters of health  
23 in the workplace.

24 c. Any employee who accompanies the Commissioner of Health or  
25 the Commissioner of Community and Urban Affairs on an inspection  
26 shall receive payment of normal wages for the time spent during the  
27 inspection.

28 d. The information obtained by the Commissioner of Health under  
29 this section shall be obtained with a minimum burden upon the  
30 employer.

31 (cf: P.L.1995, c.186, s.8)

32

33 121. Section 23 of P.L.1985, c.516 (C.34:6A-47) is amended to  
34 read as follows:

35 23. The Commissioner of Labor, the Commissioner of Community  
36 and Urban Affairs and the Commissioner of Health shall serve in an  
37 advisory capacity to the New Jersey Commission of Capital Budgeting  
38 and Planning on matters of workplace safety and health, to ensure that  
39 new construction meets the standards established by this act.

40 (cf: P.L.1983, c.516, s.23)

41

42 122. Section 25 of P.L.1983, c.516 (C.34:6A-49) is amended to  
43 read as follows:

44 25. Except as provided in section 6 of P.L.1983, c.516  
45 (C.34:6A-30), nothing in this act shall be deemed to conflict with or  
46 supersede any provision of the "State Uniform Construction Code

1 Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the code  
2 promulgated thereunder or to affect or limit the powers, duties,  
3 authorities and responsibilities of the Commissioner of Community and  
4 Urban Affairs or any enforcing agency thereunder. Except as provided  
5 in section 6 of P.L.1983, c.516 (C.34:6A-30), nothing in this act shall  
6 be deemed to conflict with or supersede any provision of the "Uniform  
7 Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et al.), or the code  
8 promulgated thereunder, nor affect or limit the powers, duties,  
9 authorities and responsibilities of the Commissioner of Community and  
10 Urban Affairs or any enforcing agency thereunder.

11 Whenever an action taken to comply with the provisions of this act  
12 makes it necessary for a property owner or employer to obtain a  
13 permit pursuant to the State uniform construction code, the owner or  
14 employer shall obtain the permit from the enforcing agency having  
15 jurisdiction. The commissioner shall inform any owner or employer  
16 who is required to take an action to be in compliance that it is the  
17 responsibility of the owner or employer to contact the agency having  
18 jurisdiction to determine whether a permit is required and to obtain  
19 any required permit.

20 (cf: P.L.1995, c.186, s.14)

21

22 123. Section 9 of P.L.1945, c.71 (C.34:9A-9) is amended to read  
23 as follows:

24 9. The bureau shall:

25 (a) Enforce the provisions of article 2 of this act either directly or  
26 through interdepartmental agreements;

27 (b) Enforce all other applicable labor laws, including, but not  
28 limited to, those relating to private employment agencies, child labor,  
29 wage payments and wage claims, with respect to migrant labor camps;

30 (c) Provide inspectional services to encourage minimum standards  
31 of housing and sanitation in migrant labor camps;

32 (d) Advise and consult with employers of migrant labor as to the  
33 ways and means of improving living conditions of migrant workers;

34 (e) In co-operation with the Department of Health, prescribe  
35 minimum standards of sanitation, and preventive and curative health  
36 services, not inconsistent with this act, for migrant workers;

37 (f) In co-operation with the Department of Education, provide, so  
38 far as possible, educational facilities for the children of migrant  
39 workers;

40 (g) In co-operation with the Department of State Police, provide  
41 for a minimum standard of protection for migrant workers;

42 (h) In co-operation with the Department of Community and Urban  
43 Affairs, plan, locate and construct (as soon as conditions permit)  
44 experimental State camps for migrant workers; provided, however,  
45 that no such camp shall be located or constructed in any municipality  
46 where there is not located an industry or farm employing migrant labor

1 without the consent of the governing body of said municipality;

2 (i) In co-operation with the Department of Agriculture, conduct an  
3 educational program for employers of migrant labor pertaining to the  
4 standards, methods and objectives of the division of migrant labor;

5 (j) In co-operation with the Department of Institutions and  
6 Agencies, help devise ways and means for resolving the welfare  
7 problems that require attention.

8 (cf: P.L.1967, c.91, s.6)

9

10 124. Section 14 of P.L.1945, c.71 (C.34:9A-14) is amended to  
11 read as follows:

12 14. The bureau in co-operation with the Department of Community  
13 and Urban Affairs, shall make field surveys and censuses adequate to  
14 determine the number, location and character of migrant agricultural  
15 workers, the needs of their employers, and the most desirable locations  
16 for public migrant labor camps. The commissioner may, as soon as a  
17 survey and census is completed and he finds a project to be feasible,  
18 contract with the public housing and development authority in the  
19 Department of Community and Urban Affairs for the acquisition or  
20 construction of one or more camps. The bureau may operate such  
21 public camps or it may contract for their operation by such authority  
22 or by one or more municipalities.

23 (cf: P.L.1967, c.91, s.9)

24

25 125. Section 1 of P.L.1964, c.81 (C.39:10A-1) is amended to read  
26 as follows:

27 1. a. When the State or any county, county park commission,  
28 municipality or any authority created by any thereof, hereinafter  
29 referred to as a "public agency," shall have taken possession of a  
30 motor vehicle found abandoned, such taking of possession shall be  
31 reported immediately to (1) the Director of the Division of Motor  
32 Vehicles on a form prescribed by him, for verification of ownership  
33 and (2) the National Automobile Theft Bureau.

34 b. When such motor vehicle which has been ascertained not to be  
35 stolen and to be one which can be certified for a junk title certificate  
36 under section 3 of P.L.1964, c.81 (C.39:10A-3) shall have remained  
37 unclaimed by the owner or other person having a legal right thereto for  
38 a period of 15 business days, even if at that time the owner has not  
39 been identified as a result of efforts to make identification by the  
40 public agency or the Division of Motor Vehicles, the same may be sold  
41 at auction in a public place. If the certified motor vehicle is sold at  
42 auction prior to identification of the owner, the public agency shall  
43 document the condition of the motor vehicle in writing and with  
44 photographs prior to the sale; document the amount obtained from the  
45 sale of the motor vehicle; and notify the owner, if his name and  
46 address are identified after the sale, of the actions taken by the public

1 agency to dispose of the motor vehicle.

2 c. When a motor vehicle which cannot be certified for a junk title  
3 certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) remains  
4 unclaimed by the owner or other person having a legal right thereto for  
5 a period of 20 business days, the motor vehicle may be sold at auction  
6 in a public place, but shall be sold no later than 90 business days after  
7 the public agency takes possession of the vehicle, except that a waiver  
8 of the 90-day limit may be obtained for good cause from the Division  
9 of Local Government Services in the Department of Community and  
10 Urban Affairs.

11 d. The public agency shall give notice of a sale conducted pursuant  
12 to subsection b. or c. of this section, by certified mail, to the owner,  
13 if his name and address be known and to the holder of any security  
14 interest filed with the director, and by publication in a form to be  
15 prescribed by the director by one insertion, at least five days before the  
16 date of the sale, in one or more newspapers published in this State and  
17 circulating in the municipality in which such motor vehicle is held.  
18 (cf: P.L.1989, c.66, s.1)

19

20 126. Section 6 of P.L.1973, c.289 (C.40:8B-6) is amended to read  
21 as follows:

22 6. a. No grant under this act shall be made to any joint program  
23 which has not submitted an approved plan of operations based on a  
24 feasibility study of the project conducted pursuant to this section. A  
25 2-year grant may, however, be extended to any consolidated  
26 municipality filing an application pursuant to section 42 of the  
27 "Municipal Consolidation Act" (P.L.1977, c.435; C.40:43-66.35 et  
28 seq.). Such feasibility study shall be conducted by or under the  
29 supervision of the Department of Community and Urban Affairs, either  
30 (1) by the Department of Community and Urban Affairs or by an  
31 agency or agencies of the State of New Jersey approved by the  
32 Commissioner of Community and Urban Affairs, or (2) by a qualified  
33 third party approved by the Department of Community and Urban  
34 Affairs and by the principal executive officer of any principal  
35 executive department of State Government whose approval of such  
36 feasibility study is required by subsection b. of this section and by a  
37 majority of  $\frac{2}{3}$  or more of the applicant local units, or (3) in the  
38 case of joint energy conservation services, by the Department of  
39 Energy or, in the case of joint solid waste collection, disposal or  
40 recycling, by the Department of Environmental Protection. Such plan  
41 of operations shall constitute the final element of the feasibility study  
42 when approved by the Commissioner of Community and Urban  
43 Affairs and by any and every principal executive officer of a principal  
44 executive department of State Government which exercises  
45 jurisdiction over the performance of the services to be provided  
46 jointly under the proposed program.

1       b. Any local units eligible for aid as defined in sections 3 and 4 of  
2 this act shall be eligible to apply for funds to conduct a feasibility  
3 study under the auspices of the Department of Community and Urban  
4 Affairs. Application for such shall include: the names of the proposed  
5 participants; certified copies of a resolution or substantially similar  
6 resolutions passed by the governing bodies of the participating units  
7 authorizing such application; the services for which joint programs are  
8 contemplated, and the expected benefits of such a joint program. The  
9 application shall be in such form and shall also contain such other  
10 information as may be required by the Commissioner of Community  
11 and Urban Affairs.

12       All grants for feasibility studies shall require the joint approval of  
13 the Commissioner of Community and Urban Affairs and the principal  
14 executive officer of any and every principal executive department of  
15 State Government which exercises jurisdiction over the performance  
16 of the services to be provided jointly under the proposed program.

17       c. The feasibility study shall include such detailed surveys of  
18 present service standards in the area to be served by the joint program  
19 as may be required to establish substantial evidence that a joint  
20 program would either enable provision of a needed service which  
21 could not otherwise be provided, or remedy existing levels of service  
22 provision, or otherwise produce better services at relatively lower unit  
23 costs or with more efficient administration, and that such joint  
24 programs would not adversely affect neighboring local units, and that  
25 no neighboring local unit which might benefit is being excluded from  
26 the program; provided that any such local unit claiming exclusion had  
27 expressed a desire to be included in the feasibility study by giving  
28 written notice of such desire to the Commissioner of Community and  
29 Urban Affairs within 30 days from the date on which the  
30 commissioner made public announcement of the feasibility study  
31 grant.

32       d. Within 1 month of the completion of the feasibility study, the  
33 Department of Community and Urban Affairs shall hold a public  
34 hearing in each local unit to be included in the proposed joint program.  
35 After such hearings and upon submission and approval of a plan based  
36 thereon as provided in subsection a. of this section, the joint program  
37 shall be eligible for aid under this act. No joint program shall receive  
38 aid unless the governing bodies of all participating local units have  
39 passed identically worded resolutions ratifying the grant contract  
40 between the State and the participating local units.

41       If the feasibility study shall contain recommendations for  
42 establishing a joint service program, within 6 months from the date of  
43 the last public hearing on the feasibility study, the governing body of  
44 each local unit which participated in the study shall communicate in  
45 writing to the Commissioner of Community and Urban Affairs stating  
46 their intentions of implementing or their specific and detailed

1 objections to implementing each recommendation made in the  
2 feasibility study for establishing a joint service plan.

3 e. The Commissioner of Community and Urban Affairs shall, upon  
4 formal request by the governing body or chief executive officer of any  
5 local unit, cause to be made a preliminary survey as to the eligibility  
6 of such local unit and any other local units for State aid under this act  
7 with respect to any joint arrangements for provision of services  
8 specified or suggested in such request. Such preliminary survey shall  
9 be of sufficient scope and detail to enable the commissioner to advise  
10 all local units concerned in the projected joint arrangement whether  
11 the circumstances warrant detailed feasibility study pursuant to  
12 subsections a., b., c. and d. of this section; and the commissioner  
13 shall transmit formal notice of the findings and conclusions of such  
14 preliminary survey to all the said local units concerned.

15 (cf: P.L.1981, c.529, s.2)

16

17 127. Section 7 of P.L.1973, c.289 (C.40:8B-7) is amended to read  
18 as follows:

19 7. a. Local units in joint programs qualifying for aid for the  
20 implementation of joint programs under this act shall receive the  
21 following aid for 4 years:

22 (1) if the service provided under the joint agreement is one which  
23 the local unit has previously provided, an amount to cover all  
24 extraordinary administrative and operating costs incurred by the local  
25 unit as a result of implementation of the joint program;

26 (2) if the service provided under the joint agreement is one which  
27 the local unit has not previously provided, an amount equal to 10%  
28 of the total costs incurred by the local unit as a result of  
29 implementation of the joint program.

30 b. (1) In those areas in which the approved feasibility study  
31 indicates that previous service provided in any participating local unit  
32 was at such a low level that minimum adequacy can be obtained only  
33 by substantial upgrading, the Commissioner of Community and Urban  
34 Affairs is hereby authorized to provide for aid on behalf of that unit in  
35 accordance with paragraph (2) of subsection a. of this section rather  
36 than paragraph (1).

37 (2) In the event that a local unit currently providing a service at or  
38 above minimum levels as determined by the approved feasibility study  
39 enters into a joint agreement with a unit or units eligible for aid under  
40 paragraph (2) of subsection a. of this section or under paragraph (1)  
41 of this subsection, aid to joint program on behalf of each local unit  
42 participating may be given as if all local units had qualified for aid  
43 under paragraph (2) of subsection a. of this section or under  
44 paragraph (1) of this subsection.

45 c. Aid payable under this act shall be subject to availability of State  
46 appropriations and to a budget estimate approved in advance by the

1 Commissioner of Community and Urban Affairs. The local units shall  
2 receive such payment for a period not to exceed 4 years from the date  
3 of inception of the joint program.

4 d. (1) For the purposes of this act, "extraordinary operating and  
5 administrative costs" shall be deemed to be those operating and  
6 administrative costs incurred by a local unit for a service provided  
7 through a joint agreement which exceed the operating and  
8 administrative costs which it would have incurred for the provision of  
9 such service had such joint agreement not been implemented.

10 (2) For the purposes of this act, "operating and administrative  
11 costs" shall not include costs which are considered capital costs as set  
12 forth in section 40A:2-22 of the "Local Bond Law"  
13 (N.J.S.40A:2-22); except that the Commissioner of Community and  
14 Urban Affairs may declare as eligible for aid under this act such costs  
15 as in his judgment could reasonably be included within an operating  
16 budget notwithstanding the fact that they may be bondable.

17 (3) The amounts expended for extraordinary operating and  
18 administrative costs by each local unit receiving aid pursuant to  
19 paragraph (1) of subsection a. of this section, and the amounts  
20 expended for total operating and administrative costs by each other  
21 local unit receiving aid under this act, as the case may be, shall be  
22 certified each year by each local unit participating in a joint program,  
23 and approved by the Commissioner of Community and Urban Affairs  
24 subject to a performance audit performed by or under the auspices of  
25 the Department of Community and Urban Affairs.

26 (cf: P.L.1973, c.289, s.7)

27

28 128. Section 9 of P.L.1973, c.289 (C.40:8B-9) is amended to read  
29 as follows:

30 9. The Commissioner of Community and Urban Affairs may issue  
31 such rules and regulations as are necessary to effectuate the purposes  
32 of this act.

33 (cf: P.L.1973, c.289, s.9)

34

35 129. Section 3 of P.L.1981, c.529 (C.40:8B-11) is amended to  
36 read as follows:

37 3. The Department of Community and Urban Affairs, subject to the  
38 availability of funds appropriated and on deposit in the "Economy in  
39 Government Loan Fund" for this purpose and with the approval of the  
40 State Treasurer, may advance to local units qualifying for aid under  
41 this act and the act which this act amends and supplements, any  
42 amount necessary for the implementation of approved joint programs.  
43 The Department of Community and Urban Affairs shall certify to each  
44 local unit participating in the joint service program the amount so  
45 advanced. Each local unit for the year following the date of such  
46 certification, and in each annual budget thereafter, shall appropriate

1 an amount sufficient to repay such percentage of the total amount so  
2 certified as shall be approved by the Department of Community and  
3 Urban Affairs. It shall be the duty of the Division of Local  
4 Government Services or the Department of Education, as the case may  
5 be, to withhold approval of the budget of any local unit which does  
6 not contain an appropriation required by this act until such time as  
7 such appropriation is included. In those instances where the Director  
8 of Local Government Services shall determine that anticipated savings  
9 from the operation of joint programs are not forthcoming for reasons  
10 beyond the control of the local unit, the Department of Community  
11 and Urban Affairs shall be permitted to forgive repayment to the State  
12 Treasurer of all or part of such amounts advanced to the local units.  
13 (cf: P.L.1981, c.529, s.3)

14

15 130. Section 4 of P.L.1981, c.529 (C.40:8B-12) is amended to  
16 read as follows:

17 4. The Department of Community and Urban Affairs shall transmit  
18 copies of all rules and regulations proposed pursuant to this  
19 amendatory and supplementary act with respect to the establishment,  
20 management and auditing of the "Economy in Government Loan  
21 Fund" to the Joint Appropriations Committee of the Legislature, the  
22 County and Municipal Government Committee of the Senate, and the  
23 Municipal Government Committee of the General Assembly, or their  
24 respective successors as designated from time to time by the President  
25 of the Senate and the Speaker of the General Assembly, at least 60  
26 days prior to the promulgation thereof.

27 On or before February 1 of each year, the department shall report  
28 to the aforesaid committees on the implementation of this amendatory  
29 and supplementary act during the last 12 preceding months. Such  
30 report shall contain a complete accounting of all loans made from, and  
31 all moneys repaid to, the "Economy in Government Loan Fund"  
32 during such 12-month period; a brief description of each joint  
33 program for which a loan was extended during such 12-month period  
34 and the expected benefits therefrom; a list of any loans for which  
35 repayment was forgiven during such 12-month period and the reasons  
36 therefor; and any recommendations the department may wish to make  
37 concerning the revision of this amendatory and supplementary act.  
38 (cf: P.L.1981, c.529, s.4)

39

40 131. Section 6 of P.L.1981, c.529 (C.40:8B-13) is amended to  
41 read as follows:

42 6. There is hereby appropriated to the Department of Community  
43 and Urban Affairs such sums as may be included in any annual or  
44 supplemental appropriation act for the purpose of establishing an  
45 "Economy in Government Loan Fund."  
46 (cf: P.L.1981, c.529, s.6)

1       132. Section 6 of P.L.1970, c.248 (C.40:23-6.43) is amended to  
2 read as follows:

3       6. There shall be appropriated and paid annually to each county  
4 office on aging, subject to the approval of the Commissioner of [the  
5 Department of] Community and Urban Affairs, an amount equal to  
6 one-half of the amount of annual expense of the county office on  
7 aging; provided, however, that no county shall receive more than  
8 \$20,000.00 in State aid hereunder in any calendar year. Payments  
9 shall be made by the State Treasurer, upon certificate of the  
10 Commissioner of [the Department of] Community and Urban Affairs  
11 and warrant of the Director of the Division of Budget and  
12 Accounting, on or before December 31 of each calendar year. This  
13 payment shall constitute reimbursement to the county for the State aid  
14 portion of the annual expense of each county office on aging during  
15 the year in which the payment is made.

16 (cf: P.L.1970, c.248, s.6)

17

18       133. Section 2 of P.L.1960, c.183 (C.40:37A-45) is amended to  
19 read as follows:

20       2. As used in this act, unless a different meaning clearly appears  
21 from the context:

22       (a) "Authority" shall mean a public body created pursuant to this  
23 act;

24       (b) "Bond resolution" shall have the meaning ascribed thereto in  
25 section 17 of P.L.1960, c.183 (C.40:37A-60);

26       (c) "Bonds" shall mean bonds, notes or other obligations issued  
27 pursuant to this act;

28       (d) "Construct" and "construction" shall connote and include acts  
29 of clearance, demolition, construction, development or redevelopment,  
30 reconstruction, replacement, extension, improvement and betterment;

31       (e) "Cost" shall mean, in addition to the usual connotations thereof,  
32 the cost of planning, acquisition or construction of all or any part of  
33 any public facility or facilities of an authority and of all or any  
34 property, rights, easements, privileges, agreements and franchises  
35 deemed by the authority to be necessary or useful and convenient  
36 therefor or in connection therewith, including interest or discount on  
37 bonds, cost of issuance of bonds, architectural, engineering and  
38 inspection costs and legal expenses, cost of financial, professional and  
39 other estimates and advice, organization, administrative, operating and  
40 other expenses of the authority prior to and during such acquisition or  
41 construction, and all such other expenses as may be necessary or  
42 incident to the financing, acquisition, construction and completion of  
43 such public facility or facilities or part thereof and the placing of the  
44 same fully in operation or the disposition of the same, and also such  
45 provision or reserves for working capital, operating, maintenance or  
46 replacement expenses or for payment or security of principal of or

1 interest on bonds during or after such acquisition or construction as  
2 the authority may determine, and also reimbursements to the authority  
3 or any governmental unit or person of any moneys theretofore  
4 expended for the purposes of the authority;

5 (f) The term "county" shall mean any county of any class of the  
6 State and shall include, without limitation, the terms "the county" and  
7 "beneficiary county" defined in this act, and the term "the county" shall  
8 mean the county which created an authority pursuant to this act;

9 (g) "Development project" shall mean any lands, structures, or  
10 property or facilities acquired or constructed or to be acquired or  
11 constructed by an authority for the purposes of the authority described  
12 in subsection (e) of section 11 of P.L.1960, c.183 (C.40:37A-54);

13 (h) "Facility charges" shall have the meaning ascribed to said term  
14 in section 14 of P.L.1960, c.183 (C.40:37A-57);

15 (i) "Facility revenues" shall have the meaning ascribed to said term  
16 in subsection (e) of section 20 of P.L.1960, c.183 (C.40:37A-63);

17 (j) "Governing body" shall mean, in the case of a county, the board  
18 of chosen freeholders, or in the case of a county operating under  
19 article 3 or 5 of the "Optional County Charter Law" (P.L.1972, c.154;  
20 C.40:41A-1 et seq.) as defined thereunder, and, in the case of a  
21 municipality, the commission, council, board or body, by whatever  
22 name it may be known, having charge of the finances of the  
23 municipality;

24 (k) "Governmental unit" shall mean the United States of America  
25 or the State or any county or municipality or any subdivision,  
26 department, agency, or instrumentality heretofore or hereafter created,  
27 designated or established by or for the United States of America or the  
28 State or any county or municipality;

29 (l) "Local bond law" shall mean chapter 2 of Title 40A,  
30 Municipalities and Counties, of the New Jersey Statutes (N.J.S.) as  
31 amended and supplemented;

32 (m) "Municipality" shall mean any city, borough, village, town, or  
33 township of the State but not a county or a school district;

34 (n) "Person" shall mean any person, partnership, association,  
35 corporation or entity other than a nation, state, county or municipality  
36 or any subdivision, department, agency or instrumentality thereof;

37 (o) "Project" shall have the meaning ascribed to said term in  
38 section 17 of P.L.1960, c.183 (C.40:37A-60);

39 (p) "Public facility" shall mean any lands, structures, franchises,  
40 equipment, or other property or facilities acquired, constructed,  
41 owned, financed, or leased by the authority or any other governmental  
42 unit or person to accomplish any of the purposes of an authority  
43 authorized by section 11 of P.L.1960, c.183 (C.40:37A-54);

44 (q) "Real property" shall mean lands within or without the State,  
45 above or below water, and improvements thereof or thereon, or any  
46 riparian or other rights or interests therein;

1 (r) "Garbage and solid waste disposal system" shall mean the  
2 plants, structures and other real and personal property acquired,  
3 constructed or operated or to be acquired, constructed or operated by  
4 a county improvement authority, including incinerators, sanitary  
5 landfill facilities or other plants for the treatment and disposal of  
6 garbage, solid waste and refuse matter and all other real and personal  
7 property and rights therein and appurtenances necessary or useful and  
8 convenient for the collection and treatment or disposal in a sanitary  
9 manner of garbage, solid waste and refuse matter (but not including  
10 sewage);

11 (s) "Garbage, solid waste or refuse matter" shall mean garbage,  
12 refuse and other discarded materials resulting from industrial,  
13 commercial and agricultural operations, and from domestic and  
14 community activities, and shall include all other waste materials  
15 including sludge, chemical waste, hazardous wastes and liquids, except  
16 for liquids which are treated in public sewage treatment plants and  
17 except for solid animal and vegetable wastes collected by swine  
18 producers licensed by the State Department of Agriculture to collect,  
19 prepare and feed such wastes to swine on their own farms;

20 (t) "Blighted, deteriorated or deteriorating area" may include an  
21 area determined heretofore by the municipality to be blighted in  
22 accordance with the provisions of P.L.1949, c.187, repealed by  
23 P.L.1992, c.79 (C.40:55-21.1 et seq.) and, in addition, areas which are  
24 determined by the municipality, pursuant to the same procedures as  
25 provided in said law, to be blighted, deteriorated or deteriorating  
26 because of structures or improvements which are dilapidated or  
27 characterized by disrepair, lack of ventilation or light or sanitary  
28 facilities, faulty arrangement, location, or design, or other unhealthful  
29 or unsafe conditions;

30 (u) "Redevelopment" may include planning, replanning,  
31 conservation, rehabilitation, clearance, development and  
32 redevelopment; and the construction and rehabilitation and provision  
33 for construction and rehabilitation of residential, commercial,  
34 industrial, public or other structures and the grant or dedication or  
35 rededication of spaces as may be appropriate or necessary in the  
36 interest of the general welfare for streets, parks, playgrounds, or other  
37 public purposes including recreational and other facilities incidental or  
38 appurtenant thereto, in accordance with a redevelopment plan  
39 approved by the governing body of a municipality;

40 (v) "Redevelopment plan" shall mean a plan as it exists from time  
41 to time for the redevelopment of all or any part of a redevelopment  
42 area, which plan shall be sufficiently complete to indicate such land  
43 acquisition, demolition and removal of structures, redevelopment,  
44 improvements, conservation or rehabilitation as may be proposed to  
45 be carried out in the area of the project, zoning and planning changes,  
46 if any, land uses, maximum densities, building requirements, the plan's

1 relationship to definite local objectives respecting appropriate land  
2 uses, improved traffic, public transportation, public utilities,  
3 recreational and community facilities, and other public improvements  
4 and provision for relocation of any residents and occupants to be  
5 displaced in a manner which has been or is likely to be approved by the  
6 Department of Community and Urban Affairs pursuant to the  
7 "Relocation Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1 et  
8 seq.) and the "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1  
9 et seq.) and rules and regulations pursuant thereto;

10 (w) "Redevelopment project" shall mean any undertakings and  
11 activities for the elimination, and for the prevention of the  
12 development or spread, of blighted, deteriorated, or deteriorating  
13 areas and may involve any work or undertaking pursuant to a  
14 redevelopment plan; such undertaking may include: (1) acquisition of  
15 real property and demolition, removal or rehabilitation of buildings and  
16 improvements thereon; (2) carrying out plans for a program of  
17 voluntary repair and rehabilitation of buildings or other improvements;  
18 and (3) installation, construction or reconstruction of streets, utilities,  
19 parks, playgrounds or other improvements necessary for carrying out  
20 the objectives of the redevelopment project;

21 (x) "Redeveloper" shall mean any person or governmental unit that  
22 shall enter into or propose to enter into a contract with an authority  
23 for the redevelopment of an area or any part thereof under the  
24 provisions of this act;

25 (y) "Redevelopment area" shall mean an area of a municipality  
26 which the governing body thereof finds is a blighted area or an area in  
27 need of rehabilitation whose redevelopment is necessary to effectuate  
28 the public purposes declared in this act. A redevelopment area may  
29 include lands, buildings, or improvements which of themselves are not  
30 detrimental to the public health, safety or welfare, but whose inclusion  
31 is found necessary, with or without change in their condition, for the  
32 effective redevelopment of the area of which they are a part;

33 (z) "Sludge" shall mean any solid, semisolid, or liquid waste  
34 generated from a municipal, industrial or other sewage treatment plant,  
35 water supply treatment plant, or air pollution control facility, or any  
36 other such waste having similar characteristics and effects, but shall  
37 not include effluent; and

38 (aa) "Beneficiary county" shall mean any county that has not  
39 created an authority pursuant to this act.

40 (cf: P.L.1994, c.76, s.1)

41

42 134. Section 3 of P.L.1960, c.183 (C.40:37A-46) is amended to  
43 read as follows:

44 3. The governing body of a county may by ordinance or resolution,  
45 as appropriate, create a public body corporate and politic under and  
46 pursuant to this act, under the name and style of "the county

1 improvement authority," with all or any significant part of the name  
2 of said county inserted. Said body shall consist of the 5 members  
3 thereof, who shall be residents of the county and be appointed by  
4 ordinance or resolution of said governing body as hereinafter  
5 provided, and it shall constitute the authority contemplated and  
6 provided for in this act and an agency or instrumentality of said  
7 county. Copies of said ordinance or resolution for the creation of the  
8 authority, certified by the clerk of said governing body, shall be filed  
9 in the office of the Secretary of State and in the office of the Division  
10 of Local Government Services in the Department of Community and  
11 Urban Affairs. A copy of any such certified ordinance or resolution,  
12 duly certified by or on behalf of the Secretary of State, shall be  
13 admissible in evidence in any action or proceeding and shall be  
14 conclusive evidence of due and proper adoption and filing thereof as  
15 aforesaid. After such filing in the office of the Secretary of State, a  
16 copy of said ordinance or resolution shall be published at least once in  
17 a newspaper published or circulating in the county, together with a  
18 notice stating the fact and date of its adoption and the date of the first  
19 publication of such notice. If no action questioning the validity of the  
20 creation or establishment of the authority shall be commenced within  
21 45 days after the first publication of such notice, then said authority  
22 shall be conclusively deemed to have been validly created and  
23 established and authorized to transact business and exercise powers  
24 as a public body created pursuant to this act.

25 (cf: P.L.1982, c.113, s.2)

26

27 135. Section 4 of P.L.1960, c.183 (C.40:37A-47) is amended to  
28 read as follows:

29 4. The governing body of any county which has created an  
30 authority pursuant to this act may be ordinance or resolution, as  
31 appropriate, dissolve such authority if either (1) such authority has no  
32 debts or obligations outstanding, or (2) all creditors or other obligees  
33 of the authority have consented to said ordinance or resolution. A  
34 copy of said ordinance or resolution, certified by the clerk of said  
35 governing body, shall be filed in the office of the Secretary of State  
36 and in the office of the Division of Local Government Services in the  
37 Department of Community and Urban Affairs. Upon proof of such  
38 filing and upon proof either that said authority had no debts or  
39 obligations outstanding at the time of the adoption of such ordinance  
40 or resolution or that all creditors or other obligees of the authority  
41 have consented to such ordinance or resolution, the authority shall be  
42 conclusively deemed to have been lawfully and properly dissolved.  
43 Thereupon, all right, title and interest in and to the property of the  
44 authority shall be vested in the county, except that any particular  
45 property shall vest in any other governmental unit or person if the  
46 terms of any lease or other agreement of the authority with respect

1 thereto shall so provide. A copy of any such certified ordinance or  
2 resolution, duly certified by or on behalf of the Secretary of State,  
3 shall be admissible in evidence in any action or proceeding and shall  
4 be conclusive evidence of due and proper adoption and filing thereof  
5 as aforesaid.

6 (cf: P.L.1982, c.113, s.3)

7

8 136. Section 13 of P.L.1960, c.183 (C.40:37A-56) is amended to  
9 read as follows:

10 13. (1) Whenever an authority after investigation and study shall  
11 plan to undertake any public facility or facilities (other than a  
12 development project or redevelopment project) for the purposes of the  
13 authority, the authority shall make to the governing body of the county  
14 and if the public facility or facilities (including a development project  
15 or redevelopment project) benefit any beneficiary county, to the  
16 governing body of any such beneficiary county a detailed report  
17 dealing with the proposed public facility or facilities. Notwithstanding  
18 any other provision of this act, the authority shall not construct or  
19 acquire such public facility or facilities (other than a development  
20 project or redevelopment project within the county which created the  
21 authority), or make any lease or other agreement relating to use by any  
22 governmental unit or person of all or any part of any such public  
23 facility or facilities for a term in excess of five years, until there has  
24 been filed with the authority a copy of a resolution adopted by the  
25 governing body of the county and, if applicable, by any beneficiary  
26 county, certified by its clerk, describing such public facility or facilities  
27 in terms sufficient for reasonable identification and consenting to the  
28 construction or acquisition thereof by the authority or the making of  
29 such leases or other agreements.

30 (2) Unless otherwise required by any agreement of the authority  
31 with holders of its bonds, no authority shall sell any part of a  
32 development project or make any lease or other agreement relating to  
33 use by any governmental unit or person of said part for a term in  
34 excess of five years (A) Until the Commissioner of Community and  
35 Urban Affairs (hereinafter called the "commissioner") has approved a  
36 plan (hereinafter called, with respect to such part, the "development  
37 plan") prepared by the authority which provides an outline for the  
38 development of said part sufficient, in the opinion of the  
39 commissioner: (i) to indicate its relationship to appropriate land uses  
40 in the area and proper traffic, public transportation, public utility,  
41 recreational and community facilities, and other public improvements,  
42 (ii) to indicate proposed land uses and building requirements and  
43 restrictions in said part, and (iii) to provide reasonable assurance that  
44 said part will not be in danger of becoming a blighted area and will be  
45 developed in a manner reasonably designed in the public interest to  
46 encourage industrial, commercial, residential or other proper uses

1 thereof or restore or increase employment opportunities for residents  
2 of the State; or (B) Unless such sale, lease or other agreement, in the  
3 opinion of the authority, is necessary or desirable in order to effectuate  
4 and carry out the said development plan.

5 (3) Every authority shall have power, subject to the provisions of  
6 subsection (2) of this section, to sell or otherwise dispose of all or any  
7 part of any development project or to lease the same to any  
8 governmental unit or person or make agreement of any kind with any  
9 governmental unit or person for the use or operation thereof, for such  
10 consideration and for such period or periods of time and upon such  
11 other terms and conditions as it may fix and agree upon. In the  
12 exercise of such power, the authority may make any land or structure  
13 in the development project available for use by private enterprise or  
14 governmental units in accordance with the development plan at its use  
15 value, being the value (whether expressed in terms of rental or capital  
16 price) at which the authority determines such land or structure should  
17 be made available in order that it may be developed or used for the  
18 purpose or purposes specified in such plan. In order to assure that  
19 land or other property included in the development project is  
20 developed or used in accordance with the development plan, the  
21 authority, upon the sale, lease or other disposition of such land or  
22 property, shall obligate purchasers, lessees or other users: (A) to use  
23 the land or property for the purpose designated in such plan, (B) to  
24 begin the building or installation of their improvements or other  
25 property (if any), and to complete the same, within such periods of  
26 time as the authority may fix as reasonable, and (C) to comply with  
27 such other conditions as are necessary or desirable to carry out the  
28 purposes stated in this act. Any such obligations imposed on a  
29 purchaser of land shall be covenants and conditions running with the  
30 land where the authority so stipulates.

31 (cf: P.L.1994, c.76, s.5)

32  
33 137. Section 18 of P.L.1973, c.376 (C.40:37C-18) is amended to  
34 read as follows:

35 18. It shall be the duty of every authority created pursuant to this  
36 act to cause an annual audit of the accounts of the authority to be  
37 made and filed with the authority, and for this purpose the authority  
38 shall employ a registered municipal accountant of New Jersey or a  
39 certified public accountant of New Jersey. The audit shall be  
40 completed and filed with the authority within 4 months after the close  
41 of the fiscal year of the authority and a certified duplicate copy thereof  
42 shall be filed with the Director of the Division of Local Government  
43 Services in the Department of Community and Urban Affairs within 5  
44 days after the original report is filed with the authority. Every  
45 authority created pursuant to this act shall file a certified copy of every  
46 bond resolution with the Director of the Division of Local Government

1 Services in the Department of Community and Urban Affairs and in  
2 addition shall file a certified copy of all bond proceedings with the  
3 director.

4 (cf: P.L.1973, c.376, s.18)

5

6 138. Section 3 of P.L.1994, c.98 (C.40:37D-3) is amended to read  
7 as follows:

8 3. As used in this act:

9 "Authority" means a county food distribution authority created  
10 pursuant to section 4 of this act.

11 "Bonds" means bonds issued by the authority pursuant to this act.

12 "Center" means a county food processing and distribution center  
13 authorized under section 6 of this act.

14 "Local Finance Board" means the Local Finance Board, in the  
15 Division of Local Government Services, in the Department of  
16 Community and Urban Affairs.

17 "Notes" means notes issued by the authority pursuant to this act.

18 (cf: P.L.1994, c.98, s.3)

19

20 139. Section 4 of P.L.1994, c.98 (C.40:37D-4) is amended to read  
21 as follows:

22 4. a. Upon approval by the Local Finance Board, pursuant to  
23 sections 4 and 5 of P.L.1983, c.313 (C.40A:5A-4; C.40A:5A-5) the  
24 governing body of a county may by ordinance or resolution, as  
25 appropriate, create a public body corporate and politic under and  
26 pursuant to this act, under the title of "the.....county food distribution  
27 authority," with all or any significant part of the name of the county  
28 inserted. The body shall consist of the five members, who shall be  
29 residents of the county and be appointed by ordinance or resolution of  
30 the governing body as hereinafter provided, and it shall constitute the  
31 authority contemplated and provided for in this act and an agency or  
32 instrumentality of the county. Copies of the ordinance or resolution  
33 for the creation of the authority, certified by the clerk of the governing  
34 body, shall be filed in the office of the Secretary of State and in the  
35 office of the Division of Local Government Services in the Department  
36 of Community and Urban Affairs. A copy of any such certified  
37 ordinance or resolution, duly certified by or on behalf of the Secretary  
38 of State, shall be admissible in evidence in any action or proceeding  
39 and shall be conclusive evidence of due and proper adoption and filing  
40 thereof as provided in this section. After such filing in the office of the  
41 Secretary of State, a copy of the ordinance or resolution shall be  
42 published at least once in a newspaper published or circulating in the  
43 county, together with a notice stating the fact and date of its adoption  
44 and the date of the first publication of such notice. If no action  
45 questioning the validity of the creation or establishment of the  
46 authority shall be commenced within 45 days after the first publication

1 of such notice, then the authority shall be conclusively deemed to have  
2 been validly created and established and authorized to transact  
3 business and exercise powers as a public body created pursuant to this  
4 act.

5 b. Upon approval by the Local Finance Board pursuant to section  
6 20 of P.L.1983, c.313 (C.40A:5A-20), the governing body of any  
7 county which has created an authority pursuant to this act may by  
8 ordinance or resolution, as appropriate, dissolve such authority if  
9 either (1) such authority has no debts or obligations outstanding, or  
10 (2) all creditors or other obligees of the authority have consented to  
11 the ordinance or resolution. A copy of any ordinance or resolution,  
12 certified by the clerk of the governing body, shall be filed in the office  
13 of the Secretary of State and in the office of the Division of Local  
14 Government Services in the Department of Community and Urban  
15 Affairs. Upon proof of such filing and upon proof either that the  
16 authority had no debts or obligations outstanding at the time of the  
17 adoption of such ordinance or resolution or that the assumption of any  
18 such debts or obligations has been provided for in the ordinance or  
19 resolution, as appropriate, and that all creditors or other obligees of  
20 the authority have consented to such ordinance or resolution, the  
21 authority shall be conclusively deemed to have been lawfully and  
22 properly dissolved. Thereupon, all right, title and interest in and to the  
23 property of the authority shall be vested in the county, except that any  
24 particular property shall vest in any other governmental unit or person  
25 if the terms of any lease or other agreement of the authority with  
26 respect thereto shall so provide. A copy of any such certified  
27 ordinance or resolution, duly certified by or on behalf of the Secretary  
28 of State, shall be admissible in evidence in any action or proceeding  
29 and shall be conclusive evidence of due and proper adoption and filing  
30 thereof as aforesaid.

31 c. The members first appointed shall, by the resolution of  
32 appointment, be designated to serve for terms respectively expiring on  
33 the first days of the first, second, third, fourth and fifth Februaries next  
34 ensuing after the date of their appointment. On or after January 1 in  
35 each year after such first appointments, one person shall be appointed  
36 as a member of the authority for a term commencing on or after  
37 February 1 in such year and expiring on February 1 in the fourth year  
38 after such year. Each member shall hold office for the term of  
39 appointment and until his successor shall have been appointed and  
40 qualified. Any vacancy in the membership of the authority during an  
41 unexpired term shall be filled by appointment of a person as member  
42 for the unexpired term. A copy of any resolution appointing any such  
43 members, certified by the clerk of the governing body, may be filed in  
44 the office of the Secretary of State and in the office of the Division of  
45 Local Government Services in the Department of Community and  
46 Urban Affairs. A copy of any such certified resolution, duly certified

1 by or on behalf of the Secretary of State, shall be admissible in  
2 evidence in any action or proceeding and shall be conclusive evidence  
3 of due and proper adoption and filing thereof as aforesaid and, except  
4 in an action or proceeding seeking only exclusion of the appointee  
5 from office, shall be conclusive evidence of the due and proper  
6 appointment of the members named therein.

7 d. Every authority, upon the first appointment of its members and  
8 thereafter on or after February 1 in each year, shall annually elect from  
9 among its members a chairman and a vice chairman who shall hold  
10 office until February 1 next ensuing and until their respective  
11 successors shall have been appointed and qualified.

12 e. The powers of an authority shall be vested in the members  
13 thereof in office from time to time, and a majority of the entire  
14 authorized voting membership of the authority shall constitute a  
15 quorum at any meeting thereof. Action may be taken and motions and  
16 resolutions adopted by the authority at any meeting of the members  
17 thereof by the affirmative vote of a majority of the voting members  
18 present, unless in any case the bylaws of the authority shall require a  
19 larger number.

20 f. The members of an authority shall serve without compensation,  
21 but the authority may reimburse its members for necessary expenses  
22 incurred in the discharge of their duties.

23 g. No member of the governing body of the county shall be  
24 appointed as a member of, or employed by, an authority; but the  
25 governing body of the county may, by ordinance or resolution, as  
26 appropriate, provide that, in addition to the members appointed  
27 pursuant to subsection a. of this section, the county executive in the  
28 case of a county having adopted article 3 of the "Optional County  
29 Charter Law," P.L.1972, c.154 (C.40:41A-31 et seq.), the county  
30 manager in the case of a county having adopted article 4 of that act  
31 (C.40:41A-45 et seq.), the county supervisor in the case of a county  
32 having adopted article 5 of that act (C.40:41A-59 et seq.), or the  
33 president of the board of chosen freeholders in the case of any other  
34 county, shall be appointed to serve ex officio, as a non-voting member  
35 of an authority.

36 h. A member of an authority may be removed by the governing  
37 body of the county for incapacity, inefficiency or neglect of duty or  
38 misconduct in office or other disqualifying cause and after he shall  
39 have been given a copy of the charges against him and, not sooner  
40 than 10 days thereafter, been afforded opportunity for a hearing, in  
41 person or by counsel, by such governing body with respect to such  
42 charges.

43 (cf: P.L.1994, c.98, s.4)

44

45 140. Section 9 of P.L.1972, c.154 (C.40:41A-9) is amended to  
46 read as follows:

1       9. The Commissioner of [the New Jersey Department of]  
2 Community and Urban Affairs or his designee shall serve ex officio as  
3 a nonvoting advisor to all charter study commissions established under  
4 this act. It shall be his duty to collect, evaluate and transmit to each  
5 charter study commission such information, advice, plans, and policies  
6 as he may deem pertinent to county government and its relationship to  
7 State and municipal government. He shall meet with the charter study  
8 commission as frequently as the commission shall request in order to  
9 assist the commission in determining the best form to recommend for  
10 the county's government.

11 (cf: P.L.1972, c.154, s.9)

12

13       141. Section 3 of P.L.1977, c.435 (C.40:43-66.37) is amended to  
14 read as follows:

15       3. As used in this act, unless the context requires another or  
16 different meaning:

17       a. "Commissioner" means the Commissioner of Community and  
18 Urban Affairs;

19       b. "Consolidated municipality" means the single new municipality  
20 that results from an affirmative consolidation effort pursuant to the  
21 provisions of this act;

22       c. "Consolidation commission," or "commission," means a joint  
23 municipal consolidation study commission created pursuant to the  
24 provisions of this act;

25       d. "Department" means the Department of Community and Urban  
26 Affairs;

27       e. "Eligible consolidated municipality" means a municipality  
28 consolidated pursuant to the provisions of this act under a plan  
29 approved by the department; and,

30       f. "Participating municipalities" means any two or more  
31 municipalities involved in a consolidation effort, or which have been  
32 consolidated together into a consolidated municipality, pursuant to the  
33 provisions of this act.

34 (cf: P.L.1977, c.435, s.3)

35

36       142. Section 12 of P.L.1977, c.435 (C.40:43-66.46) is amended to  
37 read as follows:

38       12. The results of the election in each municipality in which the  
39 question was submitted shall be certified in accordance with Title 19  
40 of the Revised Statutes, and the county clerk shall, in turn, not more  
41 than 5 days after said certification, notify the Commissioner of  
42 Community and Urban Affairs of said election results.

43 (cf: P.L.1977, c.435, s.12)

44

45       143. Section 13 of P.L.1977, c.435 (C.40:43-66.47) is amended to  
46 read as follows:

1       13. The Commissioner of Community and Urban Affairs shall  
2 appoint a person to act as his representative to the commission. The  
3 commissioner's appointee shall not be a member or an officer of the  
4 commission, shall not be a resident of any of the participating  
5 municipalities, but shall participate in all meetings, activities and  
6 proceedings of the commission.

7 (cf: P.L.1977, c.435, s.13)

8  
9       144. Section 14 of P.L.1977, c.435 (C.40:43-66.48) is amended to  
10 read as follows:

11       14. As soon as possible and in any event no later than 15 days after  
12 the election of its members, the consolidation commission shall  
13 organize and hold its first meeting. The commission shall elect from  
14 its membership a chairman and a vice-chairman. The commission shall  
15 fix its hours and places of meeting, adopt such rules for the conduct  
16 of its business as it may deem necessary and advisable, and appoint a  
17 secretary, who need not be a member of the commission. A majority  
18 of the total membership of the commission shall constitute a quorum  
19 for the transaction of business, but no recommendation of said  
20 commission shall have any legal effect pursuant to this act, unless  
21 adopted by a majority of the five commission members from each of  
22 the participating municipalities.

23       At its first meeting, or as soon thereafter as possible, the  
24 commission shall establish a schedule for the conduct of its business  
25 which shall take into account the following mandatory dates:

26       a. The 5 month date set forth in section 20 of this act by which the  
27 Department of Community and Urban Affairs is required to report its  
28 fiscal findings to the commission;

29       b. The 6 month date set forth in section 21 of this act by which the  
30 commission is required to make a preliminary report to the department  
31 and to the governing bodies of the participating municipalities;

32       c. The 8 month date set forth in section 21 of this act by which the  
33 department is required to provide its evaluative statement to the  
34 commission; and,

35       d. The 9 month date set forth in section 22 of this act by which the  
36 commission is required to submit its final report.

37       A copy of such schedule shall be filed with the commissioner and  
38 with the clerk of each of the participating municipalities within 30 days  
39 after the first meeting.

40 (cf: P.L.1977, c.435, s.14)

41  
42       145. Section 19 of P.L.1977, c.435 (C.40:43-66.53) is amended to  
43 read as follows:

44       19. a. The joint municipal consolidation study commission shall  
45 prepare a proposed budget for its activities showing anticipated  
46 expenses and anticipated receipts of funds from all sources, which

1 shall be submitted to the governing bodies of the participating  
2 municipalities for their review. The governing bodies shall approve a  
3 budget for the commission within 30 days of submission thereof. To  
4 the extent that funds from other sources are not adequate to cover the  
5 expenses of the commission, expenses approved by the governing  
6 bodies of the participating municipalities shall be apportioned among  
7 such municipalities according to the proportion that the assessed  
8 valuation of all taxable real property within each such municipality  
9 bears to the total assessed valuation of all such property within all  
10 participating municipalities. Such apportionment shall be based upon  
11 the most current abstract of ratables prepared for the purpose of  
12 levying taxes in the respective participating municipalities.

13 b. The commission may apply for and accept a State grant from the  
14 Department of Community and Urban Affairs to conduct a feasibility  
15 study or studies, or may request the department to conduct such study  
16 or studies in accordance with the provisions of sections 5 and 6 of the  
17 "Interlocal Services Aid Act" (P.L.1973, c.289; C.40:8B-5 and  
18 40:8B-6). The commission may also accept privately contributed  
19 funds, and any Federal assistance or grants that may be available.  
20 Participating municipalities shall be reimbursed, in the same manner  
21 prescribed in subsection a. for apportioning commission expenses  
22 among such municipalities, for any advance payments made by such  
23 municipalities to the commission in anticipation of the commission's  
24 receipt of revenues from such sources as are set forth in this  
25 subsection, if funds from such source were included as a revenue item  
26 in the commission's budget approved by the participating  
27 municipalities. Reimbursement shall be made immediately upon receipt  
28 of such anticipated revenues.

29 c. The participating municipalities shall make available to the  
30 commission such facilities and such professional, technical and clerical  
31 assistance as said municipalities may jointly agree.

32 d. Within the limits of available funds, the commission may appoint  
33 a secretary, consultants and such other clerical and professional  
34 assistants as it may require, who shall serve at the pleasure of the  
35 commission. The commission may fix a reasonable compensation to  
36 be paid for such services. Any commission established pursuant to the  
37 provisions of this act shall not be subject to the provisions of the  
38 "Local Public Contracts Law" (P.L.1971, c.198; C.40A:11-1 et seq.),  
39 or to the provisions of Title 11 (Civil Service) of the Revised  
40 Statutes.

41 e. All expenditures of funds by the commission shall be subject to  
42 audit in the same manner as municipal expenditures.

43 f. Amounts necessary to fund budget requests made by a  
44 commission pursuant to the provisions of this section may  
45 be appropriated by participating municipalities as emergency

1 appropriations pursuant to N.J.S.40A:4-53.

2 (cf: P.L.1977, c.435, s.19)

3

4 146. Section 20 of P.L.1977, c.435 (C.40:43-66.54) is amended to  
5 read as follows:

6 20. a. The Department of Community and Urban Affairs shall,  
7 within 5 months from the date of its receipt of the election results  
8 establishing a commission pursuant to section 10 of this act, prepare  
9 an objective study of the fiscal aspects of the proposed consolidation,  
10 and shall report its findings to the commission.

11 b. The department shall, to every possible extent, advise and  
12 cooperate with any consolidation commission created pursuant to this  
13 act and shall make available its facilities, records, and technical and  
14 professional resources. The department shall consider promptly any  
15 commission application for a State grant to conduct, or any  
16 commission request for the department to conduct, any other  
17 feasibility study or studies consistent with the provisions of this act;  
18 provided, however, that whenever any such study or studies are to be  
19 conducted by a party other than the department, said party shall be  
20 approved by, and conduct such study or studies under the supervision  
21 of, the department, and the amount of State financial assistance  
22 therefor, shall not exceed in the aggregate 75% of the cost of such  
23 study or studies. Upon approval of such study or studies, the  
24 commissioner shall certify the amount approved therefor to the State  
25 Treasurer, who shall make immediate payment thereon. Any  
26 application for financial assistance submitted by a commission created  
27 pursuant to this act shall have first claim on any moneys appropriated  
28 under the "Interlocal Services Aid Act" which have not been  
29 expended or committed at the time of application. At the written  
30 request of such a commission, a reservation of moneys shall be made  
31 by the commissioner prior to the formal filing of an application  
32 therefor by such commission.

33 (cf: P.L.1977, c.435, s.20)

34

35 147. Section 21 of P.L.1977, c.435 (C.40:43-66.55) is amended to  
36 read as follows:

37 21. a. The consolidation commission shall make a preliminary  
38 report and recommendations, not later than 6 calendar months from  
39 the date of its election, to the Commissioner of Community and Urban  
40 Affairs, who shall review same and shall indicate to the commission in  
41 writing whether or not the report and recommendations accurately  
42 reflect the department's findings concerning the fiscal aspects of the  
43 proposed consolidation. The preliminary report and recommendations  
44 shall be returned to the commission together with the department's  
45 written statement thereon. The commission may respond in writing to  
46 the department's written statement, may amend the report and

1 recommendations in such manner as it deems appropriate, and shall  
2 submit its final report to the department. Following his receipt of the  
3 final report, but in no event later than 8 months following the election  
4 of the commission, the commissioner shall provide the commission  
5 with a brief and concise evaluative statement, based upon the best  
6 information available to the commissioner at that time, concerning the  
7 fiscal feasibility of the proposed consolidation.

8 b. At the same time that it submits its preliminary report to the  
9 department, the commission shall submit a copy thereof to the  
10 governing body of each participating municipality. The governing  
11 bodies may, within 30 days of their receipt thereof, submit to the  
12 commission and to the department written comments thereon.

13 (cf: P.L.1977, c.435, s.21)

14  
15 148. Section 2 of P.L.1995, c.376 (C.40:43-66.79) is amended to  
16 read as follows:

17 2. For the purposes of this act:

18 "Absorbing municipality" means a municipality into which a  
19 contiguous sparsely populated municipality situate in the same county  
20 intends to be consolidated pursuant to the provisions of P.L.1995,  
21 c.376 (C.40:43-66.78 et seq.).

22 "Director" means the Director of the Division of Local Government  
23 Services in the Department of Community and Urban Affairs.

24 "Consolidated municipality" means the single new municipality that  
25 results from an affirmative consolidation effort pursuant to the  
26 provisions of P.L.1995, c.376 (C.40:43-66.78 et seq.).

27 "Sparsely populated municipality" means a municipality with a  
28 population of less than 500 persons according to the most recent  
29 federal decennial census.

30 (cf: P.L.1995, c.376, s.2)

31  
32 149. Section 3 of P.L.1987, c.127 (C.40:48-2.50) is amended to  
33 read as follows:

34 3. All fees to be paid to an operator by a municipality for the  
35 storage of removed motor vehicles shall not exceed the following:

36 (1) A limit of \$3.00 per day for the first 30 days of storage per  
37 vehicle; and

38 (2) A limit of \$2.00 per day for the 31st day of storage and any day  
39 thereafter; and

40 (3) A limit of \$400.00 per vehicle stored regardless of the duration  
41 of the storage, except that a waiver may be granted for good cause  
42 upon the request of a municipality by the Division of Local  
43 Government Services in the Department of Community and Urban  
44 Affairs.

45 (cf: P.L.1987, c.127, s.3)

1       150. Section 7 of P.L.1981, c.461 (C.40:48-8.33a) is amended to  
2 read as follows:

3       7. a. Within 30 days after the issuance of any bonds or notes for,  
4 or the execution of a lease in connection with, the acquisition,  
5 construction, reconstruction or improvement of a convention hall  
6 facility as set forth in subsection b. of section 5 of this act (C.  
7 40:48-8.30a), the county improvement authority shall file a report  
8 with the Local Finance Board setting forth, if applicable, the principal  
9 amount of bonds or notes issued for that project, the annual payments  
10 of principal and interest to be made on the bonds or notes with  
11 respect to that project, the terms and provisions of the financing  
12 undertaken for, or the lease entered into in connection with, the  
13 project, and such engineering and feasibility studies as may have been  
14 commissioned and used by the county improvement authority in  
15 connection with financing the project.

16       b. At least 90 days prior to the date set forth in subsection b. of  
17 section 5 of this act (C.40:48-8.30a), an authorized officer of the  
18 county improvement authority issuing bonds or notes for, or entering  
19 into a lease in connection with, the acquisition, construction,  
20 reconstruction or improvement of the convention hall facility shall  
21 notify the Director of the Division of Local Government Services in  
22 the Department of Community and Urban Affairs of the precise date  
23 on which the provisions of that subsection shall take effect, the  
24 amounts payable thereafter (1) on account of the principal and interest  
25 on, or reserve funding requirements on, those bonds or notes, or (2)  
26 as rent under the lease, and the name and address of the paying agent  
27 or agents for the bonds or notes, or of the lessor under the lease. The  
28 director shall, upon the receipt of that notice, verify the facts  
29 contained therein, and certify the same to the State Treasurer.

30       c. Following the certification in subsection b. of this section and  
31 upon the date set forth therein, the State Treasurer shall transfer all  
32 moneys accumulated in the luxury tax fund to the development fund  
33 as provided in subsection b. of section 5 of this act (C.40:48-8.30a),  
34 and shall thereafter pay prior to each payment date from the luxury tax  
35 fund the amounts certified to be paid (1) to the appropriate paying  
36 agent or agents for the principal and interest on, or reserve funding  
37 requirements on, the bonds or notes, or (2) to the lessor as rent under  
38 the lease.

39       d. In lieu of the provisions of subsections a., b. and c. of this  
40 section and of the provisions of section 8 of P.L.1979, c.273  
41 (C.40:48-8.33), the following procedure may be followed if any  
42 portion of the payment of principal of and interest on, or reserve  
43 funding requirements on, any bonds or notes issued for, or the rental  
44 payments on any lease entered into in connection with, the acquisition,  
45 construction, reconstruction or improvement of a convention hall  
46 facility are to be paid from revenues, other than revenues derived

1 under P.L.1947, c.71 (C.40:48-8.15 et seq.), that are held in any funds  
2 by the State Treasurer:

3 (1) Prior to the adoption of a resolution authorizing the issuance  
4 of any bonds or notes for, or entering into a lease in connection with,  
5 the acquisition, construction, reconstruction or improvement of any  
6 convention hall facility, the county improvement authority shall  
7 submit the resolution or lease, as the case may be, to the Director of  
8 the Division of Local Government Services and to the State Treasurer  
9 for approval of the State Treasurer, which approval may be based  
10 upon recommendations of the director based upon findings made in  
11 a manner similar to that required of the Local Finance Board pursuant  
12 to subsection (b) of section 8 of P.L.1979, c.273 (C.40:48-8.33);

13 (2) The State Treasurer shall, as provided in subsection b. of  
14 section 5 of this act (C. 40:48-8.30a), transfer, upon the date set forth  
15 in a certificate of the Director of the Division of Local Government  
16 Services which shall be in the form set forth in subsection b. of this  
17 section and delivered to the State Treasurer, all moneys accumulated  
18 in the luxury tax fund to the development fund; and

19 (3) The State Treasurer shall thereafter pay prior to each payment  
20 date from the luxury tax fund the amounts required to be paid (i) to  
21 the appropriate paying agent or agents in accordance with the  
22 provisions of the applicable resolution for principal of and interest on,  
23 or reserve funding requirements on, the bonds or notes, or (ii) to the  
24 lessor in accordance with the provisions of the lease as rent under the  
25 lease.

26 (cf: P.L.1982, c.113, s.22)

27

28 151. Section 4 of P.L.1952, c.72 (C.40:48B-4) is amended to read  
29 as follows:

30 4. The joint contract shall provide for the operation of the public  
31 services, public improvements, works, facilities or undertakings of the  
32 joint meeting, for the apportionment of the costs and expenses of  
33 operation required therefor among the contracting local units, for the  
34 addition of other local units as members of the joint meeting, for the  
35 terms and conditions of continued participation and discontinuance of  
36 participation in the joint meeting by the contracting local units, and for  
37 such other terms and conditions as may be necessary or convenient for  
38 the purposes of the joint meeting. The apportionment of costs and  
39 expenses may be based upon assessed valuations, population, and such  
40 other factor or factors, or any combination thereof, as may be  
41 provided in the joint contract. The joint contract shall be subject to  
42 approval by resolution of the governing bodies of each of the local  
43 units prior to its execution by such official or officials as may be  
44 authorized to execute such joint contract. The joint contract shall  
45 specify the name by which the joint meeting shall be known. The joint  
46 contract may be amended from time to time by agreement of the

1 parties thereto, in the same manner as the original contract was  
2 authorized and approved. A copy of every ordinance, resolution,  
3 joint contract and every amendment thereto shall be forthwith filed  
4 with the Commissioner of Community and Urban Affairs.

5 (cf: P.L.1973, c.208, s.14)

6

7 152. Section 2 of P.L.1967, c.180 (C.40:48B-15) is amended to  
8 read as follows:

9 2. The governing bodies of the participating municipalities shall, by  
10 agreement, provide for the appointment of a joint municipal tax  
11 assessor and other necessary personnel, for the apportionment of the  
12 costs and expenses of operation of such office among the participating  
13 municipalities, for the addition of other municipalities in the same  
14 county and such other terms and conditions as may be necessary and  
15 convenient for the establishment and maintenance of the office. The  
16 apportionment of costs and expenses may be based upon  
17 "apportionment valuations" determined under Revised Statutes  
18 54:4-49, number of taxable properties, population, budgets, and such  
19 other factor or factors, or any combination thereof, as may be  
20 provided in the agreement. The agreement shall be subject to approval  
21 by resolution of the governing bodies of each of the municipalities  
22 prior to its execution by such official or officials as may be authorized  
23 to execute such agreement. A copy of every pertinent resolution,  
24 agreement and every amendment thereto shall be filed with the  
25 Director of the Division of Taxation in the Department of the Treasury  
26 and the Director of the Division of Local Finance in the Department  
27 of Community and Urban Affairs.

28 (cf: P.L.1995, c.356, s.4)

29

30 153. Section 40 of P.L.1970, c.326 (C.40:48C-40) is amended to  
31 read as follows:

32 40. The clerk of any municipality adopting an ordinance pursuant  
33 to this act shall, immediately following the adoption of the ordinance  
34 or any amendment thereof, forward a copy thereof to the Director of  
35 the Division of Local Finance in the Department of Community and  
36 Urban Affairs and the Director of the Division of Taxation in the  
37 Department of the Treasury.

38 (cf: P.L.1970, c.326, s.40)

39

40 154. Section 2 of P.L.1993, c.290 (C.40:52-10) is amended to read  
41 as follows:

42 2. The governing body of a municipality may, by ordinance, elect  
43 to license rooming and boarding houses located in the municipality in  
44 accordance with the provisions of this act. If the governing body  
45 elects to license such facilities, the governing body shall so notify the

1 Commissioner of Community and Urban Affairs or his designee.  
2 (cf: P.L.1993, c.290, s.2).

3  
4 155. Section 5 of P.L.1993, c.290 (C.40:52-13) is amended to read  
5 as follows:

6 5. It shall be the duty of the licensing authority to receive  
7 applications made pursuant to section 4 of this act and to conduct such  
8 investigations as may be necessary to establish:

9 a. With respect to the premises for which a license is sought (1)  
10 that they are in compliance with all applicable building, housing, health  
11 and safety codes and regulations; (2) that the location of the premises  
12 will not, in conjunction with the proximity of other rooming and  
13 boarding houses, lead to an excessive concentration of such facilities  
14 in the municipality or a particular section thereof;

15 b. With respect to the owner or owners of the premises: (1) if a  
16 natural person or persons, that he or they are 21 years of age or older,  
17 citizens of the United States and residents of the State of New Jersey,  
18 and never convicted, in this State or elsewhere, of a crime involving  
19 moral turpitude, or of any crime under any law of this State licensing  
20 or regulating a rooming or boarding house, and have never had a  
21 license required pursuant to P.L.1979, c.496 (C.55:13B-1 et al.)  
22 revoked; (2) if a corporation, that all officers and members of the  
23 board of directors, and every stockholder holding 10% or more of the  
24 stock of the corporation, directly or indirectly having a beneficial  
25 interest therein, have the same qualifications as set forth in this  
26 subsection for an applicant who is a natural person;

27 c. With respect to the operator or proposed operator, that he meets  
28 the requirements for licensure by the Department of Community and  
29 Urban Affairs; and

30 d. That the owner and operator, either individually or jointly, have  
31 established sufficient guarantee of financial and other responsibility to  
32 assure appropriate relocation of the residents of the rooming or  
33 boarding house to suitable facilities in the event that the license is  
34 subsequently revoked or its renewal denied. The Department of  
35 Community and Urban Affairs shall determine, in the case of each type  
36 of rooming and boarding house under its jurisdiction, what constitutes  
37 suitable facilities for this purpose.

38 (cf: P.L.1993, c.290, s.5)

39  
40 156. Section 8 of P.L.1993, c.290 (C.40:52-16) is amended to read  
41 as follows:

42 8. a. A licensing authority may revoke a license granted under this  
43 act for any of the following reasons:

44 (1) A finding that there was any misstatement of material fact in  
45 the application upon which the license was issued.

46 (2) The occurrence of any fact which, had it occurred and been

1 known to the licensing authority before issuance of the license, would  
2 have resulted in the denial of the application.

3 (3) Repeated violations, or prolonged failure to correct any  
4 violation, of any applicable building, housing, health or safety code or  
5 regulations.

6 (4) Refusal to allow access to any portion of the licensed premises  
7 at all reasonable times, with or without advance notice, in order that  
8 officers or agents of the licensing authority, or any official charged  
9 with enforcement within the municipality of any building, housing,  
10 health or safety code or regulations applicable to the premises may  
11 determine compliance with such codes or regulations.

12 (5) Revocation by the Department of Community and Urban  
13 Affairs of the operator's license or other authorization to operate a  
14 rooming or boarding house on the premises.

15 (6) Notification by the Department of Community and Urban  
16 Affairs that the premises are not, or are no longer suitable for  
17 operation of a rooming or boarding house on the premises.

18 (7) Failure or refusal to comply with any lawful regulation or order  
19 of the licensing authority.

20 b. A license shall not be revoked until five days' prior notice of the  
21 grounds therefor has been served upon the licensee, either personally  
22 or by certified mail addressed to the licensee at the licensed premises,  
23 and a reasonable opportunity given to the licensee to be heard thereon.  
24 (cf: P.L.1993, c.290, s.8)

25

26 157. Section 9 of P.L.1993, c.290 (C.40:52-17) is amended to read  
27 as follows:

28 9. Upon determination by a licensing authority to refuse the  
29 granting or renewal of a license, or to revoke a license, the licensee  
30 affected shall be entitled to appeal to the Commissioner of Community  
31 and Urban Affairs for a review of that determination; and the  
32 commissioner shall have authority to reverse the licensing authority's  
33 determination if it concludes that the application was improperly  
34 denied or the revocation improperly imposed. Such review by the  
35 commissioner shall be in conformity with the provisions of the  
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
37 seq.). The decision of the commissioner in such cases shall be subject  
38 to appeal to the Appellate Division of the Superior Court. If an  
39 applicant for license renewal has made timely and sufficient application  
40 for a renewal in accordance with the provisions of this act and the  
41 rules of the licensing pursuant thereto, his license shall not expire until  
42 any appeals under this section have been finally determined and  
43 disposed of.

44 (cf: P.L.1993, c.290, s.9)

45

46 158. Section 3 of P.L.1992, c.166 (C.40:54C-4.1) is amended to

1 read as follows:

2 3. The chief financial officer of the municipality shall serve as the  
3 custodian of the fund established pursuant to section 2 of P.L.1982,  
4 c.68 (C.40:52-8), and shall maintain the necessary financial records  
5 required by the Director of the Division of Local Government Services  
6 in the Department of Community and Urban Affairs.  
7 (cf: P.L.1992, c.166, s.3)

8

9 159. Section 18 of P.L.1992, c.165 (C.40:54D-18) is amended to  
10 read as follows:

11 18. a. Ordinances adopted to create a tourism improvement and  
12 development district pursuant to this act, P.L.1992, c.165  
13 (C.40:54D-1 et seq.) shall provide for the creation of a public body  
14 corporate and politic for the district, under the name and style of "the  
15 Tourism Improvement and Development Authority."

16 b. Copies of the ordinances for the creation of the authority shall  
17 be filed in the office of the Secretary of State and in the office of the  
18 Division of Local Government Services in the Department of  
19 Community and Urban Affairs. A copy of the certified ordinance shall  
20 be admissible in evidence in any action or proceeding and shall be  
21 conclusive evidence of due and proper adoption and filing thereof.  
22 After filing in the office of the Secretary of State, a copy of the  
23 ordinance shall be published at least once in a newspaper published or  
24 circulating in the adopting municipalities, together with a notice  
25 stating the fact and date of its adoption and the date of first  
26 publication of the notice. If no action questioning the validity of the  
27 creation of the authority is commenced within 45 days after the first  
28 publication of the notice, then the authority shall be conclusively  
29 deemed to have been validly created and authorized to transact  
30 business and exercise powers pursuant to this act, P.L.1992, c.165  
31 (C.40:54D-1 et seq.).

32 c. An authority so established shall be subject to the provisions of  
33 the "Local Authorities Fiscal Control Law," P.L.1983, c.313  
34 (C.40A:5A-1 et seq.), except that the creation of the authority shall  
35 not be subject to approval of the Local Finance Board in the  
36 Department of Community and Urban Affairs.  
37 (cf: P.L.1992, c.165, s.18)

38

39 160. Section 27 of P.L.1992, c.165 (C.40:54D-27) is amended to  
40 read as follows:

41 27. a. Within 30 days after the issuance of any bonds or notes for,  
42 or the execution of lease in connection with, the acquisition,  
43 construction, reconstruction or improvement of a convention center  
44 facility or other tourism project pursuant to this act, P.L.1992, c.165  
45 (C.40:54D-1 et seq.), the authority shall file a report with the Local  
46 Finance Board setting forth, if applicable, the principal amount of

1 bonds or notes issued for that project, the annual payments of principal  
2 and interest to be made on the bonds or notes with respect to that  
3 project, the terms and provisions of the financing undertaken for, or  
4 the lease entered into in connection with, the project, and such  
5 engineering and feasibility studies as may have been commissioned and  
6 used by the authority in connection with financing the project.

7 b. At least 90 days prior to the date which is the later date  
8 determined pursuant to paragraph 1 or 2 of subsection b. of section 14  
9 of this act (C.40:54D-14), an authorized officer of the authority  
10 issuing bonds or notes for, or entering into a lease in connection with,  
11 the acquisition, construction, reconstruction or improvement of the  
12 convention center facility or other tourism project shall notify the  
13 Director of the Division of Local Government Services in the  
14 Department of Community and Urban Affairs of the precise date  
15 determined pursuant to subsection b. of section 14 of this act, the  
16 amounts payable thereafter: (1) on account of the principal and interest  
17 on, or reserve funding requirements on, those bonds or notes; or (2)  
18 as rent under the lease, and the name and address of the paying agent  
19 or agents for the bonds or notes, or of the lessor under the lease. The  
20 director shall, upon the receipt of that notice, verify the facts  
21 contained therein, and certify the same to the State Treasurer.

22 c. Following the certification in subsection b. of this section and  
23 upon the date set forth therein, the State Treasurer shall thereafter pay  
24 prior to each payment date from the fund the amounts certified to be  
25 paid: (1) to the appropriate paying agent or agents for the principal  
26 and interest on, or reserve funding requirements on, the bonds or  
27 notes; or (2) to the lessor as rent under the lease.

28 (cf: P.L.1992, c.165, s.27)

29

30 161. Section 1 of P.L.1977, c.423 (C.40:55-21.15) is amended to  
31 read as follows:

32 1. Any municipality receiving State aid pursuant to the provisions  
33 of P.L.1971, c.64, as amended and supplemented from time to time,  
34 or a municipality certified by the Commissioner of Community and  
35 Urban Affairs to qualify under such law in every respect except  
36 population, may by ordinance determine that an area or areas within  
37 such municipality be designated an urban growth zone as defined in  
38 and for all purposes of "The New Jersey Economic Development  
39 Authority Act," P.L.1974, c.80 (C.34:1B-1 et seq.). Such ordinance  
40 may provide that, notwithstanding any law or other ordinance or local  
41 regulation to the contrary, all construction projects undertaken by, or  
42 with the assistance of, the New Jersey Economic Development  
43 Authority in such urban growth zones shall be exempt from the terms  
44 and requirements of the land use ordinances and regulations, including  
45 but not limited to the master plan and zoning ordinances, of such

1 municipality for any period of time which may be mutually agreed  
2 upon.

3 (cf: P.L.1977, c.423, s.1)

4

5 162. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to  
6 read as follows:

7 29. Contents of ordinance. An ordinance requiring approval by the  
8 planning board of either subdivisions or site plans, or both, shall  
9 include the following:

10 a. Provisions, not inconsistent with other provisions of this act, for  
11 submission and processing of applications for development, including  
12 standards for preliminary and final approval and provisions for  
13 processing of final approval by stages or sections of development;

14 b. Provisions ensuring:

15 (1) Consistency of the layout or arrangement of the subdivision or  
16 land development with the requirements of the zoning ordinance;

17 (2) Streets in the subdivision or land development of sufficient  
18 width and suitable grade and suitably located to accommodate  
19 prospective traffic and to provide access for firefighting and  
20 emergency equipment to buildings and coordinated so as to compose  
21 a convenient system consistent with the official map, if any, and the  
22 circulation element of the master plan, if any, and so oriented as to  
23 permit, consistent with the reasonable utilization of land, the buildings  
24 constructed thereon to maximize solar gain; provided that no street of  
25 a width greater than 50 feet within the right-of-way lines shall be  
26 required unless said street constitutes an extension of an existing street  
27 of the greater width, or already has been shown on the master plan at  
28 the greater width, or already has been shown in greater width on the  
29 official map;

30 (3) Adequate water supply, drainage, shade trees, sewerage  
31 facilities and other utilities necessary for essential services to residents  
32 and occupants;

33 (4) Suitable size, shape and location for any area reserved for  
34 public use pursuant to section 32 of this act;

35 (5) Reservation pursuant to section 31 of this act of any open  
36 space to be set aside for use and benefit of the residents of planned  
37 development, resulting from the application of standards of density or  
38 intensity of land use, contained in the zoning ordinance, pursuant to  
39 subsection c. of section 52 of this act;

40 (6) Regulation of land designated as subject to flooding, pursuant  
41 to subsection e. of section 52 of this act, to avoid danger to life or  
42 property;

43 (7) Protection and conservation of soil from erosion by wind or  
44 water or from excavation or grading;

45 (8) Conformity with standards promulgated by the Commissioner  
46 of Transportation, pursuant to the "Air Safety and Hazardous Zoning

- 1 Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), for any airport  
2 hazard areas delineated under that act;
- 3 (9) Conformity with a municipal recycling ordinance required  
4 pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);
- 5 (10) Conformity with the State highway access management code  
6 adopted by the Commissioner of Transportation under section 3 of the  
7 "State Highway Access Management Act," P.L.1989, c.32  
8 (C.27:7-91), with respect to any State highways within the  
9 municipality;
- 10 (11) Conformity with any access management code adopted by the  
11 county under R.S.27:16-1, with respect to any county roads within the  
12 municipality;
- 13 (12) Conformity with any municipal access management code  
14 adopted under R.S.40:67-1, with respect to municipal streets;
- 15 (13) Protection of potable water supply reservoirs from pollution  
16 or other degradation of water quality resulting from the development  
17 or other uses of surrounding land areas, which provisions shall be in  
18 accordance with any siting, performance, or other standards or  
19 guidelines adopted therefor by the Department of Environmental  
20 Protection;
- 21 (14) Conformity with the public safety regulations concerning  
22 storm water detention facilities adopted pursuant to section 5 of  
23 P.L.1991, c.194 (C.40:55D-95.1) and reflected in storm water  
24 management plans and storm water management ordinances adopted  
25 pursuant to P.L.1981, c.32 (C.40:55D-93 et al.); and
- 26 (15) Conformity with the model ordinance promulgated by the  
27 Department of Environmental Protection and Department of  
28 Community and Urban Affairs pursuant to section 2 of P.L.1993, c.81  
29 (C.13:1E-99.13a) regarding the inclusion of facilities for the collection  
30 or storage of source separated recyclable materials in any new  
31 multifamily housing development.
- 32 c. Provisions governing the standards for grading, improvement  
33 and construction of streets or drives and for any required walkways,  
34 curbs, gutters, streetlights, shade trees, fire hydrants and water, and  
35 drainage and sewerage facilities and other improvements as shall be  
36 found necessary, and provisions ensuring that such facilities shall be  
37 completed either prior to or subsequent to final approval of the  
38 subdivision or site plan by allowing the posting of performance bonds  
39 by the developer;
- 40 d. Provisions ensuring that when a municipal zoning ordinance is  
41 in effect, a subdivision or site plan shall conform to the applicable  
42 provisions of the zoning ordinance, and where there is no zoning  
43 ordinance, appropriate standards shall be specified in an ordinance  
44 pursuant to this article; and
- 45 e. Provisions ensuring performance in substantial accordance with  
46 the final development plan; provided that the planning board may

1 permit a deviation from the final plan, if caused by change of  
2 conditions beyond the control of the developer since the date of final  
3 approval, and the deviation would not substantially alter the character  
4 of the development or substantially impair the intent and purpose of  
5 the master plan and zoning ordinance.

6 (cf: P.L.1993, c.81, s.1)

7

8 163. Section 1 of P.L.1993, c.32 (C.40:55D-40.1) is amended to  
9 read as follows:

10 1. As used in this act:

11 "Board" means the Site Improvement Advisory Board established  
12 by this act;

13 "Commissioner" means the Commissioner of Community and Urban  
14 Affairs;

15 "Department" means the Department of Community and Urban  
16 Affairs; and

17 "Site improvement" means any construction work on, or  
18 improvement in connection with, residential development, and shall be  
19 limited to, streets, roads, parking facilities, sidewalks, drainage  
20 structures, and utilities.

21 (cf: P.L.1993, c.32, s.1)

22

23 164. Section 3 of P.L.1993, c.32(C.40:55D-40.3) is amended to  
24 read as follows:

25 3. a. There is established in, but not of, the department a Site  
26 Improvement Advisory Board, to devise statewide site improvement  
27 standards pursuant to section 4 of this act. The board shall consist of  
28 the commissioner or his designee, who shall be a non-voting member  
29 of the board, the Director of the Division of Housing in the  
30 Department of Community and Urban Affairs, who shall be a voting  
31 member of the board, and 10 other voting members, to be appointed  
32 by the commissioner. The other members shall include two  
33 professional planners, one of whom serves as a planner for a  
34 governmental entity or whose professional experience is predominantly  
35 in the public sector and who has worked in the public sector for at  
36 least the previous five years and the other of whom serves as a planner  
37 in private practice and has particular expertise in private residential  
38 development and has been involved in private sector planning for at  
39 least the previous five years, and one representative each from:

40 (1) The New Jersey Society of Professional Engineers;

41 (2) The New Jersey Society of Municipal Engineers;

42 (3) The New Jersey Association of County Engineers;

43 (4) The New Jersey Federation of Planning Officials;

44 (5) The Council on Affordable Housing;

45 (6) The New Jersey Builders' Association;

46 (7) The New Jersey Institute of Technology;

1 (8) The New Jersey State League of Municipalities.

2 b. Among the members to be appointed by the commissioner who  
3 are first appointed, four shall be appointed for terms of two years  
4 each, four shall be appointed for terms of three years each, and two  
5 shall be appointed for terms of four years each. Thereafter, each  
6 appointee shall serve for a term of four years. Vacancies in the  
7 membership shall be filled in the same manner as original appointments  
8 are made, for the unexpired term. The commission shall select from  
9 among its members a chairman. Members may be removed by the  
10 commissioner for cause.

11 c. Board members shall serve without compensation, but may be  
12 entitled to reimbursement, from moneys appropriated or otherwise  
13 made available for the purposes of this act, for expenses incurred in  
14 the performance of their duties.

15 (cf: P.L1993, c.32, s.3)

16

17 165. Section 3 of P.L.1995, c.54 (C.40:55D-53.2a) is amended to  
18 read as follows:

19 3. a. An applicant shall notify in writing the governing body with  
20 copies to the chief financial officer, the approving authority and the  
21 professional whenever the applicant disputes the charges made by a  
22 professional for service rendered to the municipality in reviewing  
23 applications for development, review and preparation of documents,  
24 inspection of improvements, or other charges made pursuant to the  
25 provisions of P.L.1975, c.291 (C.40:55D-1 et seq.). The governing  
26 body, or its designee, shall within a reasonable time period attempt to  
27 remediate any disputed charges. If the matter is not resolved to the  
28 satisfaction of the applicant, the applicant may appeal to the county  
29 construction board of appeals established under section 9 of P.L.1975,  
30 c.217 (C.52:27D-127) any charge to an escrow account or a deposit  
31 by any municipal professional or consultant, or the cost of the  
32 installation of improvements estimated by the municipal engineer  
33 pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4). An  
34 applicant or his authorized agent shall submit the appeal in writing to  
35 the county construction board of appeals. The applicant or his  
36 authorized agent shall simultaneously send a copy of the appeal to the  
37 municipality, approving authority, and any professional whose charge  
38 is the subject of the appeal. An applicant shall file an appeal within 45  
39 days from receipt of the informational copy of the professional's  
40 voucher required by subsection c. of section 13 of P.L.1991, c.256  
41 (C.40:55D-53.2), except that if the professional has not supplied the  
42 applicant with an informational copy of the voucher, then the applicant  
43 shall file his appeal within 60 days from receipt of the municipal  
44 statement of activity against the deposit or escrow account required  
45 by subsection c. of section 13 of P.L.1991, c.256 (C.40:55D-53.2).  
46 An applicant may file an appeal for an ongoing series of charges by a

1 professional during a period not exceeding six months to demonstrate  
2 that they represent a pattern of excessive or inaccurate charges. An  
3 applicant making use of this provision need not appeal each charge  
4 individually.

5 b. The county construction board of appeals shall hear the appeal,  
6 render a decision thereon, and file its decision with a statement of the  
7 reasons therefor with the municipality or approving authority not later  
8 than 10 business days following the submission of the appeal, unless  
9 such period of time has been extended with the consent of the  
10 applicant. The decision may approve, disapprove, or modify the  
11 professional charges appealed from. A copy of the decision shall be  
12 forwarded by certified or registered mail to the party making the  
13 appeal, the municipality, the approving authority, and the professional  
14 involved in the appeal. Failure by the board to hear an appeal and  
15 render and file a decision thereon within the time limits prescribed in  
16 this subsection shall be deemed a denial of the appeal for purposes of  
17 a complaint, application, or appeal to a court of competent  
18 jurisdiction.

19 c. The county construction board of appeals shall provide rules for  
20 its procedure in accordance with this section. The board shall have the  
21 power to administer oaths and issue subpoenas to compel the  
22 attendance of witnesses and the production of relevant evidence, and  
23 the provisions of the "County and Municipal Investigations Law,"  
24 P.L.1953, c.38 (C.2A:67A-1 et seq.) shall apply.

25 d. During the pendency of any appeal, the municipality or  
26 approving authority shall continue to process, hear, and decide the  
27 application for development, and to inspect the development in the  
28 normal course, and shall not withhold, delay, or deny reviews,  
29 inspections, signing of subdivision plats or site plans, the reduction or  
30 the release of performance or maintenance guarantees, the issuance  
31 of construction permits or certificates of occupancy, or any other  
32 approval or permit because an appeal has been filed or is pending  
33 under this section. The chief financial officer of the municipality may  
34 pay charges out of the appropriate escrow account or deposit for  
35 which an appeal has been filed. If a charge is disallowed after  
36 payment, the chief financial officer of the municipality shall reimburse  
37 the deposit or escrow account in the amount of any such disallowed  
38 charge or refund the amount to the applicant. If a charge is disallowed  
39 after payment to a professional or consultant who is not an employee  
40 of the municipality, the professional or consultant shall reimburse the  
41 municipality in the amount of any such disallowed charge.

42 e. The Commissioner of Community and Urban Affairs shall  
43 promulgate rules and regulations pursuant to the "Administrative  
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate  
45 the purposes of this section. Within two years of the effective date of  
46 P.L.1995, c.54 (C.40:55D-53.2a et al.), the commissioner shall

1 prepare and submit a report to the Governor, the President of the  
2 Senate, and the Speaker of the General Assembly. The report shall  
3 describe the appeals process established by section 3 of P.L.1995, c.54  
4 (C.40:55D-53.2a) and shall make recommendations for legislative or  
5 administrative action necessary to provide a fair and efficient appeals  
6 process.

7 (cf: P.L.1995, c.54, s.3)

8

9 166. Section 2 of P.L.1989, c.67 (C.40:55D-68.2) is amended to  
10 read as follows:

11 2. The owner of any hotel, guest house, rooming house or boarding  
12 house who proposes to increase its operation to a full-year basis and  
13 who can demonstrate that a hotel, guest house, rooming house or  
14 boarding house in the municipality is not prohibited from operating on  
15 a full-year basis as provided under section 1 of this act shall file copies  
16 of that information with the Commissioner of Community and Urban  
17 Affairs in accordance with the requirements set forth in section 1 of  
18 this act and provide copies of that information to the clerks of the  
19 municipality and county in which the hotel, guest house, rooming  
20 house or boarding house is situated. The commissioner shall review  
21 that information submitted by the hotel, guest house, rooming house  
22 or boarding house owner and, within 30 days of receiving the  
23 information submitted, provide a determination of whether or not the  
24 hotel, guest house, rooming house or boarding house meets the  
25 requirements of section 1 of this act. If the commissioner does not  
26 provide a determination within the 30-day period, the hotel, guest  
27 house, rooming house or boarding house owner may commence the  
28 operation of the hotel, guest house, rooming house or boarding house  
29 on a full-year basis.

30 (cf: P.L.1989, c.67, s.2)

31

32 167. Section 3 of P.L.1983, c.386 (C.40:55D-102) is amended to  
33 read as follows:

34 3. As used in this act:

35 a. "Commissioner" means the Commissioner [of the Department]  
36 of Community and Urban Affairs;

37 b. "Grade" means a reference plane consisting of the average  
38 finished ground level adjacent to a structure, building, or facility at all  
39 visible exterior walls;

40 c. "Manufactured home" means a unit of housing which:

41 (1) Consists of one or more transportable sections which are  
42 substantially constructed off site and, if more than one section, are  
43 joined together on site;

44 (2) Is built on a permanent chassis;

45 (3) Is designed to be used, when connected to utilities, as a  
46 dwelling on a permanent or nonpermanent foundation; and

1 (4) Is manufactured in accordance with the standards promulgated  
2 for a manufactured home by the secretary pursuant to the "National  
3 Manufactured Housing Construction and Safety Standards Act of  
4 1974," Pub.L. 93-383 (42 U.S.C. s.5401 et seq.) and the standards  
5 promulgated for a manufactured or mobile home by the commissioner  
6 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
7 c.217 (C.52:27D-119 et seq.);

8 d. "Mobile home park" means a parcel of land, or two or more  
9 parcels of land, containing no fewer than 10 sites equipped for the  
10 installation of manufactured homes, where these sites are under  
11 common ownership and control for the purpose of leasing each site to  
12 the owner of a manufactured home for the installation thereof, and  
13 where the owner or owners provide services, which are provided by  
14 the municipality in which the park is located for property owners  
15 outside the park, which services may include but shall not be limited  
16 to:

17 (1) The construction and maintenance of streets;

18 (2) Lighting of streets and other common areas;

19 (3) Garbage removal;

20 (4) Snow removal; and

21 (5) Provisions for the drainage of surface water from home sites  
22 and common areas.

23 A parcel, or any contiguous parcels, of land which contain, on the  
24 effective date of this act, no fewer than three sites equipped for the  
25 installation of manufactured homes, and which otherwise conform to  
26 the provisions of this subsection, shall qualify as a mobile home park  
27 for the purposes of this act;

28 e. "Nonpermanent foundation" means any foundation consisting  
29 of nonmortared blocks, wheels, concrete slab, runners, or any  
30 combination thereof, or any other system approved by the  
31 commissioner for the installation and anchorage of a manufactured  
32 home on other than a permanent foundation;

33 f. "Off site construction of a manufactured home" or section  
34 thereof means the construction of that home or section at a location  
35 other than the location at which the home is to be installed;

36 g. "On site joining of sections of a manufactured home" means the  
37 joining of those sections at the location at which the home is to be  
38 installed;

39 h. "Permanent foundation" means a system of support installed  
40 either partially or entirely below grade, which is:

41 (1) Capable of transferring all design loads imposed by or upon the  
42 structure into soil or bedrock without failure;

43 (2) Placed at an adequate depth below grade to prevent frost  
44 damage; and

45 (3) Constructed of material approved by the commissioner;

46 i. "Runners" means a system of support consisting of poured

1 concrete strips running the length of the chassis of a manufactured  
2 home under the lengthwise walls of that home;

3 j. "Secretary" means the Secretary of the United States  
4 Department of Housing and Urban Development; and

5 k. "Trailer" means a recreational vehicle, travel trailer, camper or  
6 other transportable, temporary dwelling unit, with or without its own  
7 motor power, designed and constructed for travel and recreational  
8 purposes to be installed on a nonpermanent foundation if installation  
9 is required.

10 (cf: P.L.1983, c.386, s.3)

11

12 168. Section 22 of P.L.1984, c.151 (C.40:56-88) is amended to  
13 read as follows:

14 22. The district management corporation shall cause an annual  
15 audit of its books, accounts and financial transactions to be made and  
16 filed with the governing body of the municipality, and for that purpose  
17 the corporation shall employ a certified public accountant of New  
18 Jersey. The annual audit shall be completed and filed with the  
19 governing body within four months after the close of the fiscal year of  
20 the corporation, and a certified duplicate copy of the audit shall be  
21 filed with the Director of the Division of Local Government Services  
22 in the Department of Community and Urban Affairs within five days  
23 of the filing of the audit with the governing body of the municipality.

24 (cf: P.L.1984, c.151, s.22)

25

26 169. Section 18 of P.L.1991, c.162 (C.40:62-133.16) is amended  
27 to read as follows:

28 18. The commission shall file a copy of each bond resolution  
29 adopted by it with the Director of the Division of Local Government  
30 Services in the Department of Community and Urban Affairs, together  
31 with a summary of the dates, amounts, maturities and interest rates of  
32 all bonds issued pursuant thereto.

33 (cf: P.L.1991, c.162, s.18)

34

35 170. Section 1 of P.L.1991, c.54 (C.40:66-8) is amended to read  
36 as follows:

37 1. The governing body of any municipality which operated a solid  
38 waste collection district as of December 31, 1989, may, by ordinance  
39 and subject to the approval of the Local Finance Board of the  
40 Department of Community and Urban Affairs, set off and create within  
41 its boundaries a district, covering all or a portion of the area of the  
42 municipality, which district shall be known as a solid waste collection  
43 district. The governing body may, by ordinance and subject to the  
44 approval of the Local Finance Board of the Department of Community  
45 and Urban Affairs, alter the boundaries of any solid waste collection

1 district so created.  
2 (cf: P.L.1991, c.54, s.1)

3  
4 171. Section 2 of P.L.1991, c.54 (C.40:66-9) is amended to read  
5 as follows:

6 2. The governing body of any municipality which operated a solid  
7 waste collection district as of December 31, 1989, may provide by  
8 municipal contract or municipal service for the collection or disposal  
9 of solid waste within a solid waste collection district, subject to the  
10 approval of the Local Finance Board of the Department of Community  
11 and Urban Affairs and subject to the provisions of the "Local Public  
12 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).  
13 (cf: P.L.1991, c.54, s.2)

14  
15 172. Section 3 of P.L.1991, c.54 (C.40:66-10) is amended to read  
16 as follows:

17 3. The governing body of any municipality which operated a solid  
18 waste collection district as of December 31, 1989, shall, by ordinance  
19 and subject to the approval of the Local Finance Board of the  
20 Department of Community and Urban Affairs, determine the amount  
21 of money necessary for the support of the solid waste collection  
22 district. The amount so determined shall be assessed on the value of  
23 all taxable property within the district and collected as taxes are  
24 collected and be controlled and expended by the municipality for the  
25 purposes herein specified. The ordinance shall specify that any  
26 assessment made pursuant to this section is to be used solely to  
27 provide for the support of the solid waste collection district. Any  
28 municipality which adopts an ordinance pursuant to this section shall,  
29 within 10 days following the adoption of the ordinance, forward a  
30 copy to the Division of Local Government Services in the Department  
31 of Community and Urban Affairs.

32 (cf: P.L.1991, c.54, s.3)

33

34 173. Section 2 of P.L.1989, c.299 (C.40:67-23.3) is amended to  
35 read as follows:

36 2. a. Except as otherwise provided in subsection b. of this section,  
37 the governing body of every municipality shall reimburse a qualified  
38 private community for the following services as provided in sections  
39 4 and 5 of P.L.1989, c.299 (C.40:67-23.5 and C.40:67-23.6) or  
40 provide the following services within a qualified private community in  
41 the same fashion as the municipality provides these services on public  
42 roads and streets:

43 (1) Removal of snow, ice and other obstructions from the roads  
44 and streets;

45 (2) Lighting of the roads and streets, to the extent of payment for  
46 the electricity required, but not including the installation or

1 maintenance of lamps, standards, wiring or other equipment; and  
2 (3) Collection of leaves and recyclable materials along the roads  
3 and streets and the collection or disposal of solid waste along the  
4 roads and streets.

5 b. Nothing in P.L.1989, c.299 (C.40:67-23.2 et seq.) shall require  
6 a municipality to operate any municipally owned or leased vehicles or  
7 other equipment, or to provide any of the services enumerated in  
8 subsection a. of this section, upon, along or in relation to any road or  
9 street in a qualified private community which either (1) is not accepted  
10 for dedication to public use or (2) does not meet all municipal  
11 standards and specifications for such dedication, except for width.

12 c. The Director of the Division of Local Government Services in  
13 the Department of Community and Urban Affairs, for the purpose of  
14 calculating the allowable operating appropriations before exceptions  
15 pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2), shall provide  
16 a cap base adjustment to the total general appropriations of the local  
17 budget year prior to the year in which the services are first provided  
18 by the municipality for the full amount appropriated pursuant to  
19 P.L.1989, c.299 (C.40:67-23.2 et seq.).

20 (cf: P.L.1993, c.6, s.1)

21

22 174. Section 5 of P.L.1989, c.299 (C.40:67-23.6) is amended to  
23 read as follows:

24 5. a. Pursuant to a reimbursement agreement entered into in lieu  
25 of providing some or all of the services set forth in section 2 of  
26 P.L.1989, c.299 (C.40:67-23.3), the municipality shall reimburse the  
27 qualified private community for a portion of the cost of providing  
28 services commencing in local budget year 1993 for municipalities  
29 operating on a calendar year basis and in local budget year 1994 for  
30 municipalities operating on a fiscal year basis in the following manner:

31 1993 or 1994, as appropriate, ...20% of the total cost of services in  
32 1993 or 1994, as appropriate

33 1994 or 1995, as appropriate, ...40% of the total cost of services in  
34 1994 or 1995, as appropriate

35 1995 or 1996, as appropriate, ...60% of the total cost of services in  
36 1995 or 1996, as appropriate

37 1996 or 1997, as appropriate, ...80% of the total cost of services in  
38 1996 or 1997, as appropriate

39 The total cost of services in each local budget year shall be  
40 determined pursuant to section 4 of P.L.1989, c.299 (C.40:67-23.5).

41 In local budget year 1997 or 1998, as appropriate, and for each local  
42 budget year thereafter, the municipality shall either provide the  
43 services pursuant to section 2 of P.L.1989, c.299 (C.40:67-23.3) or  
44 enter into a written agreement to annually reimburse the qualified  
45 private community in full pursuant to section 4 of P.L.1989, c.299  
46 (C.40:67-23.5).

1       b. Notwithstanding the schedule set forth in subsection a. of this  
2 section, any municipality that entered into a reimbursement agreement  
3 prior to January 1, 1993, shall be permitted to continue in accordance  
4 with the schedule in that reimbursement agreement.

5       c. Appropriations by a municipality during the phase-in period in  
6 conformance with the implementation schedule set forth in subsection  
7 a. or b. of this section shall be considered appropriations mandated by  
8 State statute for the purposes of subsection cc. of section 3 of  
9 P.L.1976, c.68 (C.40A:4-45.3). The Director of the Division of Local  
10 Government Services in the Department of Community and Urban  
11 Affairs, for the purpose of calculating the allowable operating  
12 appropriations before exceptions, shall provide a cap base adjustment  
13 to the local budget year in which the 100% level is reached for the full  
14 amount appropriated pursuant to P.L.1989, c.299 (C.40:67-23.2 et  
15 seq.).

16 (cf: P.L.1993, c.6, s.2)

17  
18       175. Section 36 of P.L.1981, c.465 (C.40:69A:149.13) is amended  
19 to read as follows:

20       36. The treasurer shall be the chief financial officer of the  
21 municipality and shall keep and maintain books and records of all  
22 financial transactions of the municipality in accordance with the  
23 standards and requirements of the Division of Local Government  
24 Services in the Department of Community and Urban Affairs. The  
25 treasurer shall have custody of all public moneys of the municipality.  
26 He shall make monthly reports to the council of all receipts,  
27 expenditures, commitments and unencumbered appropriation balances.  
28 (cf: P.L.1981, c.465, s.36)

29  
30       176. N.J.S.40A:1-1 is amended to read as follows:

31       40A:1-1. The following words, as used in this title, shall have the  
32 following meanings unless the context clearly indicates a different  
33 meaning:

34       "budget" means the budget of a local unit;

35       "cash basis budget" means a budget prepared in accordance with the  
36 "Local Budget Law";

37       "clerk" means the clerk of a municipality or of a board of chosen  
38 freeholders;

39       "director" means the Director of the Division of Local Government  
40 Services in the Department of Community and Urban Affairs;

41       "fiscal year" means the period for which a local unit adopts a  
42 budget, as required pursuant to the "Local Budget Law,"  
43 N.J.S.40A:4-1 et seq., and shall be the calendar year beginning on  
44 January 1 and ending on December 31, unless the local unit is a  
45 municipality in which the fiscal year has been changed to the State  
46 fiscal year, pursuant to section 2 or 3 of P.L.1991, c.75 (C.40A:4-3.1

1 or C.40A:4-3.2), in which case, "fiscal year" shall mean the State fiscal  
2 year or the transition year, as appropriate;

3 "full membership of a governing body" means the number of  
4 members of the body when all the seats are filled;

5 "local finance board" means the Local Finance Board in the  
6 Division of Local Government Services in the Department of  
7 Community and Urban Affairs;

8 "local unit" means a county or municipality;

9 "municipal public utility" means any water, sewer, electric power or  
10 gas system, or any combination thereof, or any public parking system,  
11 or any other utility, enterprise or purpose authorized to be undertaken  
12 by a local unit from which it may receive fees, rents or other charges;

13 "State fiscal year" means the period commencing on July 1 and  
14 ending on June 30 in any municipality in which the fiscal year has been  
15 changed pursuant to section 2 or 3 of P.L.1991, c.75 (C.40A:4-3.1 or  
16 C.40A:4-3.2);

17 "transition year" means the period beginning on January 1 and  
18 ending on June 30 in the calendar year during which the change in a  
19 municipality's fiscal year takes effect, as authorized under the  
20 provisions of section 2 or 3 of P.L.1991, c.75 (C.40A:4-3.1 or  
21 C.40A:4-3.2).

22 (cf: P.L.1991, c.75, s.1)

23

24 177. Section 2 of P.L.1976, c.38 (C.40A:3-3) is amended to read  
25 as follows:

26 2. For the purposes of this act, unless the context clearly requires  
27 a different meaning:

28 a. "Business Personal Property Tax Replacement Revenues" means  
29 the funds distributed to municipalities pursuant to P.L.1966, c.135  
30 (C.54:11D-1 et seq.) or pursuant to any other law hereafter enacted  
31 providing for funds to municipalities in lieu of or in substitution for or  
32 supplementing the funds presently provided pursuant to P.L.1966,  
33 c.135 (C.54:11D-1 et seq.);

34 b. "Debt service" means and includes payments of principal and  
35 interest upon qualified bonds issued pursuant to the terms of this act  
36 or amounts required in order to satisfy sinking fund payment  
37 requirements with respect to such bonds;

38 c. "Director" means Director of the Division of Local Government  
39 Services in the Department of Community and Urban Affairs,  
40 established pursuant to P.L.1974, c.35 (C.52:27D-18.1);

41 d. "Local Finance Board" means the Local Finance Board in the  
42 Division of Local Government Services in the Department of  
43 Community and Urban Affairs, established pursuant to P.L.1974, c.35  
44 (C.52:27D-18.1);

45 e. "Paying agent" means any bank, trust company or national  
46 banking association having the power to accept and administer trusts,

1 named or designated in any qualified bond of a municipality as the  
2 agent for the payment of the principal of and interest thereon and shall  
3 include the holder of any sinking fund established for the payment of  
4 such bonds;

5 f. "Qualified bonds" means those bonds of a municipality  
6 authorized and issued in conformity with the provisions of this act;

7 g. "State urban aid" means the funds made available to  
8 municipalities pursuant to P.L.1971, c.64 and all acts supplementing  
9 that act or pursuant to any other law hereafter enacted providing for  
10 funds to municipalities in lieu of or in substitution for the funds  
11 presently provided pursuant to acts supplementing P.L.1971, c.64;

12 h. "State revenue sharing" means the funds made available to  
13 municipalities pursuant to P.L.1976, c.73 (C.54A:10-1 et seq.) or  
14 pursuant to any other law hereafter enacted providing for funds to  
15 municipalities in lieu of or in substitution for the funds presently  
16 provided pursuant to P.L.1976, c.73;

17 i. "Gross receipts tax revenues" means funds collected pursuant to  
18 P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49  
19 et seq.), and apportioned and paid to municipalities pursuant to those  
20 acts; and

21 j. "Municipal Purposes Tax Assistance Fund distributions" means  
22 the moneys distributed to municipalities from the "Municipal Purposes  
23 Tax Assistance Fund" pursuant to the "Municipal Purposes Tax  
24 Assistance Act of 1980," P.L.1980, c.12 (C.54:1-46 et seq.), or  
25 pursuant to any other law hereafter enacted for the distribution of  
26 moneys to municipalities in lieu of or in substitution for the monies  
27 distributed pursuant to the "Municipal Purposes Tax Assistance Act  
28 of 1980," P.L.1980, c.12 (C.54:1-46 et seq.).

29 (cf: P.L.1991, c.180, s.2)

30

31 178. Section 1 of P.L.1992, c.26 (C.40A:4-3.4) is amended to read  
32 as follows:

33 1. On or before October 15, 1992 and for five years annually  
34 thereafter, the Director of the Division of Local Government Services  
35 in the Department of Community and Urban Affairs shall issue a  
36 preliminary report to the Legislature regarding which municipalities  
37 have adopted the State fiscal year, as authorized pursuant to P.L.1991,  
38 c.75 (C.40A:4-3.1 et al.) during that calendar year. On or before  
39 February 1, next succeeding that calendar year and for five years  
40 annually thereafter, the director shall issue a final report to the  
41 Legislature for that previous calendar year. Data for any municipality  
42 for which complete data are not reported in the February 1 final report  
43 shall be reported in the succeeding October 15 preliminary report in  
44 those years in which a preliminary report is required to be issued, as  
45 set forth hereunder. On or before February 1, 1998 and annually  
46 thereafter, the division shall issue one annual report, which shall be

1 included as part of the annual report of the Division of Local  
2 Government Services. The director shall set forth in the report those  
3 municipalities which have issued or in which an ordinance has been  
4 proposed authorizing the issuance of "fiscal year adjustment bonds,"  
5 as authorized pursuant to section 5 of that act, the following  
6 information:

- 7 a. the amount of the proposed or issued "fiscal year adjustment  
8 bonds";
- 9 b. the amount of the actual or proposed issuance costs;
- 10 c. the amount of the actual or proposed total issue;
- 11 d. the amount of the proposed interest costs;
- 12 e. the proposed total costs of the issue;
- 13 f. the proposed or actual interest rate;
- 14 g. the proposed or actual term;
- 15 h. the current amount of tax anticipation notes outstanding;
- 16 i. the current credit ratings by Moody's Investors Service and  
17 Standard & Poors Corporation;
- 18 j. whether there is bond insurance for the issue;
- 19 k. the method of issuance;
- 20 l. the amount of outstanding debt prior to issue;
- 21 m. the percentage of net debt prior to issue;
- 22 n. the percentage of net debt following issue;
- 23 o. the amounts paid or to be paid to the financial advisor, the bond  
24 counsel, the local attorney, the accountant, the auditor, and the  
25 underwriter;
- 26 p. the amounts paid or to be paid for any other issuance costs; and
- 27 q. identification of the financial advisor, the bond counsel, the local  
28 attorney, the accountant, the auditor, and the underwriter.

29 (cf: P.L.1992, c.26, s.1)

30

31 179. Section 1 of P.L.1989, c.31 (C.40A:4-5.1) is amended to read  
32 as follows:

33 1. Notwithstanding the provisions of any law, rule or regulation to  
34 the contrary, the Director of the Division of Local Government  
35 Services, in the Department of Community and Urban Affairs,  
36 hereinafter the "director," may, with the approval of the Local Finance  
37 Board, in the Department of Community and Urban Affairs, extend the  
38 dates for the introduction and approval, and for the adoption, of  
39 county and municipal budgets, for any local fiscal year, beyond the  
40 dates required under the "Local Budget Law" (N.J.S.40A:4-1 et seq.).

41 Notwithstanding any provision of this section to the contrary, the  
42 governing body of a local unit may adopt the budget for that unit at  
43 any time within 10 days after the director has certified his approval  
44 thereof and returned the same, if the certification is later than the date  
45 of the advertised hearing.

46 (cf: P.L.1991, c.75, s.10)

1 180. Section 10 of P.L.1990, c.89 (C.40A:4-45.42) is amended to  
2 read as follows:

3 10. The Chairman of the Local Finance Board shall provide an  
4 annual report to the Governor and the Legislature detailing all  
5 significant local expenditure limitation issues that came before the  
6 Local Finance Board or the Division of Local Government Services in  
7 the Department of Community and Urban Affairs during the preceding  
8 year.

9 (cf: P.L.1990, c.89, s.10)

10

11 181. Section 5 of P.L.1968, c.194 (C.40A:4-55.17) is amended to  
12 read as follows:

13 5. The provisions of the chapter hereby supplemented relating to  
14 tax anticipation notes shall apply to special emergency notes. A copy  
15 of the resolution shall be filed forthwith after it is adopted with the  
16 Director of the Division of Local Finance in the Department of  
17 Community and Urban Affairs for that purpose.

18 (cf: P.L.1968, c.194, s.5)

19

20 182. N.J.S.40A:4-57 is amended to read as follows:

21 40A:4-57. No officer, board, body or commission shall, during any  
22 fiscal year, expend any money (except to pay notes, bonds or interest  
23 thereon), incur any liability, or enter into any contract which by its  
24 terms involves the expenditure of money for any purpose for which no  
25 appropriation is provided, or in excess of the amount appropriated for  
26 such purpose.

27 Any contract made in violation hereof shall be null and void, and no  
28 moneys shall be paid thereon.

29 Nothing in this section contained, however, shall prevent the  
30 making of contracts or the spending of money for

31 a. Capital projects to be financed in whole or in part by the  
32 issuance of notes or bonds;

33 b. Contracts or leases the terms of which exceed the fiscal year in  
34 which such contracts are made, when provided by law;

35 c. The purchase of the right, title and interest in the right-of-way  
36 of any street railway company in the municipality, when said  
37 right-of-way extends in, over and along any public street or highway  
38 in this State and the improving or paving of said right-of-way after the  
39 same has been acquired.

40 Nothing in this section shall apply to the use of funds of  
41 departments, for the operation of which budget appropriations are not  
42 made, nor to contracts for professional services for the liquidation or  
43 foreclosure of tax title liens in such municipalities wherein it is agreed  
44 that the cost of the services are to be paid, in all or in part, from the  
45 funds derived, or to be derived from the redemption of liened  
46 property or the sale of foreclosed property. The use of funds of such

1 departments and for such service contracts shall be subject to  
2 approval of the Director of the Division of Local Government Services  
3 in the Department of Community and Urban Affairs.

4 (cf: P.L.1977, c.164, s.1)

5

6 183. N.J.S.40A:5-4 is amended to read as follows:

7 40A:5-4. The governing body of every local unit shall cause an  
8 annual audit of its books, accounts and financial transactions to be  
9 made and completed within six months after the close of its fiscal year.  
10 The governing body of every local unit may by resolution petition the  
11 Director of the Division of Local Government Services in the  
12 Department of Community and Urban Affairs for an extension to  
13 complete and file the annual audit with the division. Upon good cause  
14 being shown the director may grant an extension upon whatever terms  
15 or conditions he may deem reasonable. The determination of the  
16 director in the granting of an extension is final.

17 The governing body of every local unit shall employ a registered  
18 municipal accountant of New Jersey to prepare its annual audit or it  
19 shall enter into an agreement with the Director of the Division of  
20 Local Government Services for an annual audit to be made by qualified  
21 employees of the division. The director shall establish a fee based  
22 upon the time spent and other expenses incurred by qualified  
23 employees of the division when conducting the annual audit for a local  
24 unit. The local unit shall upon request for payment for audit services,  
25 forward a check to the director, payable to the State Treasurer.

26 (cf: P.L.1991, c.216, s.1)

27

28 184. Section 2 of P.L.1995, c.325 (C.40A:5-44) is amended to  
29 read as follows:

30 2. As used in this act:

31 "Association" means an organization whose members are issuers.

32 "Cardholder" means the person or organization named on the face  
33 of a credit card or debit card to whom or for whose benefit the credit  
34 card or debit card is issued by an issuer.

35 "Card based payment" means a monetary obligation tendered by the  
36 user of a credit card or debit card.

37 "Card payment system" means a technical procedure by which  
38 obligations owed a local unit or court may be paid by credit card or  
39 debit card.

40 "Credit card" means any instrument or device linked to an  
41 established line of credit, whether known as a credit card, charge card,  
42 credit plate, or by any other name, issued with or without fee by an  
43 issuer for the use of the cardholder in satisfying outstanding financial  
44 obligations, obtaining money, goods, services or anything else of value  
45 on credit.

46 "Debit card" means any instrument or device, whether known as a

1 debit card, automated teller machine card, or by any other name,  
2 issued with or without fee by an issuer for the use of the cardholder in  
3 obtaining money, goods, services or anything else of value through the  
4 electronic authorization of a financial institution to debit the  
5 cardholder's account.

6 "Director" means the Director of the Division of Local Government  
7 Services in the Department of Community and Urban Affairs.

8 "Electronic funds transfer" means any transfer of funds, other than  
9 a transaction originated by check, draft, or similar paper instrument,  
10 that is initiated through an electronic terminal, telephone, or computer  
11 or magnetic tape for the purpose of ordering, instructing or  
12 authorizing a financial institution to debit or credit an account.

13 "Electronic funds transfer system" means a technical procedure by  
14 which obligations owed to or collected by the Supreme Court, the  
15 Superior Court, Tax Court or a local unit may be paid by an electronic  
16 transaction between the financial institution of the person or  
17 organization owing the obligation and the financial institution of the  
18 governmental entity.

19 "Issuer" means the business organization or financial institution  
20 which issues a credit card or debit card, or its duly authorized agent.

21 "Local unit" means any unit of government subject to the provisions  
22 of chapter 5 or 5A of Title 40A of the New Jersey Statutes, and the  
23 constituent parts of those units, including but not limited to  
24 independent local authorities, public libraries, municipal courts and  
25 joint municipal courts.

26 "Service charge" means a fee charged by the Supreme Court, the  
27 Superior Court, Tax Court or local unit in excess of the total  
28 obligation owed by a person or organization to offset processing  
29 charges or discount fees for the use of a card payment system or an  
30 electronic funds transfer system.

31 (cf: P.L.1995, c.325, s.2)

32

33 185. Section 2 of P.L.1983, c.313 (C.40A:5A-2) is amended to  
34 read as follows:

35 2. The Legislature declares it to be in the public interest of the  
36 citizens of this State to maintain, support, foster, and promote the  
37 financial integrity and stability of local authorities in the State and of  
38 counties and municipalities served by these local authorities, by  
39 providing for State review of project financing of local authorities and  
40 for State supervision over the financial operations of local authorities.

41 The Legislature declares that it is the purpose and object of this act  
42 to implement this policy by providing that the creation of a local  
43 authority be subject to Local Finance Board approval, that project  
44 financing of a local authority be submitted to the Local Finance Board  
45 for hearing and review, that annual budgets of a local authority be  
46 submitted to the Division of Local Government Services in the

1 Department of Community and Urban Affairs for approval, that  
2 financial reports be prepared and submitted by a local authority to the  
3 division in the form and at the time or times as shall be prescribed by  
4 rule or regulation of the Local Finance Board or of the Director of the  
5 Division of Local Government Services. In addition, the Local  
6 Finance Board may take remedial action to address an emergency  
7 situation with respect to the financial condition and operation of a  
8 local authority or to respond to an undue financial burden imposed by  
9 a local authority on residents of the State, including the power to  
10 order the dissolution of a local authority if it is in the public interest.  
11 (cf: P.L.1983, c.313, s.2)

12

13 186. Section 3 of P.L.1983, c.313 (C.40A:5A-3) is amended to  
14 read as follows:

15 3. As used in this act:

16 a. "Authority" means a body, public and corporate, created by one  
17 or more municipalities or counties pursuant to any law authorizing that  
18 creation, which law provides that the public body so created has at  
19 least the following powers:

20 (1) To adopt and use a corporate seal;

21 (2) To sue and be sued;

22 (3) To acquire and hold real or personal property for its purposes;  
23 and

24 (4) To provide for and secure the payment of its bonds or other  
25 obligations, or to provide for the assessment of a tax on real property  
26 within its district, or to impose charges for the use of its facilities or  
27 any combination thereof.

28 b. "Director" means the Director of the Division of Local  
29 Government Services in the Department of Community and Urban  
30 Affairs.

31 c. "Service contract" means an agreement of a local unit or units  
32 intended to provide security for an issue of obligations of an authority,  
33 including, but not limited to, a contract providing for payments by a  
34 local unit or units with respect to a project, facility, or public  
35 improvement of an authority or payments for debt service therefor.

36 d. "Local Finance Board" means the Local Finance Board in the  
37 Division of Local Government Services in the Department of  
38 Community and Urban Affairs.

39 e. "Local unit or units" means a county or municipality which  
40 created or joined in the creation of an authority, or which proposes to  
41 create or join in the creation thereof, or which proposes to enter into  
42 a service contract with an authority.

43 f. "Project financing" means the financing by an authority of a  
44 public facility for the benefit of the inhabitants of a local unit or units  
45 and for which the financing costs will be paid, directly or indirectly, by  
46 those inhabitants and includes payment for the design and plan for the

1 public facility.

2 g. "Bond resolution" means a bond resolution of an authority, or  
3 a trust indenture to be executed by an authority, or other similar  
4 proceeding or document.

5 (cf: P.L.1992, c.79, s.52)

6

7 187. Section 21 of P.L.1983, c.313 (C.40A:5A-21 ) is amended to  
8 read as follows:

9 21. The Local Finance Board may order the dissolution of a local  
10 authority if, after holding a hearing consistent with section 18 of this  
11 act, it determines that, due to financial difficulties or mismanagement,  
12 the dissolution of an authority will be in the public interest and will  
13 serve the health, welfare, or convenience of the inhabitants of the local  
14 unit or units, and the dissolution will achieve a more efficient means  
15 for providing and financing local public facilities, except that an order  
16 dissolving an authority shall assure adequate provision in accordance  
17 with a bond resolution or otherwise for all creditors or obligees of the  
18 authority. Any order so adopted by the Local Finance Board to  
19 provide for the dissolution of an authority shall take effect only upon  
20 its approval by the Commissioner [of the Department] of Community  
21 and Urban Affairs, the State Treasurer and the Attorney General.  
22 Upon approval, the order shall be immediately transmitted to the  
23 authority, to the clerk of the governing body of the local unit or units,  
24 and to the Secretary of State.

25 (cf: P.L.1987, c.319, s.10)

26

27 188. Section 3 of P.L.1991, c.29 (C.40A:9-22.3) is amended to  
28 read as follows:

29 3. As used in this act:

30 a. "Board" means the Local Finance Board in the Division of Local  
31 Government Services in the Department of Community and Urban  
32 Affairs;

33 b. "Business organization" means any corporation, partnership,  
34 firm, enterprise, franchise, association, trust, sole proprietorship, union  
35 or other legal entity;

36 c. "Governing body" means, in the case of a municipality, the  
37 commission, council, board or body, by whatever name it may be  
38 known, having charge of the finances of the municipality, and, in the  
39 case of a county, the board of chosen freeholders, or, in the case of a  
40 county having adopted the provisions of the "Optional County Charter  
41 Law," P.L.1972, c.154 (C.40:41A-1 et seq.), as defined in the form of  
42 government adopted by the county under that act;

43 d. "Interest" means the ownership or control of more than 10% of  
44 the profits, assets or stock of a business organization but shall not  
45 include the control of assets in a nonprofit entity or labor union;

46 e. "Local government agency" means any agency, board, governing

1 body, including the chief executive officer, bureau, division, office,  
2 commission or other instrumentality within a county or municipality,  
3 and any independent local authority, including any entity created by  
4 more than one county or municipality, which performs functions other  
5 than of a purely advisory nature, but shall not include a school board;

6 f. "Local government employee" means any person, whether  
7 compensated or not, whether part-time or full-time, employed by or  
8 serving on a local government agency who is not a local government  
9 officer, but shall not mean any employee of a school district;

10 g. "Local government officer" means any person whether  
11 compensated or not, whether part-time or full-time: (1) elected to any  
12 office of a local government agency; (2) serving on a local  
13 government agency which has the authority to enact ordinances,  
14 approve development applications or grant zoning variances; (3) who  
15 is a member of an independent municipal, county or regional authority;  
16 or (4) who is a managerial executive or confidential employee of a  
17 local government agency, as defined in section 3 of the "New Jersey  
18 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-3),  
19 but shall not mean any employee of a school district or member of a  
20 school board;

21 h. "Local government officer or employee" means a local  
22 government officer or a local government employee;

23 i. "Member of immediate family" means the spouse or dependent  
24 child of a local government officer or employee residing in the same  
25 household.

26 (cf: P.L.1991, c.29, s.3)

27

28 189. Section 4 of P.L.1991, c.29 (C.40A:9-22.4) is amended to  
29 read as follows:

30 4. The Local Finance Board in the Division of Local Government  
31 Services in the Department of Community and Urban Affairs shall have  
32 jurisdiction to govern and guide the conduct of local government  
33 officers or employees regarding violations of the provisions of this act  
34 who are not otherwise regulated by a county or municipal code of  
35 ethics promulgated by a county or municipal ethics board in  
36 accordance with the provisions of this act. Local government officers  
37 or employees serving a local government agency created by more than  
38 one county or municipality and officers or employees of county  
39 colleges established pursuant to N.J.S.18A:64A-1 et seq. shall be  
40 under the jurisdiction of the board. The board in interpreting and  
41 applying the provisions of this act shall recognize that under the  
42 principles of democracy, public officers and employees cannot and  
43 should not be expected to be without any personal interest in the  
44 decisions and policies of government; that citizens who are  
45 government officers and employees have a right to private interests of  
46 a personal, financial and economic nature; and that standards of

1 conduct shall distinguish between those conflicts of interest which are  
2 legitimate and unavoidable in a free society and those conflicts of  
3 interest which are prejudicial and material and are, therefore,  
4 corruptive of democracy and free society.

5 (cf: P.L.1995, c.21, s.1)

6

7 190. N.J.S.40A:9-27 is amended to read as follows:

8 40A:9-27. The board of chosen freeholders of each county shall  
9 appoint a county treasurer for a term of 3 years. Except as otherwise  
10 provided by law, the county treasurer shall be the custodian of all  
11 county funds and disburse said funds only on the order of the board.  
12 He shall collect and receive all moneys due the county. He shall keep  
13 adequate records and unless there is a county comptroller, at least  
14 once a month report to the board the receipts and disbursements made  
15 by him. Where there is a county comptroller, the county treasurer  
16 shall report in such manner and at such times as the board shall direct.  
17 The county treasurer shall maintain general books of account in  
18 accordance with rules and regulations of the Local Finance Board in  
19 the Department of Community and Urban Affairs. The county  
20 treasurer shall perform such other duties as may be assigned to him  
21 from time to time by the board.

22 (cf: N.J.S.40A:9-27)

23

24 191. Section 1 of P.L.1993, c.87 (C.40A:9-28.1) is amended to  
25 read as follows:

26 1. As used in this act:

27 "Chief financial officer" means the official appointed to be  
28 responsible for the proper financial administration of the county under  
29 the "Local Bond Law," N.J.S.40A:2-1 et seq.; the "Local Budget  
30 Law," N.J.S.40A:4-1 et seq.; the "Local Fiscal Affairs Law,"  
31 N.J.S.40A:5-1 et seq.; the "Local Public Contracts Law," P.L.1971,  
32 c.198 (C.40A:11-1 et seq.) and such other statutes, and such rules and  
33 regulations promulgated by the Director of the Division of Local  
34 Government Services, the Local Finance Board, or any other State  
35 agency, as may pertain to the financial administration of the county.

36 "County finance officer" means a county director of finance,  
37 assistant director of finance, fiscal officer, comptroller, assistant  
38 comptroller, treasurer, assistant treasurer, deputy treasurer, or other  
39 position involved in day to day conduct of fiscal operations of a  
40 county government who is not a member of the governing body of a  
41 county.

42 "Director" means the Director of the Division of Local Government  
43 Services in the Department of Community and Urban Affairs.

44 (cf: P.L.1993, c.87, s.1)

45

46 192. Section 2 of P.L.1985, c.174 (C.40A:9-133.2) is amended to

1 read as follows:

2 2. Commencing on the effective date of this act, the Director of the  
3 Division of Local Government Services in the Department of  
4 Community and Urban Affairs shall hold examinations semiannually,  
5 and at such other times as he may deem appropriate, for certification  
6 as municipal clerk. An applicant for examination shall furnish proof  
7 to the director, not less than 30 days before an examination, that the  
8 applicant is not less than 21 years of age, is a citizen of the United  
9 States, is of good moral character, has obtained a certificate or  
10 diploma issued after at least four years of study at an approved  
11 secondary school or has received an academic education considered  
12 and accepted by the Commissioner of Education as fully equivalent,  
13 and has completed at least two years of education at an institution of  
14 higher education of recognized standing. An applicant who does not  
15 meet the two year higher education requirement may substitute on a  
16 year for year basis full-time experience in federal, State or local  
17 government in the performance of duties relative to those performed  
18 by a municipal clerk. An applicant shall also present proof of  
19 completion of the following courses offered through Rutgers, The  
20 State University or similar courses offered at a college or university  
21 certified by the Department of Education:

22 Introduction of the Duties of the Municipal Clerk;

23 Advanced Duties of the Municipal Clerk;

24 Local Election Administration;

25 Information and Records Management;

26 Municipal Finance Administration.

27 The proofs required pursuant to this section shall be provided on  
28 the application forms and in the manner as shall be prescribed by the  
29 director. Each completed application shall be accompanied by a fee in  
30 the amount of \$25.00 payable to the order of the State Treasurer.  
31 Examinations shall be written, or both written and oral, and shall be of  
32 such character as fairly to test and determine the qualifications, fitness  
33 and ability of the person tested to actually perform the duties of  
34 municipal clerk.

35 (cf: P.L.1985, c.174, s.2)

36

37 193. Section 2 of P.L.1977, c.39 (C.40A:9-140.8) is amended to  
38 read as follows:

39 2. a. Notwithstanding the provisions of any other law to the  
40 contrary, any person who has served as the chief financial officer of a  
41 municipality for four consecutive years and who is reappointed as that  
42 municipality's chief financial officer shall be granted tenure of office  
43 upon filing with the clerk of the municipality and with the Division of  
44 Local Government Services in the Department of Community and  
45 Urban Affairs a notification evidencing his compliance with this  
46 section.

1       b. Thereafter, the person shall continue to hold office during good  
2 behavior and efficiency, and shall not be removed therefrom except for  
3 just cause and then only after a public hearing upon a written  
4 complaint setting forth the charge or charges against him pursuant to  
5 section 3 of P.L.1977, c.39 (C.40A:9-140.9) or upon expiration or  
6 revocation of certification by the director pursuant to section 7 of  
7 P.L.1988, c.110 (C.40A:9-140.12).

8 (cf: P.L.1991, c.175, s.6)

9  
10       194. Section 8 of P.L.1988, c.110 (C.40A:9-140.13) is amended  
11 to read as follows:

12       8. a. Commencing January 1, 1991, no person shall be appointed  
13 or reappointed as a chief financial officer unless he holds a municipal  
14 finance officer certificate issued pursuant to the provisions of  
15 P.L.1971, c.413 (C.40A:9-140.1 et seq.) or this act.

16       b. Any person who has, on or before the effective date of  
17 P.L.1988, c.110 been granted tenure pursuant to the provisions of  
18 section 2 of P.L.1977, c.39 (C.40A:9-140.8) or the provisions of  
19 N.J.S.40A:9-152, may continue to serve in his current position and  
20 shall not be removed from office or denied reappointment except for  
21 just cause and then only after a public hearing conducted pursuant to  
22 sections 2 and 3 of P.L.1977, c.39 (C.40A:9-140.8 and  
23 C.40A:9-140.9).

24       c. Any certified municipal finance officer who has been appointed  
25 as the chief financial officer of a municipality pursuant to section 5 of  
26 P.L.1988, c.110 (C.40A:9-140.10) subsequent to the effective date of  
27 P.L.1988, c.110 and who thereafter filed with the clerk of that  
28 municipality and with the Division of Local Government Services in  
29 the Department of Community and Urban Affairs a notification that he  
30 had complied with the requirements of section 2 of P.L.1977, c.39  
31 (C.40A:9-140.8) shall be considered to have been granted tenure and  
32 shall accordingly be entitled to the protections set forth in subsection  
33 b. of section 2 of P.L.1977, c.39 (C.40A:9-140.8).

34       d. Notwithstanding the provisions of any other law to the contrary,  
35 any person who has served as a municipal finance officer in the same  
36 municipality for a period of not less than five consecutive years while  
37 holding a municipal finance officer certificate issued in accordance  
38 with P.L.1971, c.413 (C.40A:9-140.1 et seq.), and who thereafter is  
39 appointed as the chief financial officer of that municipality, shall be  
40 granted tenure of office upon the filing with the clerk of the  
41 municipality and the Director of the Division of Local Government  
42 Services in the Department of Community and Urban Affairs a  
43 notification evidencing his compliance with this section.

44       e. A municipal finance officer who has held office continuously for  
45 five consecutive years in the same municipality may continue to serve  
46 in his current position and shall not be removed from office or denied

1 reappointment for failure to qualify as a certified municipal finance  
2 officer pursuant to provisions of P.L.1971, c.413 (C.40A:9-140.1 et  
3 seq.) or this act. However, any such individual shall not be entitled to  
4 be appointed as the chief financial officer of that municipality unless  
5 he possesses a municipal finance officer certificate.

6 f. When a vacancy occurs in the office of chief financial officer  
7 following the appointment of a certified municipal finance officer to  
8 that office, the governing body or chief executive officer, as  
9 appropriate, may appoint, for a period not to exceed one year and  
10 commencing on the date of the vacancy, a person who does not hold  
11 a municipal finance officer certificate to serve as a temporary chief  
12 financial officer. Any person so appointed may, with the approval of  
13 the director, be reappointed as chief financial officer following the  
14 termination of the temporary appointment for one additional year. No  
15 local unit shall have a temporary chief financial officer for more than  
16 two consecutive years.

17 g. Upon application by a municipal governing body to the director,  
18 an individual without a municipal finance officer certificate may, with  
19 the approval of the director, be appointed to serve as the chief  
20 financial officer in a municipality in which he is presently employed if  
21 that individual meets all of the requirements established under  
22 subsection a. of section 2 of P.L.1971, c.413 (C.40A:9-140.2) and  
23 further has completed four of the seven training courses identified in  
24 subsection b. of section 2 of P.L.1971, c.413 (C.40A:9-140.2), at least  
25 two of which shall be accounting courses. If any individual appointed  
26 as a chief financial officer pursuant to this subsection fails to obtain a  
27 municipal finance officer certificate prior to January 1, 1992, his  
28 appointment as chief financial officer shall lapse and the municipal  
29 governing body shall appoint a certified municipal finance officer as  
30 the municipality's chief financial officer.

31 (cf: P.L.1991, c.175, s.11)

32

33 195. N.J.S.40A:9-145 is amended to read as follows:

34 40A:9-145 Any person who has held or shall have held the office  
35 of tax collector in any municipality for a continuous period of not less  
36 than 5 years or who shall be reelected or reappointed to said office  
37 upon the completion of one full term of 4 years, upon filing, on or  
38 before December 31, 1981 with the clerk of the municipality and with  
39 the Division of Local Finance in the Department of Community and  
40 Urban Affairs a certificate evidencing his satisfactory completion of a  
41 course of instruction in the functions and duties of tax collectors  
42 approved by the Division of Local Finance as said division shall by  
43 regulation provide, shall thereafter continue to hold such office during  
44 good behavior and shall not be removed therefrom except for good  
45 cause shown after a fair and impartial hearing, notwithstanding that  
46 said person was appointed or elected for a fixed term.

1 The term "tax collector" as used herein shall be construed to mean  
2 and include the official charged with the duty of collecting taxes upon  
3 real and personal property in each municipality.

4 (cf: P.L.1979, c.384, s.16)

5  
6 196. Section 1 of P.L.1991, c.258 (C.40A:9-154.6a) is amended  
7 to read as follows:

8 1. As used in this act:

9 a. "Director" means the Director of the Division of Local  
10 Government Services in the Department of Community and Urban  
11 Affairs.

12 b. "Management responsibility" means the supervisory responsibility  
13 for planning, scheduling, directing, controlling and coordinating the  
14 daily and long term operations of public works activities, as applicable,  
15 including the utilization of manpower, equipment, materials, funds, and  
16 other available resources.

17 c. "Public Works Advisory Board" means that board appointed by  
18 the director to review the examination, assist in evaluating  
19 qualifications for granting certificates, review of municipal applications  
20 for exemption, and review of continuing education programs and other  
21 duties as the director may from time to time assign. The board shall  
22 meet at least one time each year.

23 d. "Public works activity" means maintenance of streets, drainage,  
24 public buildings and places, water and waste water, solid waste, motor  
25 vehicles, or similar items related to the physical plant and  
26 infrastructure of a municipality. For the purposes of this act, a  
27 municipal utilities authority shall not be considered a public works  
28 activity.

29 e. "Principal public works manager" means a certified public works  
30 manager who performs administrative and supervisory duties relating  
31 to installation, maintenance and repair of public works facilities, or  
32 assists in planning, organizing and directing all programs relating to a  
33 public works activity, or a combination thereof, who is appointed by  
34 the local governing body, its designated appointing authority or chief  
35 executive officer, and who is not an elected member of that governing  
36 body, who advises municipal elected officials and employees in proper  
37 compliance and administration of the various laws, regulations,  
38 technical practices, operations and management techniques with regard  
39 to public works activities conducted by the municipality. The  
40 designation principal public works manager shall not be considered a  
41 separate position or title within the municipality but shall signify the  
42 performance of duties by the person selected to advise municipal  
43 elected officials and employees.

44 f. "Public works manager" means a person who in at least 5 of the  
45 last 10 years, has served in a position of public or private public  
46 works, construction management or civil engineering position where

1 no less than fifty percent of the person's work time was directly spent  
2 in daily, direct supervision of public works activities.

3 g. "Certified public works manager" means a public works manager  
4 who meets any one of the following criteria:

5 i. completes the requirements of section 2 of P.L.1991, c.258  
6 (C.40A:9-154.6b);

7 ii. has a bachelor or greater degree in civil or related public works  
8 engineering, and is a licensed professional engineer in New Jersey;

9 iii. has served in one or more municipalities continuously for the  
10 five years prior to January 1, 1997, except that certification shall be  
11 limited to the municipality where the public works manager is  
12 employed at the time he applies for the certificate pursuant to section  
13 3 of P.L.1991, c.258 (C.40A:9-154.6c);

14 iv. graduated as a certified public works manager from Rutgers,  
15 The State University prior to August 13, 1994.  
16 (cf: P.L.1995, c.46, s.1)

17

18 197. Section 2 of P.L.1991, c.258 (C.40A:9-154.6b) is amended  
19 to read as follows:

20 2. a. The director shall appoint nine persons who shall constitute  
21 the Public Works Advisory Board as follows: one designee from the  
22 Division of Local Government Services in the Department of  
23 Community and Urban Affairs, who shall serve as chair; one from  
24 Rutgers, The State University of New Jersey, Center for Government  
25 Service ; two public works managers who hold certified public works  
26 manager certificates and are members of the Public Works Association  
27 of New Jersey; one public works manager who has a certified public  
28 works manager certificate and a degree in engineering from a four-year  
29 institution of higher education, and is a member of the Public Works  
30 Association of New Jersey; one public works manager who has a  
31 certified public works manager certificate and is a member of the New  
32 Jersey Society of Municipal Engineers; one public works manager who  
33 has a certified public works manager certificate and is a member of the  
34 New Jersey Chapter of the American Public Works Association; and  
35 two representatives from the New Jersey State League of  
36 Municipalities. The terms of each of the appointments shall be for  
37 three years except that the initial term of one of the public works  
38 managers shall be for one year and a second shall serve an initial term  
39 of two years so that the terms of the public works managers shall be  
40 staggered. Any member of the Public Works Advisory Board may be  
41 reappointed to succeed himself. The director may dismiss any member  
42 of the Public Works Advisory Board for cause and then make another  
43 appointment to serve for the remainder of that term.

44 b. The director, with the advice of the Public Works Advisory  
45 Board, shall develop and hold examinations semi-annually, or at such  
46 times as he may determine appropriate, for qualification as a certified

1 public works manager. An applicant for examination shall present to  
2 the director a written application on a form provided by the Division  
3 of Local Government Services, showing that the applicant is not less  
4 than 21 years of age, is a citizen of the United States, is of good moral  
5 character, has obtained a certificate or diploma issued after at least  
6 four years of study in an approved secondary school or has received  
7 an academic education considered and accepted by the Commissioner  
8 of Education of this State as fully equivalent, and has graduated as a  
9 public works manager from Rutgers, The State University of New  
10 Jersey. An applicant shall have a minimum of five years' experience as  
11 a public works manager.

12 (cf: P.L.1995, c.46, s.2)

13

14 198. Section 3 of P.L.1983, c.372 (C.40A:10-38) is amended to  
15 read as follows:

16 3. a. The commissioners of a joint insurance fund shall have the  
17 powers and authority granted to commissioners of individual local  
18 insurance funds under the provisions of subsections a., b., c., and e. of  
19 N.J.S.40A:10-10.

20 b. The commissioners may invest and reinvest the funds, including  
21 workers' compensation funds, as authorized under the provisions of  
22 subsection b. of N.J.S.40A:10-10. The commissioners may, subject to  
23 the cash management plan of the joint insurance fund adopted pursuant  
24 to N.J.S.40A:5-14, delegate any of the functions, powers and duties  
25 relating to the investment and reinvestment of these funds, including  
26 the purchase, sale or exchange of any investments, securities or funds  
27 to an investment or asset manager. Any transfer of investment power  
28 and duties made pursuant to this subsection shall be detailed in a  
29 written contract for services between the joint insurance fund and an  
30 investment or asset manager. The contract shall be filed with the  
31 Commissioner of Insurance and the Commissioner of Community and  
32 Urban Affairs. Compensation under such an arrangement shall not be  
33 based upon commissions related to the purchase, sale or exchange of  
34 any investments, securities or funds.

35 c. The commissioners may transfer moneys held in the fund to the  
36 Director of the Division of Investment in the Department of the  
37 Treasury for investment on behalf of the fund, pursuant to the written  
38 directions of the commissioners, signed by an authorized officer of the  
39 joint insurance fund, or any investment or asset manager designated by  
40 them. The commissioners shall provide a written notice to the director  
41 detailing the extent of the authority delegated to the investment or  
42 asset manager so designated to act on behalf of the joint insurance  
43 fund. Moneys transferred to the director for investment shall be  
44 invested subject to section 8 of P.L.1977, c.396 (C.40A:5-15.1), and  
45 in accordance with the standards governing the investment of other  
46 funds which are managed under the rules and regulations of the State

1 Investment Council. In addition to the types of securities in which the  
2 joint insurance fund may invest pursuant to section 8 of P.L.1977,  
3 c.396 (C.40A:5-15.1), a joint insurance fund may invest in debt  
4 obligations of federal agencies or government corporations with  
5 maturities not to exceed 10 years from the date of purchase, excluding  
6 mortgage backed or derivative obligations, provided that the  
7 investments are purchased through the Division of Investment and are  
8 invested consistent with the rules and regulations of the State  
9 Investment Council.

10 d. Moneys transferred to the director for investment may not  
11 thereafter be withdrawn except: (1) pursuant to the written directions  
12 of the commissioners signed by an authorized officer of the joint  
13 insurance fund, or any investment or asset manager designated by  
14 them; (2) upon withdrawal or expulsion of a member local unit from  
15 the fund; (3) termination of the fund; or (4) in specific amounts in  
16 payment of specific claims, administrative expenses or member  
17 dividends upon affidavit of the director or other chief executive officer  
18 of the joint insurance fund.

19 e. The commissioners or the executive board, as the case may be,  
20 of any joint insurance fund established pursuant to the provisions of  
21 this act shall be subject to and operate in compliance with the  
22 provisions of the "Local Fiscal Affairs Law" (N.J.S.40A:5-1 et seq.),  
23 the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
24 seq.) and such other rules and regulations as govern the custody,  
25 investment and expenditure of public funds by local units.

26 (cf: P.L.1995, c.374, s.1)

27

28 199. Section 6 of P.L.1983, c.372 (C.40A:10-41) is amended to  
29 read as follows:

30 6. No joint insurance fund shall begin providing insurance coverage  
31 to its member local units until its bylaws and plan of risk management  
32 have been approved as hereinafter provided:

33 a. The commissioners of each joint insurance fund shall  
34 concurrently file with the Commissioner [of the Department] of  
35 Insurance for his approval a copy of the fund's bylaws adopted  
36 pursuant to section 4. of this act and a copy of the fund's plan of risk  
37 management prepared pursuant to section 5. of this act.

38 b. Upon receipt of any such bylaws and plan of risk management,  
39 the Commissioner of Insurance shall immediately notify the  
40 Commissioner [of the Department] of Community and Urban Affairs  
41 and shall immediately provide that commissioner with a copy of the  
42 bylaws and plan of risk management. The Commissioner [of the  
43 Department] of Community and Urban Affairs, or if the commissioner  
44 shall so designate, the Director of Local Governmental Services in the  
45 Department of Community and Urban Affairs, is empowered to  
46 approve or disapprove any such bylaws and plans on the basis of

1 whether or not they conform with rules and regulations governing the  
2 custody, investment or expenditure of public moneys. Within 25  
3 working days of the receipt of any such bylaws and plan of risk  
4 management, the Commissioner [of the Department] of Community  
5 and Urban Affairs shall notify the Commissioner of Insurance of his  
6 approval or disapproval. As a condition of approval, the Commissioner  
7 [of the Department] of Community and Urban Affairs may require  
8 such modification of any bylaws or plan of risk management as he may  
9 deem necessary to bring them into conformity with the rules and  
10 regulations governing the custody, investment or expenditure of public  
11 moneys. No bylaws or plan of risk management disapproved by the  
12 Commissioner [of the Department] of Community and Urban Affairs,  
13 or his designee, shall take effect. If the Commissioner [of the  
14 Department] of Community and Urban Affairs, or his designee, fails  
15 to approve or disapprove any bylaws or plan of risk management  
16 within 25 working days, the bylaws or plan of risk management shall  
17 be deemed approved.

18 c. Within 30 working days of receipt, the Commissioner of  
19 Insurance shall either approve or disapprove the bylaws or plan of risk  
20 management of any joint insurance fund. If the Commissioner of  
21 Insurance shall fail to either approve or disapprove the bylaws or plan  
22 of risk management within that 30 working day period, the bylaws or  
23 plan shall be deemed approved.

24 If any bylaws or plan shall be disapproved, the Commissioner of  
25 Insurance shall set forth in writing the reasons for disapproval. Upon  
26 the receipt of the notice of disapproval, the commissioners of the  
27 affected joint insurance fund may request a public hearing. The public  
28 hearing shall be convened by the Commissioner of Insurance in a  
29 timely manner.

30 (cf: P.L.1983, c.372, s.6)

31

32 200. Section 8 of P.L.1983, c.372 (C.40A:10-43 ) is amended to  
33 read as follows:

34 8. The commissioners may, from time to time, amend the bylaws  
35 and plan of risk management of the fund; provided, however, that no  
36 such amendment shall take effect until approved as hereinafter  
37 provided.

38 a. The commissioners shall file with the Commissioner of Insurance  
39 for his approval a copy of any amendment to the bylaws of the fund,  
40 upon approval by resolution of the governing bodies of three fourths  
41 of the member local units, or any amendment to the plan of risk  
42 management, upon adoption by the commissioners.

43 b. Upon receipt of the amendment, the Commissioner of Insurance  
44 shall immediately notify the Commissioner of Community and Urban  
45 Affairs and shall immediately provide that commissioner with a copy  
46 of the amendment. The Commissioner of Community and Urban

1 Affairs, or by his designation, the Director of the Division of Local  
2 Government Services in the Department of Community and Urban  
3 Affairs, is empowered to approve or disapprove any amendment on the  
4 basis of whether or not it conforms with rules and regulations  
5 governing the custody, investment or expenditure of public moneys.  
6 Within 25 working days of the receipt of the amendment, the  
7 Commissioner of Community and Urban Affairs, or his designee, shall  
8 notify the Commissioner of Insurance of his approval or disapproval.  
9 As a condition of approval, the Commissioner of Community and  
10 Urban Affairs, or his designee, may require a modification of the  
11 amendment in order to bring its provisions into conformity with rules  
12 and regulations governing the custody, investment or expenditure of  
13 public moneys. No amendment disapproved by the Commissioner of  
14 Community and Urban Affairs, or his designee, shall take effect. If the  
15 Commissioner of Community and Urban Affairs, or his designee, fails  
16 to approve or disapprove any amendment within 25 workings days of  
17 receipt, the amendment shall be deemed to be approved.

18 c. Within 30 working days of receipt, the Commissioner of  
19 Insurance shall either approve or disapprove any amendment to the  
20 bylaws or plan of risk management. If the Commissioner of Insurance  
21 shall fail to either approve or disapprove the amendment within that 30  
22 working day period, the amendment shall be deemed approved.

23 d. If any amendment shall be disapproved, the Commissioner of  
24 Insurance shall set forth in writing the reasons for disapproval. Upon  
25 the receipt of the notice of disapproval, the commissioners of the  
26 affected joint insurance fund may request a public hearing. The public  
27 hearing shall be convened by the Commissioner of Insurance in a  
28 timely manner.

29 e. Within 90 days after the effective date of any amendment to the  
30 bylaws, a member local unit which did not approve the amendment  
31 may withdraw from the fund provided that it shall remain liable for its  
32 share of any claim or expense incurred by the fund during its period of  
33 membership.

34 (cf: P.L.1989, c.253, s.3)

35

36 201. Section 11 of P.L.1983, c.372 (C.40A:10-46) is amended to  
37 read as follows:

38 11. The insurance fund commissioners or the executive board  
39 thereof, as the case may be, shall cause an annual audit to be  
40 conducted by an independent certified public accountant or a  
41 registered municipal accountant in accordance with the rules and  
42 regulations promulgated by the Commissioner of Insurance pursuant  
43 to section 14 of this act. Copies of every audit shall be submitted to  
44 the Commissioner of Insurance and the Commissioner [of the  
45 Department] of Community and Urban Affairs within 30 working days

1 of its completion.  
2 (cf: P.L.1983, c.372, s.11)

3  
4 202. Section 14 of P.L.1983, c.372 (C.40A:10-49) is amended to  
5 read as follows:

6 14. Within 180 days after the effective date of this act, the  
7 Commissioner of Insurance, after consultation with the Commissioner  
8 [of the Department] of Community and Urban Affairs, or if that  
9 commissioner shall so designate, the Director of the Division of Local  
10 Government Services in the Department of Community and Urban  
11 Affairs, shall promulgate rules and regulations to effectuate the  
12 purposes of this act. Such rules and regulations shall include, but not  
13 be limited to, the establishment, operation, modification and  
14 dissolution of joint insurance funds established pursuant to the  
15 provisions of this act.

16 (cf: P.L.1983, c.372, s.14)

17

18 203. Section 11 of P.L.1971, c.198 (C.40A:11-11) is amended to  
19 read as follows:

20 11. (1) The contracting units entering into a joint agreement  
21 pursuant to section 10 of this act may designate a joint purchasing  
22 agent, department or board pursuant to section 9 of this act. Any such  
23 agent, board or department already designated pursuant to section 9  
24 may serve as the joint agent, department or board designated pursuant  
25 to this section.

26 (2) Purchases, contracts or agreements made pursuant to a joint  
27 purchasing agreement shall be subject to all of the terms and  
28 conditions of this act.

29 (3) Any county or municipality serving as a purchasing agent,  
30 board or department pursuant to this section 11, may make an  
31 appropriation to enable it to perform any such contract and may  
32 anticipate as revenue payments to be made and received by it from any  
33 other party to the agreement. Any items so included in a local budget  
34 shall be subject to the approval of the Director, Division of Local  
35 Government Services, who shall consider the matter in conjunction  
36 with the requirements of chapter 4 of Title 40A of the New Jersey  
37 Statutes. The agreement and any subsequent amendment or revisions  
38 thereto shall be filed with the Director of the Division of Local  
39 Government Services in the Department of Community and Urban  
40 Affairs.

41 (4) Any agent, department or board so designated pursuant to a  
42 joint purchasing agreement shall have the sole responsibility to comply  
43 with the provisions of section 23 of this act.

44 (5) The governing bodies of two or more contracting units or  
45 boards of education within the same county, or adjoining counties; or  
46 for purposes related to the distribution of electricity, the governing

1 bodies of two or more contracting units providing electrical  
2 distribution services pursuant to R.S.40:62-12 through R.S.40:62-25,  
3 may by resolution establish a cooperative pricing system as hereinafter  
4 provided. Any such resolution shall establish procedures whereby one  
5 participating contracting unit in the cooperative pricing system shall  
6 be empowered to advertise and receive bids to provide prices for all  
7 other participating contracting units in such system for the purchase  
8 of work, materials and supplies; provided, however, that no purchase  
9 or contract shall be made by any participating contracting unit for a  
10 price which exceeds any other price available to the participating  
11 contracting unit, or for a purchase in deviation from the specifications,  
12 price or quality set forth by the participating contracting unit.

13 No vendor shall be required or permitted to extend his bid prices to  
14 participating contracting units in a cooperative pricing system unless  
15 so specified in the bids.

16 No cooperative pricing system and agreements entered into  
17 pursuant to such system, or joint purchase agreements established  
18 pursuant to this act, the "Interlocal Services Act," P.L.1973, c.208  
19 (C.40:8A-1 et seq.) or any other provision of law, shall become  
20 effective without prior approval of the Director of the Division of  
21 Local Government Services and said approval shall be valid for a  
22 period not to exceed five years.

23 The director's approval shall be based on the following:

24 (a) Provision for maintaining adequate records and orderly  
25 procedures to facilitate audit and efficient administration, and

26 (b) Adequacy of public disclosure of such actions as are taken by  
27 the participants, and

28 (c) Adequacy of procedures to facilitate compliance with all  
29 provisions of the "Local Public Contracts Law" and corresponding  
30 regulations, and

31 (d) Clarity of provisions to assure that the responsibilities of the  
32 respective parties are understood.

33 Failure of the Director of the Division of Local Government  
34 Services to approve or disapprove a properly executed and completed  
35 application to establish a cooperative pricing system and agreements  
36 entered into pursuant to such system or other joint purchase agreement  
37 within 45 days from the date of receipt of said application by the  
38 director shall constitute approval of said application , which shall be  
39 valid for a period of five years , commencing from the date of receipt  
40 of said application by the director.

41 The Director of the Division of Local Government Services is  
42 hereby authorized to promulgate rules and regulations specifying  
43 procedures pertaining to cooperative pricing systems and joint  
44 purchase agreements entered into pursuant to this act, the "Interlocal  
45 Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) and any other

1 provision of law.

2 (cf: P.L.1995, c.356, s.8)

3

4 204. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to  
5 read as follows:

6 15. All purchases, contracts or agreements for the performing of  
7 work or the furnishing of materials, supplies or services shall be made  
8 for a period not to exceed 24 consecutive months, except that  
9 contracts for professional services pursuant to subparagraph (i) of  
10 paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198  
11 (C.40A:11-5) shall be made for a period not to exceed 12 consecutive  
12 months. Contracts or agreements may be entered into for longer  
13 periods of time as follows:

14 (1) Supplying of:

15 (a) (Deleted by amendment, P.L.1996, c.113.)

16 (b) (Deleted by amendment, P.L.1996, c.113.)

17 (c) Thermal energy produced by a cogeneration facility, for use for  
18 heating or air conditioning or both, for any term not exceeding 40  
19 years, when the contract is approved by the Board of Public Utilities.  
20 For the purposes of this paragraph, "cogeneration" means the  
21 simultaneous production in one facility of electric power and other  
22 forms of useful energy such as heating or process steam;

23 (2) (Deleted by amendment, P.L.1977, c.53.)

24 (3) The collection and disposal of municipal solid waste, the  
25 collection and disposition of recyclable material, or the disposal of  
26 sewage sludge, for any term not exceeding in the aggregate, five years;

27 (4) The collection and recycling of methane gas from a sanitary  
28 landfill facility, for any term not exceeding 25 years, when such  
29 contract is in conformance with a district solid waste management plan  
30 approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the  
31 approval of the Division of Local Government Services in the  
32 Department of Community and Urban Affairs and the Department of  
33 Environmental Protection. The contracting unit shall award the  
34 contract to the highest responsible bidder, notwithstanding that the  
35 contract price may be in excess of the amount of any necessarily  
36 related administrative expenses; except that if the contract requires the  
37 contracting unit to expend funds only, the contracting unit shall award  
38 the contract to the lowest responsible bidder. The approval by the  
39 Division of Local Government Services of public bidding requirements  
40 shall not be required for those contracts exempted therefrom pursuant  
41 to section 5 of P.L.1971, c.198 (C.40A:11-5);

42 (5) Data processing service, for any term of not more than three  
43 years;

44 (6) Insurance, for any term of not more than three years;

45 (7) Leasing or servicing of automobiles, motor vehicles, machinery  
46 and equipment of every nature and kind, for a period not to exceed

1 three years; provided, however, such contracts shall be entered into  
2 only subject to and in accordance with the rules and regulations  
3 promulgated by the Director of the Division of Local Government  
4 Services of the Department of Community and Urban Affairs;

5 (8) The supplying of any product or the rendering of any service  
6 by a telephone company which is subject to the jurisdiction of the  
7 Board of Public Utilities for a term not exceeding five years;

8 (9) Any single project for the construction, reconstruction or  
9 rehabilitation of any public building, structure or facility, or any public  
10 works project, including the retention of the services of any architect  
11 or engineer in connection therewith, for the length of time authorized  
12 and necessary for the completion of the actual construction;

13 (10) The providing of food services for any term not exceeding  
14 three years;

15 (11) On-site inspections undertaken by private agencies pursuant  
16 to the "State Uniform Construction Code Act," P.L.1975, c.217  
17 (C.52:27D-119 et seq.) for any term of not more than three years;

18 (12) The performance of work or services or the furnishing of  
19 materials or supplies for the purpose of conserving energy in buildings  
20 owned by, or operations conducted by, the contracting unit, the entire  
21 price of which to be established as a percentage of the resultant  
22 savings in energy costs, for a term not to exceed 10 years; provided,  
23 however, that such contracts shall be entered into only subject to and  
24 in accordance with rules and regulations promulgated by the  
25 Department of Environmental Protection establishing a methodology  
26 for computing energy cost savings;

27 (13) The performance of work or services or the furnishing of  
28 materials or supplies for the purpose of elevator maintenance for any  
29 term not exceeding three years;

30 (14) Leasing or servicing of electronic communications equipment  
31 for a period not to exceed five years; provided, however, such contract  
32 shall be entered into only subject to and in accordance with the rules  
33 and regulations promulgated by the Director of the Division of Local  
34 Government Services of the Department of Community and Urban  
35 Affairs;

36 (15) Leasing of motor vehicles, machinery and other equipment  
37 primarily used to fight fires, for a term not to exceed seven years,  
38 when the contract includes an option to purchase, subject to and in  
39 accordance with rules and regulations promulgated by the Director of  
40 the Division of Local Government Services of the Department of  
41 Community and Urban Affairs;

42 (16) The provision of water supply services or the designing,  
43 financing, construction, operation, or maintenance, or any combination  
44 thereof, of a water supply facility, or any component part or parts  
45 thereof, including a water filtration system, for a period not to exceed  
46 40 years, when the contract for these services is approved by the

1 Division of Local Government Services in the Department of  
2 Community and Urban Affairs, the Board of Public Utilities, and the  
3 Department of Environmental Protection pursuant to P.L.1985, c.37  
4 (C.58:26-1 et al.), except for those contracts otherwise exempted  
5 pursuant to subsection (30), (31), (34) or (35) of this section. For the  
6 purposes of this subsection, "water supply services" means any service  
7 provided by a water supply facility; "water filtration system" means  
8 any equipment, plants, structures, machinery, apparatus, or land, or  
9 any combination thereof, acquired, used, constructed, rehabilitated, or  
10 operated for the collection, impoundment, storage, improvement,  
11 filtration, or other treatment of drinking water for the purposes of  
12 purifying and enhancing water quality and insuring its potability prior  
13 to the distribution of the drinking water to the general public for  
14 human consumption, including plants and works, and other personal  
15 property and appurtenances necessary for their use or operation; and  
16 "water supply facility" means and refers to the real property and the  
17 plants, structures, interconnections between existing water supply  
18 facilities, machinery and equipment and other property, real, personal  
19 and mixed, acquired, constructed or operated, or to be acquired,  
20 constructed or operated, in whole or in part by or on behalf of a  
21 political subdivision of the State or any agency thereof, for the  
22 purpose of augmenting the natural water resources of the State and  
23 making available an increased supply of water for all uses, or of  
24 conserving existing water resources, and any and all appurtenances  
25 necessary, useful or convenient for the collecting, impounding, storing,  
26 improving, treating, filtering, conserving or transmitting of water and  
27 for the preservation and protection of these resources and facilities and  
28 providing for the conservation and development of future water supply  
29 resources;

30 (17) The provision of resource recovery services by a qualified  
31 vendor, the disposal of the solid waste delivered for disposal which  
32 cannot be processed by a resource recovery facility or the residual ash  
33 generated at a resource recovery facility, including hazardous waste  
34 and recovered metals and other materials for reuse, or the design,  
35 financing, construction, operation or maintenance of a resource  
36 recovery facility for a period not to exceed 40 years when the contract  
37 is approved by the Division of Local Government Services in the  
38 Department of Community and Urban Affairs, and the Department of  
39 Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et  
40 al.); and when the resource recovery facility is in conformance with a  
41 district solid waste management plan approved pursuant to P.L.1970,  
42 c.39 (C.13:1E-1 et seq.). For the purposes of this subsection,  
43 "resource recovery facility" means a solid waste facility constructed  
44 and operated for the incineration of solid waste for energy production  
45 and the recovery of metals and other materials for reuse; or a  
46 mechanized composting facility, or any other facility constructed or

1 operated for the collection, separation, recycling, and recovery of  
2 metals, glass, paper, and other materials for reuse or for energy  
3 production; and "residual ash" means the bottom ash, fly ash, or any  
4 combination thereof, resulting from the combustion of solid waste at  
5 a resource recovery facility;

6 (18) The sale of electricity or thermal energy, or both, produced by  
7 a resource recovery facility for a period not to exceed 40 years when  
8 the contract is approved by the Board of Public Utilities, and when the  
9 resource recovery facility is in conformance with a district solid waste  
10 management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et  
11 seq.). For the purposes of this subsection, "resource recovery facility"  
12 means a solid waste facility constructed and operated for the  
13 incineration of solid waste for energy production and the recovery of  
14 metals and other materials for reuse; or a mechanized composting  
15 facility, or any other facility constructed or operated for the  
16 collection, separation, recycling, and recovery of metals, glass, paper,  
17 and other materials for reuse or for energy production;

18 (19) The provision of wastewater treatment services or the  
19 designing, financing, construction, operation, or maintenance, or any  
20 combination thereof, of a wastewater treatment system, or any  
21 component part or parts thereof, for a period not to exceed 40 years,  
22 when the contract for these services is approved by the Division of  
23 Local Government Services in the Department of Community and  
24 Urban Affairs and the Department of Environmental Protection  
25 pursuant to P.L.1985, c.72 (C.58:27-1 et al.), except for those  
26 contracts otherwise exempted pursuant to subsection (36) of this  
27 section. For the purposes of this subsection, "wastewater treatment  
28 services" means any services provided by a wastewater treatment  
29 system, and "wastewater treatment system" means equipment, plants,  
30 structures, machinery, apparatus, or land, or any combination thereof,  
31 acquired, used, constructed, or operated for the storage, collection,  
32 reduction, recycling, reclamation, disposal, separation, or other  
33 treatment of wastewater or sewage sludge, or for the final disposal of  
34 residues resulting from the treatment of wastewater, including, but not  
35 limited to, pumping and ventilating stations, facilities, plants and  
36 works, connections, outfall sewers, interceptors, trunk lines, and other  
37 personal property and appurtenances necessary for their operation;

38 (20) The supplying of materials or services for the purpose of  
39 lighting public streets, for a term not to exceed five years, provided  
40 that the rates, fares, tariffs or charges for the supplying of electricity  
41 for that purpose are approved by the Board of Public Utilities;

42 (21) In the case of a contracting unit which is a county or  
43 municipality, the provision of emergency medical services by a hospital  
44 to residents of a municipality or county as appropriate for a term not  
45 to exceed five years;

46 (22) Towing and storage contracts, awarded pursuant to paragraph

- 1 u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for  
2 any term not exceeding three years;
- 3 (23) Fuel for the purpose of generating electricity for a term not to  
4 exceed eight years;
- 5 (24) The purchase of electricity or administrative or dispatching  
6 services related to the transmission of such electricity, from a public  
7 utility company subject to the jurisdiction of the Board of Public  
8 Utilities, a similar regulatory body of another state, or a federal  
9 regulatory agency, or from a qualifying small power producing facility  
10 or qualifying cogeneration facility, as defined by 16 U.S.C. s.796, by  
11 a contracting unit engaged in the generation of electricity for retail  
12 sale, as of May 24,1991, for a term not to exceed 40 years;
- 13 (25) Basic life support services, for a period not to exceed five  
14 years. For the purposes of this subsection, "basic life support" means  
15 a basic level of prehospital care, which includes but need not be limited  
16 to patient stabilization, airway clearance, cardiopulmonary  
17 resuscitation, hemorrhage control, initial wound care and fracture  
18 stabilization;
- 19 (26) Claims administration services, for any term not to exceed  
20 three years;
- 21 (27) The provision of transportation services to elderly, disabled  
22 or indigent persons for any term of not more than three years. For the  
23 purposes of this subsection, "elderly persons" means persons who are  
24 60 years of age or older. "Disabled persons" means persons of any age  
25 who, by reason of illness, injury, age, congenital malfunction, or other  
26 permanent or temporary incapacity or disability, are unable, without  
27 special facilities or special planning or design to utilize mass  
28 transportation facilities and services as effectively as persons who are  
29 not so affected. "Indigent persons" means persons of any age whose  
30 income does not exceed 100 percent of the poverty level, adjusted for  
31 family size, established and adjusted under section 673(2) of subtitle  
32 B, the "Community Services Block Grant Act," Pub.L.97-35  
33 (42U.S.C. s.9902 (2));
- 34 (28) The supplying of liquid oxygen or other chemicals, for a term  
35 not to exceed five years, when the contract includes the installation of  
36 tanks or other storage facilities by the supplier, on or near the  
37 premises of the contracting unit;
- 38 (29) The performance of patient care services by contracted  
39 medical staff at county hospitals, correction facilities and long term  
40 care facilities, for any term of not more than three years;
- 41 (30) The acquisition of an equitable interest in a water supply  
42 facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an  
43 agreement entered into pursuant to the "County and Municipal Water  
44 Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into  
45 no later than January 7, 1995, for any term of not more than forty  
46 years;

1 (31) The provision of water supply services or the financing,  
2 construction, operation or maintenance or any combination thereof, of  
3 a water supply facility or any component part or parts thereof, by a  
4 partnership or copartnership established pursuant to a contract  
5 authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a  
6 period not to exceed 40 years;

7 (32) Laundry service and the rental, supply and cleaning of  
8 uniforms for any term of not more than three years;

9 (33) The supplying of any product or the rendering of any service,  
10 including consulting services, by a cemetery management company for  
11 the maintenance and preservation of a municipal cemetery operating  
12 pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for  
13 a term not exceeding 15 years;

14 (34) A contract between a public entity and a private firm pursuant  
15 to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water  
16 supply services may be entered into for any term which, when all  
17 optional extension periods are added, may not exceed 40 years;

18 (35) An agreement for the purchase of a supply of water from a  
19 public utility company subject to the jurisdiction of the Board of Public  
20 Utilities in accordance with tariffs and schedules of charges made,  
21 charged or exacted or contracts filed with the Board of Public  
22 Utilities, for any term of not more than 40 years;

23 (36) A contract between a public entity and a private firm or public  
24 authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the  
25 provision of wastewater treatment services may be entered into for any  
26 term of not more than 40 years, including all optional extension  
27 periods; and

28 (37) The operation and management of a facility under a license  
29 issued or permit approved by the Department of Environmental  
30 Protection, including a wastewater treatment system or a water supply  
31 or distribution facility, as the case may be, for any term of not more  
32 than seven years. For the purposes of this subsection, "wastewater  
33 treatment system" refers to facilities operated or maintained for the  
34 storage, collection, reduction, disposal, or other treatment of  
35 wastewater or sewage sludge, remediation of groundwater  
36 contamination, stormwater runoff, or the final disposal of residues  
37 resulting from the treatment of wastewater; and "water supply or  
38 distribution facility" refers to facilities operated or maintained for  
39 augmenting the natural water resources of the State, increasing the  
40 supply of water, conserving existing water resources, or distributing  
41 water to users.

42 All [multiyear] multi-year leases and contracts entered into  
43 pursuant to this section, except contracts for the leasing or servicing  
44 of equipment supplied by a telephone company which is subject to the  
45 jurisdiction of the Board of Public Utilities, contracts involving the  
46 supplying of electricity for the purpose of lighting public streets and

1 contracts for thermal energy authorized pursuant to subsection (1)  
2 above, construction contracts authorized pursuant to subsection (9)  
3 above, contracts and agreements for the provision of work or the  
4 supplying of equipment to promote energy conservation authorized  
5 pursuant to subsection (12) above, contracts for water supply services  
6 or for a water supply facility, or any component part or parts thereof  
7 authorized pursuant to subsection (16), (30), (31), (34), (35) or (37)  
8 above, contracts for resource recovery services or a resource recovery  
9 facility authorized pursuant to subsection (17) above, contracts for the  
10 sale of energy produced by a resource recovery facility authorized  
11 pursuant to subsection (18) above, contracts for wastewater treatment  
12 services or for a wastewater treatment system or any component part  
13 or parts thereof authorized pursuant to subsection (19), (36) or (37)  
14 above, and contracts for the purchase of electricity or administrative  
15 or dispatching services related to the transmission of such electricity  
16 authorized pursuant to subsection (24) above, shall contain a clause  
17 making them subject to the availability and appropriation annually of  
18 sufficient funds as may be required to meet the extended obligation, or  
19 contain an annual cancellation clause.

20 The Division of Local Government Services shall adopt and  
21 promulgate rules and regulations concerning the methods of  
22 accounting for all contracts that do not coincide with the fiscal year.  
23 (cf: P.L.1996, c.113, s.19)

24

25 205. Section 9 of P.L.1985, c.482 (C.40A:11-49) is amended to  
26 read as follows:

27 9. The Director of the Division of Local Government Services in  
28 the Department of Community and Urban Affairs may adopt rules and  
29 regulations pursuant to the provisions of the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as he may deem  
31 necessary to effectuate the purposes of this act.

32 (cf: P.L.1985, c.482, s.9)

33

34 206. Section 5 of P.L.1971, c.199 (C.40A:12-5) is amended to  
35 read as follows:

36 5. (a) Any county, by resolution, or any municipality, by  
37 ordinance, may provide for the acquisition of any real property, capital  
38 improvement, or personal property:

39 (1) By purchase, gift, devise, lease, exchange, condemnation, or  
40 installment purchase agreement;

41 (2) Subject to lawful conditions, restrictions or limitations as to its  
42 use by the county or municipality, provided the governing body  
43 accepts such lawful conditions, restrictions or limitations. When any  
44 county or municipality shall have acquired any real property, capital  
45 improvement or personal property upon any lawful condition,  
46 restriction or limitation, it is hereby authorized to take such steps as

1 may be necessary and proper to the compliance by the county or  
2 municipality with such lawful conditions, restrictions or limitations;

3 (3) Whether the acquisition of any real property is by lease,  
4 purchase, installment purchase agreement or exchange, the governing  
5 body may require the construction or repair of any capital  
6 improvement as a condition of acquisition.

7 (b) To the extent that the acquisition is by an installment purchase  
8 agreement, the obligation of the county or municipality shall be valid  
9 and binding for the term thereof which shall not be greater than 40  
10 years and shall not be otherwise subject to annual appropriation, and  
11 the authorization of such obligation shall not be subject to any of the  
12 provisions of the "Local Bond Law," (N.J.S.40A:2-1 et seq.), except  
13 that

14 (1) the repayment schedule of the principal shall be consistent with  
15 the requirements of N.J.S.40A:2-26 et seq., unless otherwise approved  
16 by the Local Finance Board within the Division of Local Government  
17 Services in the Department of Community and Urban Affairs,

18 (2) a supplemental debt statement reflecting the principal sum of  
19 the installment purchase agreement shall be filed consistent with the  
20 provisions of N.J.S.40A:2-10; and

21 (3) to the extent that such supplemental debt statement reflects  
22 debt in excess of the debt limitations imposed on counties or  
23 municipalities, as appropriate, by N.J.S.40A:2-6 and not otherwise  
24 within the exceptions contained in N.J.S.40A:2-7, the county or  
25 municipality must obtain the approval of the Local Finance Board.

26 (c) Any county or municipality having acquired any real property,  
27 capital improvement or personal property or any real estate or interest  
28 therein, which acquisition or estate or interest shall have become  
29 unsuited or inconvenient for the use for which it was acquired, may,  
30 at any time convert a portion or the whole thereof to any other public  
31 use unless otherwise provided by law or by the terms of acquisition.

32 (d) Whenever the governing body of any county or municipality to  
33 which there has been conveyed any real property, capital improvement,  
34 or personal property subject to such lawful conditions, restrictions or  
35 limitations shall by ordinance, in the case of a municipality, and by  
36 resolution, in the case of a county, determine that said real property,  
37 capital improvement or personal property can no longer be used  
38 advantageously for the purposes for which the same were acquired by  
39 the county or municipality, said county or municipality may, by  
40 ordinance or resolution, authorize the sale or exchange pursuant to  
41 section 13 of this act of the interest of the county or municipality in  
42 said real property, capital improvement or personal property.

43 Whenever the county or municipality, by resolution or ordinance,  
44 as the case may be, determines that property, which has been acquired  
45 by purchase, gift, devise, lease, exchange or otherwise for a nominal  
46 or no consideration for a specific purpose, or subject to lawful

1 conditions, restrictions or limitations as to its use, can no longer be  
2 used for the purposes for which acquired, it may offer or reconvey said  
3 property to the original grantor or his heirs for a similar or no  
4 consideration, prior to other disposition pursuant to section 13 of this  
5 act.

6 (cf: P.L.1992, c.157, s.5)

7

8 207. Section 13 of P.L.1971, c.199 (C.40A:12-13) is amended to  
9 read as follows:

10 13. Sales of real property, capital improvements or personal  
11 property; exceptions; procedure. Any county or municipality may sell  
12 any real property, capital improvement or personal property, or  
13 interests therein, not needed for public use, as set forth in the  
14 resolution or ordinance authorizing the sale, other than county or  
15 municipal lands, real property otherwise dedicated or restricted  
16 pursuant to law, and, except as otherwise provided by law, all such  
17 sales shall be made by one of the following methods:

18 (a) By open public sale at auction to the highest bidder after  
19 advertisement thereof in a newspaper circulating in the municipality or  
20 municipalities in which the lands are situated, by two insertions at least  
21 once a week during two consecutive weeks, the last publication to be  
22 not earlier than seven days prior to such sale. In the case of public  
23 sales, the governing body may by resolution fix a minimum price or  
24 prices, with or without the reservation of the right to reject all bids  
25 where the highest bid is not accepted. Notice of such reservation shall  
26 be included in the advertisement of the sale and public notice thereof  
27 shall be given at the time of sale. Such resolution may provide,  
28 without fixing a minimum price, that upon the completion of the  
29 bidding, the highest bid may be accepted or all the bids may be  
30 rejected. The invitation to bid may also impose restrictions on the use  
31 to be made of such real property, capital improvement or personal  
32 property, and any conditions of sale as to buildings or structures, or  
33 as to the type, size, or other specifications of buildings or structures  
34 to be constructed thereon, or as to demolition, repair, or  
35 reconstruction of buildings or structures, and the time within which  
36 such conditions shall be operative, or any other conditions of sale, in  
37 like manner and to the same extent as by any other vendor. Such  
38 conditions shall be included in the advertisement, as well as the nature  
39 of the interest retained by the county or municipality. Such  
40 restrictions or conditions shall be related to a lawful public purpose  
41 and encourage and promote fair and competitive bidding of the county  
42 or municipality and shall not, in the case of a municipality, be  
43 inconsistent with or impose a special or higher standard than any  
44 zoning ordinance or building, plumbing, electrical, or similar code or  
45 ordinance then in effect in the municipality.

46 In any case in which a county or municipality intends to retain an

1 estate or interest in any real property, capital improvement or personal  
2 property, in the nature of an easement, contingent or reversionary, the  
3 invitation to bid and the advertisement required herein shall require  
4 each bidder to submit one bid under each Option A and Option B  
5 below.

6 (1) Option A shall be for the real property, capital improvement or  
7 personal property subject to the conditions or restrictions imposed, or  
8 interest or estate retained, which the county or municipality proposes  
9 to retain or impose.

10 (2) Option B shall be for the real property, capital improvement or  
11 personal property to be sold free of all such restrictions, conditions,  
12 interests or estates on the part of the county or municipality.

13 The county or the municipality may elect or reject either or both  
14 options and the highest bid for each. Such acceptance or rejection  
15 shall be made not later than at the second regular meeting of the  
16 governing body following the sale, and, if the governing body shall not  
17 so accept such highest bid, or reject all bids, said bids shall be deemed  
18 to have been rejected. Any such sale may be adjourned at the time  
19 advertised for not more than one week without readvertising.

20 (b) At private sale, when authorized by resolution, in the case of  
21 a county, or by ordinance, in the case of a municipality, in the  
22 following cases:

23 (1) A sale to any political subdivision, agency, department,  
24 commission, board or body corporate and politic of the State of New  
25 Jersey or to an interstate agency or body of which the State of New  
26 Jersey is a member or to the United States of America or any  
27 department or agency thereof.

28 (2) A sale to a person submitting a bid pursuant to subsection (a)  
29 of this section, where all bids have been rejected, provided that the  
30 terms and price agreed to shall in no event be less than the highest bid  
31 rejected, and provided further that the terms and conditions of sale  
32 shall remain identical.

33 (3) A sale by any county or municipality, when it has or shall have  
34 conveyed its right, title and interest in any real property, capital  
35 improvement or personal property not needed for public use, and it  
36 was assumed and intended that there should be conveyed a good and  
37 sufficient title in fee simple to said real property, capital improvement  
38 or personal property, free of all encumbrances and the full  
39 consideration has been paid therefor, and it shall thereafter appear that  
40 the title conveyed was insufficient or that said county or municipality  
41 at the time of said conveyance was not the owner of some estate or  
42 interest in said real property, capital improvement or personal property  
43 or of some encumbrances thereon, and the county or municipality shall  
44 thereafter acquire a good and sufficient title in fee simple, free of all  
45 encumbrances of said real property, capital improvement or personal  
46 property or shall acquire such outstanding estate or interest therein or

1 outstanding encumbrance thereon and said county or municipality, by  
2 resolution of the governing body and without the payment of any  
3 additional consideration, has deemed to convey or otherwise transfer  
4 to said purchaser, his heirs or assigns, such after-acquired title, or  
5 estate or interest in, or encumbrance upon, such real property, capital  
6 improvement or personal property to perfect the title or interest  
7 previously conveyed.

8 (4) A sale of an easement upon any real property previously  
9 conveyed by any county or municipality may be made when the  
10 governing body of any county, by resolution, or any municipality, by  
11 ordinance, has elected to release the public rights in the nature of  
12 easements, in, on, over or under any real property within the county  
13 or the municipality, as the case may be, upon such terms as shall be  
14 agreed upon with the owner of such lands, if the use of such rights is  
15 no longer desirable, necessary or required for public purposes.

16 (5) A sale to the owner of the real property contiguous to the real  
17 property being sold; provided that the property being sold is less than  
18 the minimum size required for development under the municipal zoning  
19 ordinance and is without any capital improvement thereon; except that  
20 when there is more than one owner with real property contiguous  
21 thereto, said property shall be sold to the highest bidder from among  
22 all such owners. Any such sale shall be for not less than the fair market  
23 value of said real property.

24 In the case of any sale of real property hereafter made pursuant to  
25 subsection (b) of this section, in no event shall the price agreed upon  
26 with the owner be less than the difference between the highest bid  
27 accepted for the real property subject to easements (Option A) and the  
28 highest bid rejected for the real property not subject to easements  
29 (Option B). After the adoption of the resolution or ordinance, and  
30 compliance by the owner of said real property with the terms thereof,  
31 said real property shall be free, and entirely discharged of and from  
32 such rights of the public and of the county or municipality, as the case  
33 may be, but no such release shall affect the right of lawful occupancy  
34 or use of any such real property by any municipal or private utility to  
35 occupy or use any such real property lawfully occupied or used by it.

36 A list of the property so authorized to be sold, pursuant to  
37 subsection (b) of this section, together with the minimum prices,  
38 respectively, as determined by the governing body, shall be included  
39 in the resolution or ordinance authorizing the sale, and said list shall  
40 be posted on the bulletin board or other conspicuous space in the  
41 building which the governing body usually holds its regular meetings,  
42 and advertisement thereof made in a newspaper circulating in the  
43 municipality or municipalities in which the real property, capital  
44 improvement or personal property is situated, within five days  
45 following enactment of said resolution or ordinance. Offers for any or  
46 all properties so listed may thereafter be made to the governing body

1 or its designee for a period of 20 days following the advertisement  
2 herein required, at not less than said minimum prices, by any  
3 prospective purchaser, real estate broker, or other authorized  
4 representative. In any such case, the governing body may reconsider  
5 its resolution or ordinance, not later than 30 days after its enactment,  
6 and advertise the real property, capital improvement, or personal  
7 property in question for public sale pursuant to subsection (a) of this  
8 section.

9 Any county or municipality selling any real property, capital  
10 improvement or personal property pursuant to subsection (b) of this  
11 section shall file with the Director of the Division of Local  
12 Government Services in the Department of Community and Urban  
13 Affairs, sworn affidavits verifying the publication of advertisements as  
14 required by this subsection.

15 (c) By private sale of a municipality in the following case: A sale  
16 to a private developer by a municipality, when acting in accordance  
17 with the "Local Redevelopment and Housing Law," P.L.1992, c.79  
18 (C.40A:12A-1 et al.).

19 All sales, either public or private, may be made for cash or upon  
20 credit. A deposit not exceeding 10% of the minimum price or value of  
21 the property to be sold may be required of all bidders. When made  
22 upon credit, the county or municipality may accept a purchase-money  
23 mortgage, upon terms and conditions which shall be fixed by the  
24 resolution of the governing body; provided, however, that such  
25 mortgage shall be fully payable within five years from the date of the  
26 sale and shall bear interest at a rate equal to that authorized under  
27 Title 31 of the Revised Statutes, as amended and supplemented, and  
28 the regulations issued pursuant thereto, or the rate last paid by the  
29 county or municipality upon any issue of notes pursuant to the "Local  
30 Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The  
31 governing body may, by resolution, fix the time for closing of title and  
32 payment of the consideration.

33 In all sales made pursuant to this section, the governing body of any  
34 county or municipality may provide for the payment of a commission  
35 to any real estate broker, or authorized representative other than the  
36 purchaser actually consummating such sale; provided, however, that  
37 no commission shall be paid unless notice of the governing body's  
38 intention to pay such a commission shall have been included in the  
39 advertisement of sale and the recipient thereof shall have filed an  
40 affidavit with the governing body stating that said recipient is not the  
41 purchaser. Said commissions shall not exceed, in the aggregate, 5%  
42 of the sale price, and be paid, where there has been a public sale, only  
43 in the event that the sum of the commission and the highest bid price  
44 does not exceed the next highest bid price (exclusive of any real estate  
45 broker's commission). As used in this section, "purchaser" shall mean  
46 and include any person, corporation, company, association, society,

1 firm, partnership, or other business entity owning or controlling,  
2 directly or indirectly, more than 10% of the purchasing entity.  
3 (cf: P.L.1992, c.79, s.51)

4  
5 208. Section 22 of P.L.1971, c.199 (C.40A:12-22) is amended to  
6 read as follows:

7 22. Each municipality and county shall establish and maintain a  
8 central registry of all real property in which it has acquired title or a  
9 leasehold interest for other than street or highway purposes as of the  
10 effective date of this act. This registry shall also include a record of  
11 all real property which a county or municipality may hereafter acquire,  
12 sell or lease. It shall be in such form and contain such information as  
13 the Division of Local Finance in the Department of Community and  
14 Urban Affairs shall prescribe within 180 days after the effective date  
15 of this act.

16 The central registry referred to herein shall:

- 17 a. Constitute a public record;  
18 b. Be entitled "Municipal Real Property Registry" or "County  
19 Real Property Registry" as may be appropriate;  
20 c. Be maintained and available for inspection in the office of the  
21 municipal clerk or clerk of the board of chosen freeholders, as may be  
22 appropriate.

23 (cf: P.L.1972, c.126, s.1)

24  
25 209. Section 8 of P.L.1988, c.148 (C.40A:12-38) is amended to  
26 read as follows:

27 8. Within 30 days following the enactment of an ordinance  
28 establishing an urban homesteading program, the municipal clerk shall  
29 file a copy of the ordinance with the Director of the Division of Local  
30 Government Services and the Director of the Division of Housing and  
31 Development of the Department of Community and Urban Affairs.

32 (cf: P.L.1988, c.148, s.8)

33  
34 210. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
35 read as follows:

36 3. As used in this act:

37 "Bonds" means any bonds, notes, interim certificates, debentures or  
38 other obligations issued by a municipality, county, redevelopment  
39 entity, or housing authority pursuant to this act.

40 "Development" means the division of a parcel of land into two or  
41 more parcels, the construction, reconstruction, conversion, structural  
42 alteration, relocation, or enlargement of any building or other  
43 structure, or of any mining, excavation or landfill, and any use or  
44 change in the use of any building or other structure, or land or  
45 extension of use of land, for which permission may be required  
46 pursuant to the "Municipal Land Use Law," P.L.1975, c.291

1 (C.40:55D-1 et seq.).

2 "Governing body" means the body exercising general legislative  
3 powers in a county or municipality according to the terms and  
4 procedural requirements set forth in the form of government adopted  
5 by the county or municipality.

6 "Housing authority" means a housing authority created or continued  
7 pursuant to this act.

8 "Housing project" means a project, or distinct portion of a project,  
9 which is designed and intended to provide decent, safe and sanitary  
10 dwellings, apartments or other living accommodations for persons of  
11 low and moderate income; such work or undertaking may include  
12 buildings, land, equipment, facilities and other real or personal  
13 property for necessary, convenient or desirable appurtenances, streets,  
14 sewers, water service, parks, site preparation, gardening,  
15 administrative, community, health, recreational, educational, welfare  
16 or other purposes. The term "housing project" also may be applied to  
17 the planning of the buildings and improvements, the acquisition of  
18 property, the demolition of existing structures, the construction,  
19 reconstruction, alteration and repair of the improvements and all other  
20 work in connection therewith.

21 "Persons of low and moderate income" means persons or families  
22 who are, in the case of State assisted projects or programs, so defined  
23 by the Council on Affordable Housing in the Department of  
24 Community and Urban Affairs, or in the case of federally assisted  
25 projects or programs, defined as of "low and very low income" by the  
26 United States Department of Housing and Urban Development.

27 "Public body" means the State or any county, municipality, school  
28 district, authority or other political subdivision of the State.

29 "Public housing" means any housing for persons of low and  
30 moderate income owned by a municipality, county, the State or the  
31 federal government, or any agency or instrumentality thereof.

32 "Publicly assisted housing" means privately owned housing which  
33 receives public assistance or subsidy, which may be grants or loans for  
34 construction, reconstruction, conservation, or rehabilitation of the  
35 housing, or receives operational or maintenance subsidies either  
36 directly or through rental subsidies to tenants, from a federal, State or  
37 local government agency or instrumentality.

38 "Real property" means all lands, including improvements and  
39 fixtures thereon, and property of any nature appurtenant thereto or  
40 used in connection therewith, and every estate, interest and right, legal  
41 or equitable, therein, including terms for years and liens by way of  
42 judgment, mortgage or otherwise, and indebtedness secured by such  
43 liens.

44 "Redeveloper" means any person, firm, corporation or public body  
45 that shall enter into or propose to enter into a contract with a  
46 municipality or other redevelopment entity for the redevelopment or

1 rehabilitation of an area in need of redevelopment, or an area in need  
2 of rehabilitation, or any part thereof, under the provisions of this act,  
3 or for any construction or other work forming part of a redevelopment  
4 or rehabilitation project.

5 "Redevelopment" means clearance, replanning, development and  
6 redevelopment; the conservation and rehabilitation of any structure or  
7 improvement, the construction and provision for construction of  
8 residential, commercial, industrial, public or other structures and the  
9 grant or dedication of spaces as may be appropriate or necessary in the  
10 interest of the general welfare for streets, parks, playgrounds, or other  
11 public purposes, including recreational and other facilities incidental  
12 or appurtenant thereto, in accordance with a redevelopment plan.

13 "Redevelopment agency" means a redevelopment agency created  
14 pursuant to subsection a. of section 11 of P.L.1992, c.79  
15 (C.40A:12A-11) or established heretofore pursuant to the  
16 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
17 seq.), repealed by this act, which has been permitted in accordance  
18 with the provisions of this act to continue to exercise its  
19 redevelopment functions and powers.

20 "Redevelopment area" or "area in need of redevelopment" means an  
21 area determined to be in need of redevelopment pursuant to sections  
22 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or  
23 determined heretofore to be a "blighted area" pursuant to P.L.1949,  
24 c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations  
25 as made pursuant to the authority of Article VIII, Section III,  
26 paragraph 1 of the Constitution. A redevelopment area may include  
27 lands, buildings, or improvements which of themselves are not  
28 detrimental to the public health, safety or welfare, but the inclusion of  
29 which is found necessary, with or without change in their condition,  
30 for the effective redevelopment of the area of which they are a part.

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

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

46 "Redevelopment project" means any work or undertaking pursuant

1 to a redevelopment plan; such undertaking may include any buildings,  
2 land, including demolition, clearance or removal of buildings from  
3 land, equipment, facilities, or other real or personal properties which  
4 are necessary, convenient, or desirable appurtenances, such as but not  
5 limited to streets, sewers, utilities, parks, site preparation, landscaping,  
6 and administrative, community, health, recreational, educational, and  
7 welfare facilities.

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

14 "Rehabilitation area" or "area in need of rehabilitation" means any  
15 area determined to be in need of rehabilitation pursuant to section 14  
16 of P.L.1992, c.79 (C.40A:12A-14).

17 (cf: P.L.1992, c.79, s.3)

18

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

21 11. a. The governing body of a municipality may, by ordinance,  
22 create a body corporate and politic to be known as the ". . . . .  
23 Redevelopment Agency," inserting the name of the municipality  
24 creating the agency. The agency shall be an instrumentality of the  
25 municipality creating it. A redevelopment agency shall be created  
26 pursuant to the procedures of the "Local Authorities Fiscal Control  
27 Law," P.L.1983, c.313 (C.40A:5A-1 et seq.).

28 There shall be seven commissioners of a redevelopment agency.  
29 The commissioners shall be appointed by the governing body, in the  
30 manner generally required for appointments by the form of government  
31 under which the municipality is governed. Commissioners shall each  
32 serve for a term of five years; except that the first of these appointees  
33 shall be designated to serve for the following terms: one for a term of  
34 one year, one for a term of two years, two for terms of three years,  
35 one for a term of four years, and two for terms of five years. No more  
36 than two commissioners shall be officers or employees of the  
37 municipality. Each commissioner shall hold office for the term of his  
38 appointment and until his successor shall have been appointed and  
39 qualified. Any vacancy occurring in the office of commissioner, from  
40 any cause, shall be filled in the same manner as the original  
41 appointment, but for the unexpired term.

42 The municipal governing body may provide by ordinance that not  
43 more than two of the commissioners shall be members of the  
44 governing body. A commissioner who is a member of the governing  
45 body shall serve for a term of one year. That ordinance shall provide  
46 for the terms of the other commissioners to be appointed to staggered

1 terms in substantial accord with the provisions of this section.

2 Any redevelopment agency created pursuant to the "Redevelopment  
3 Agencies Law," P.L.1949, c.306 (C.40:55C-1 et seq.) and in existence  
4 until the repeal of that law by this act, shall continue notwithstanding  
5 that repeal, but shall exercise its powers pursuant to the provisions of  
6 this act. The five commissioners appointed by the governing body of  
7 the municipality shall continue in office until the terms for which they  
8 were appointed expire and their successors are appointed and  
9 qualified. The terms of those agency commissioners who were  
10 appointed by the mayor or the Commissioner [of the Department] of  
11 Community and Urban Affairs shall cease and determine 90 days after  
12 the effective date of this act.

13 b. A certificate of the appointment or reappointment of each  
14 commissioner shall be filed with the clerk, and that certificate shall be  
15 conclusive evidence of the due and proper appointment of that  
16 commissioner. A commissioner shall receive no compensation for his  
17 services, but shall be entitled to reimbursement for actual expenses  
18 necessarily incurred in the discharge of the duties of commissioner,  
19 including travel expenses. The powers of the agency shall be vested  
20 in the commissioners thereof in office from time to time. Four  
21 commissioners shall constitute a quorum for the purpose of conducting  
22 business and exercising powers and all other purposes. Action may be  
23 taken by the agency upon the affirmative vote of the majority, but not  
24 less than four of the commissioners present, unless in any case the  
25 bylaws of the agency shall require a larger number. The agency shall  
26 select a chairman and a vice-chairman from among the commissioners,  
27 and it shall employ an executive director, who shall be its secretary.

28 c. No commissioner or employee of an agency shall acquire any  
29 interest, direct or indirect, in a redevelopment project or in any  
30 property included or planned to be included in a project, nor shall he  
31 have any interest, direct or indirect, in any contract or proposed  
32 contract for materials and services to be furnished or used in  
33 connection with a project. If any commissioner or employee of an  
34 agency owns or controls an interest, direct or indirect, in any property  
35 included or planned to be included in a project, he shall immediately  
36 disclose the same in writing to the agency and the disclosure shall be  
37 entered upon the minutes of the agency. Failure so to disclose such an  
38 interest shall constitute misconduct in office. A commissioner or  
39 employee required by this subsection to make a disclosure shall not  
40 participate in any action by the agency affecting the property with  
41 respect to which disclosure is required. For inefficiency or neglect of  
42 duty or misconduct in office a commissioner may be removed by the  
43 municipality by which he was appointed; but a commissioner may be  
44 removed only after he has been given a copy of the charges at least 10  
45 days prior to the hearing thereon and has had the opportunity to be  
46 heard in person or by counsel. In the event of a removal of a

1 commissioner, a record of the proceedings, together with the charges  
2 and findings thereon, shall be filed in the office of the clerk of the  
3 municipality.

4 (cf: P.L.1992, c.79, s.11)

5

6 212. Section 17 of P.L.1992, c.79 (C.40A:12A-17) is amended to  
7 read as follows:

8 17. a. Except as provided in subsection b. of this section, the  
9 governing body of any county or municipality may, by ordinance, or  
10 by resolution in the case of a county whose charter does not provide  
11 for the adoption of ordinances, create a body corporate and politic to  
12 be known as the "Housing Authority of . . . ," inserting the name of the  
13 county or municipality. The authority shall constitute an agency and  
14 instrumentality of the municipality or county creating it. A housing  
15 authority shall be created pursuant to the procedures of the "Local  
16 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et  
17 seq.). The authority shall consist of seven members. In a county that  
18 operates under the "county executive plan" set forth in the "Optional  
19 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), six  
20 members shall be appointed by the county executive with the advice  
21 and consent of the board of chosen freeholders, and one member shall  
22 be appointed by the Commissioner of Community and Urban Affairs.  
23 In all other counties and municipalities, five members shall be  
24 appointed by the governing body of the county or municipality, as the  
25 case may be, one by the mayor or other chief executive officer of the  
26 municipality, or in the case of a county by the director of the board of  
27 chosen freeholders or by the chief executive officer of the county if the  
28 county's charter provides for such an officer, and one by the  
29 Commissioner of Community and Urban Affairs. The members shall  
30 serve for terms of five years and until their respective successors have  
31 been appointed and qualified; except that of the five members first  
32 appointed by the governing body one shall be appointed for a term of  
33 one year, one for a term of two years, one for a term of three years,  
34 one for a term of four years and one for a term of five years. All  
35 appointments shall be subject to and made in the manner required by  
36 the law under which the county or municipality is governed.  
37 Vacancies shall be filled in the same manner as the original  
38 appointments were made, but for the unexpired term. If a vacancy is  
39 not filled by the county executive, governing body or chief executive  
40 officer within 90 days of the occurrence of the vacancy, the  
41 Commissioner [of the Department] of Community and Urban Affairs  
42 shall notify the county executive, governing body or chief executive  
43 officer of his intent to fill the vacancy if it is not filled in 30 days. If the  
44 vacancy is not filled within that 30 day period, the commissioner may  
45 appoint a member for the unexpired term.

46 In any county or municipality which has heretofore created a

1 housing authority pursuant to R.S.55:14A-4, the members of the  
2 authority who were appointed by the governing body and the chief  
3 executive officer of the county or municipality and who are in office  
4 upon the effective date of this act shall continue in office until the  
5 expiration of the terms for which they are appointed and qualified in  
6 accordance with the terms of this act.

7 b. No municipality which has been included with its consent within  
8 the area of operation of a county housing authority shall thereafter  
9 create a municipal housing authority. Where there is no housing  
10 authority in existence in any municipality of a county, the governing  
11 body of that county may create a housing authority, and thereafter no  
12 municipality within that county shall create an authority without the  
13 consent of the county governing body and the county housing  
14 authority.

15 c. A county may provide such publicly assisted housing programs  
16 as it chooses anywhere within the county; but it may provide such  
17 programs in municipalities which are within the area of operation of a  
18 county or municipal housing authority only after adoption of a  
19 resolution of the housing authority consenting thereto.

20 d. No more than one member of a housing authority may be an  
21 officer or employee of the municipality or county by which the  
22 authority is created. A certificate of the appointment or reappointment  
23 of any member shall be filed with the clerk of the municipality or the  
24 county, as the case may be, and that certificate shall be conclusive  
25 evidence of the due and proper appointment of that member. A  
26 member of an authority shall receive no compensation for his services,  
27 but shall be entitled to reimbursement for actual expenses necessarily  
28 incurred in the discharge of the duties of membership, including travel  
29 expenses. The powers of the authority shall be vested in the members  
30 thereof in office from time to time. Four members shall constitute a  
31 quorum of the authority for the purpose of conducting its business and  
32 exercising its powers and all other purposes. Action may be taken by  
33 the authority upon the affirmative vote of the majority, but not less  
34 than four of the members present, unless in any case the bylaws of the  
35 authority shall require a larger number. The authority shall select a  
36 chairman and a vice-chairman from among its members, and shall  
37 employ an executive director, who shall be its secretary.

38 e. No member or employee of an authority shall acquire any  
39 interest, direct or indirect, in any housing project or in any property  
40 included or planned to be included in such a project, nor shall he have  
41 any interest, direct or indirect, in any contract or proposed contract for  
42 materials and services to be furnished or used in connection with any  
43 housing project. If any member or employee of an authority owns or  
44 controls an interest, direct or indirect, in any property included or  
45 planned to be included in a housing project he shall immediately  
46 disclose the same in writing to the authority and the disclosure shall be

1 entered upon the minutes of the authority. Failure to disclose such an  
2 interest shall constitute misconduct in office. A member or employee  
3 required by this subsection to make such a disclosure shall not  
4 participate in any action by the authority affecting the property with  
5 respect to which such disclosure is required. For inefficiency or  
6 neglect of duty or misconduct in office a member of an authority may  
7 be removed by the governing body or officer by which he was  
8 appointed; but a member may be removed only after he has been given  
9 a copy of the charges at least 10 days prior to a hearing thereon and  
10 has had the opportunity to be heard in person or by counsel. In the  
11 event of a removal of any member of an authority a record of the  
12 proceedings, together with the charges and findings thereon, shall be  
13 filed in the office of the clerk of the county or municipality.

14 (cf: P.L.1993, c.344, s.1)

15

16 213. Section 29 of P.L.1992, c.79 (C.40A:12A-29) is amended to  
17 read as follows:

18 29. a. Bonds and notes issued by a redevelopment agency or  
19 housing authority pursuant to this act shall be authorized by resolution  
20 of the housing authority or redevelopment agency and may be issued  
21 in one or more series and shall be sold in any one of the following  
22 manners: (1) at public sale at not less than par after advertisement in  
23 a newspaper of general circulation in the municipality or county and  
24 in a financial paper published in the city of Philadelphia, Pennsylvania,  
25 or the city of New York, New York, one week prior to the sale; (2) at  
26 private sale without advertisement at not less than par to a  
27 municipality, county, the State or federal government; (3) at public  
28 sale to any willing buyer at less than par and at private sale to any  
29 willing buyer without advertisement at par or less than par, upon  
30 application to and prior approval of the Local Finance Board in the  
31 Department of Community and Urban Affairs.

32 b. Bonds issued pursuant to this act by a county or municipality  
33 shall be authorized by ordinance adopted in the manner prescribed by  
34 the "Local Bond Law" (N.J.S.40A:2-1 et seq.) except as provided in  
35 section 32 of P.L.1992, c.79 (C.40A:12A-32).

36 c. Bonds issued to finance redevelopment projects may be secured  
37 by the assets and revenues of such projects. A municipality or  
38 redevelopment entity financing redevelopment projects through the  
39 issuance of bonds may pledge the property and revenues of those  
40 projects, or any of them, for repayment of those bonds, and shall pay  
41 such rate of interest thereon as the municipal governing body may  
42 deem for the best interest of the municipality.

43 d. Bonds issued to finance housing projects may be secured by the  
44 assets and revenues of those housing projects or by contractual  
45 agreements with the Federal government. A municipality, county, or  
46 housing authority financing housing projects through the issuance of

1 bonds may pledge the property and revenues of those projects, or any  
2 of them, for the repayment of those bonds, and shall pay such rate of  
3 interest thereon as the county or municipal governing body, as the case  
4 may be, may deem for the best interest of the county or municipality.

5 e. Whenever a municipality or county shall, pursuant to this act,  
6 issue notes for a period not exceeding five years, the municipality or  
7 county may sell the notes at private sale without advertisement at not  
8 less than par.

9 (cf: P.L.1992, c.79, s.29)

10

11 214. Section 37 of P.L.1992, c.79 (C.40A:12A-37) is amended to  
12 read as follows:

13 37. a. Any municipality or county may incur indebtedness, borrow,  
14 appropriate and expend money and issue its negotiable bonds or other  
15 obligations for the purpose of aiding any housing authority with  
16 respect to any housing project which is located within its jurisdiction  
17 and as to which the State or federal government shall have contracted  
18 to furnish financial assistance.

19 b. Any municipality or county may incur indebtedness, borrow,  
20 appropriate and expend money and issue its negotiable bonds or other  
21 obligations for the purpose of aiding any redevelopment entity with  
22 respect to any redevelopment project which is located within its  
23 jurisdiction.

24 c. The bonds or other obligations of any municipality or county  
25 issued pursuant to this section shall be authorized by ordinance  
26 adopted pursuant to the "Local Bond Law" (N.J.S.40A:2-1 et seq.),  
27 except that: (1) the ordinance may be adopted notwithstanding the  
28 provisions of N.J.S.40A:2-6 and, subject to the provisions of  
29 subsection e. of this section, bonds or other obligations may be  
30 authorized and issued notwithstanding any debt or other limit  
31 prescribed by that law; (2) the ordinance may be adopted  
32 notwithstanding the provisions of N.J.S.40A:2-11 and no down  
33 payment will be required; (3) the bonds or other obligations shall  
34 mature in annual installments commencing not more than two and  
35 ending not more than 40 years from the date of issuance; and (4) the  
36 ordinance need set forth only a brief and general description of the  
37 location and designation of the housing or redevelopment project with  
38 respect to which the bonds or other obligations are authorized, the  
39 amount of the appropriation made thereby, the maximum amount of  
40 bonds or other obligations to be issued pursuant thereto, and the rate  
41 or maximum rate of interest the bonds or obligations shall bear. The  
42 bonds or other obligations may be subject to redemption prior to  
43 maturity, with or without premium, at such times and on such terms  
44 and conditions as may be provided by resolution of the governing body  
45 adopted prior to their issuance, and all matters relating to the bonds  
46 or obligations and those matters required to be stated in the ordinance

1 may be performed or determined by resolution or resolutions of the  
2 governing body adopted prior to their issuance.

3 d. Any bonds or other obligations, issued or authorized pursuant  
4 to subsection b. of this section by a municipality or county for the  
5 purpose of providing cash to meet cash grant-in-aid requirements of  
6 a redevelopment entity or of a municipality exercising directly the  
7 powers conferred by this act with respect to a redevelopment project  
8 located within that municipality, and as to which the federal  
9 government shall have contracted to furnish financial assistance, shall  
10 be deductible from the gross debt of the municipality or county on any  
11 debt statement filed in accordance with the "Local Bond Law"  
12 (N.J.S.40A:2-1 et seq.). Any bonds or other obligations issued or  
13 authorized pursuant to subsection b. of this section by any municipality  
14 for the purpose of providing funds to enable any housing authority,  
15 redevelopment entity or municipality exercising directly the powers  
16 conferred by this act to extend credit or make loans to redevelopers  
17 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8) shall be  
18 deductible from the gross debt of the municipality for a period from  
19 the date of adoption of the ordinance until one year after the  
20 completion of construction or rehabilitation of the project or until the  
21 end of the fifth fiscal year commencing subsequent to the date of  
22 adoption of the ordinance, whichever period is shorter. The  
23 municipality shall file with the Local Finance Board a certified copy of  
24 the ordinance as introduced, and a request that the board determine by  
25 resolution on the basis of a project report whether the project will  
26 generate revenues annually for the municipality from rental payments,  
27 loan repayments, real property taxes, including payments in lieu of  
28 taxes, income from the investment or proceeds of obligations  
29 authorized by the ordinance and other sources, direct or indirect,  
30 including like revenues generated from related projects, that the Local  
31 Finance Board finds justifiable in its discretion, in an amount equal to  
32 or exceeding the annual debt service requirement for the obligations  
33 for that fiscal year, or in the subsequent fiscal year if the municipality  
34 is not required to make payments of principal of or interest on  
35 obligations issued for that purpose in a particular fiscal year. If the  
36 board determines affirmatively, it shall endorse its approval on the  
37 certified copy of the ordinance. If, within 60 days of the request and  
38 filing, the board determines negatively as to the matters described  
39 above, it shall disapprove the ordinance, endorse that disapproval on  
40 the certified copy and deliver to the municipality a statement of its  
41 reasons therefor.

42 e. If it appears from the supplemental debt statement filed pursuant  
43 to N.J.S.40A:2-10 with respect to an ordinance adopted pursuant to  
44 this act, which relates to a housing project, or a redevelopment project  
45 the bonds or other obligations for which are not deductible from the  
46 gross debt pursuant to subsection d. of this section, that the

1 percentage of net debt as stated therein exceeds the limit prescribed by  
2 N.J.S.40A:2-6, the ordinance shall not take effect unless there shall be  
3 endorsed upon a certified copy thereof, as adopted, the approval of the  
4 Local Finance Board of the Division of Local Government Services in  
5 the Department of Community and Urban Affairs. A certified copy of  
6 that ordinance shall, upon introduction, be filed with the Local Finance  
7 Board together with such statements and information with respect  
8 thereto and regarding the financial condition of the municipality as the  
9 board may prescribe. The board shall cause its approval to be endorsed  
10 upon the certified copy if it shall be satisfied, and shall record upon its  
11 minutes its estimates that: (1) the amounts to be expended by the  
12 municipality or county for such project are not unreasonable or  
13 exorbitant; (2) issuance of the bonds or obligations will not materially  
14 impair the credit of the municipality or county or substantially reduce  
15 its ability during the ensuing 10 years to pay punctually the principal  
16 and interest of its debts and supply essential public improvements and  
17 services; and, (3) taking into consideration trends in population and in  
18 values and uses of the property and in needs for essential public  
19 improvements, the percentage of net debt of the municipality or  
20 county, computed as provided in the "Local Bond Law"  
21 (N.J.S.40A:2-1 et seq.), will at some date within 10 years be either  
22 less than the debt limit prescribed by that law or less than the  
23 percentage appearing from the supplemental debt statement. If the  
24 Local Finance Board within 60 days after the filing of the certified  
25 copy shall not be satisfied as to the matters described above, it shall  
26 disapprove the ordinance, endorse that disapproval on the certified  
27 copy and deliver to the municipality or county a statement of its  
28 reasons therefor.

29 f. Any municipality or county may issue its negotiable notes, at  
30 public or private sale, in anticipation of the issuance of bonds  
31 authorized by it pursuant to this section after the ordinance has taken  
32 effect and may, from time to time, renew those notes in accordance  
33 with the provisions of the "Local Bond Law" (N.J.S.40:2-1 et seq.).

34 g. All bonds and notes issued pursuant to this section shall be  
35 direct obligations of the municipality or county issuing them and,  
36 unless payment is otherwise made or provided for, a tax sufficient in  
37 an amount to pay the principal and interest on such bonds and notes  
38 shall be levied and collected by the municipality or county in the year  
39 in which the same shall become due and payable. The bonds and notes  
40 may contain a recital that they are issued pursuant to this act in the  
41 manner or mode of procedure prescribed by law, and those recitals  
42 shall be conclusive evidence of their validity and of the regularity of  
43 their issuance.

44 h. The powers conferred by this section shall be in addition to the  
45 powers conferred by any other law, and bonds or other obligations  
46 may be issued hereunder for the purposes herein provided,

1 notwithstanding that other law may provide for the issuance of bonds  
2 or obligations for like purposes.

3 i. The Local Finance Board shall, by regulation, provide for the  
4 budgetary treatment of moneys borrowed by a county or municipality  
5 on behalf of a redevelopment entity or housing authority, stating those  
6 provisions of chapter 4 of Title 40A of the New Jersey Statutes which  
7 are or are not to apply.

8 (cf: P.L.1992, c.79, s.37)

9

10 215. Section 43 of P.L.1992, c.79 (C.40A:12A-43) is amended to  
11 read as follows:

12 43. Any municipality, county, redevelopment entity or housing  
13 authority utilizing the powers authorized herein shall submit an annual  
14 report to the Commissioner of Community and Urban Affairs  
15 indicating the name, location and size of all projects under its  
16 management. In addition, the annual report shall contain such  
17 information as the commissioner shall deem necessary in order to fulfill  
18 the reporting requirements set forth in section 1 of P.L.1992, c.176  
19 (C.52:27D-3.3).

20 (cf: P.L.1992, c.176, s.2)

21

22 216. Section 44 of P.L.1992, c.79 (C.40A:12A-44) is amended to  
23 read as follows:

24 44. The Commissioner of Community and Urban Affairs shall be  
25 the chief advocate of the State in working with the federal Department  
26 of Housing and Urban Development to promote the redevelopment  
27 and housing purposes of this act.

28 The Commissioner of Community and Urban Affairs is authorized  
29 to hold an annual Redevelopment and Housing Congress to review  
30 current developments in redevelopment and housing occurring  
31 throughout the State.

32 (cf: P.L.1992, c.79, s.44)

33

34 217. Section 45 of P.L.1992, c.79 (C.40A:12A-45) is amended to  
35 read as follows:

36 45. The Commissioner of Community and Urban Affairs shall  
37 prescribe and enforce standards for the curriculum and administration  
38 of a course of study as he deems appropriate, the object of which shall  
39 be to assist members and executive directors of local housing  
40 authorities and municipal redevelopment agencies to acquire the  
41 knowledge and skills necessary to oversee and administer the  
42 operations of such authorities or agencies in accordance with current  
43 law and in the best interests of the citizens served by such authorities.  
44 The commissioner shall adopt the standards by administrative rule,  
45 pursuant to the provisions of the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.).

1       The course shall consist of instruction in the principles of housing  
2 and redevelopment, which may include, but not be limited to,  
3 construction management and code compliance, financial management  
4 and public administration, and such other topics as the commissioner  
5 may deem appropriate. The commissioner shall, to the greatest extent  
6 possible, cooperate with organizations of housing authority  
7 representatives and redevelopment agency representatives, and shall  
8 consult with Rutgers, The State University, and other educational  
9 institutions in establishing the standards for the curriculum and  
10 administration of the course of study, as provided above.

11 (cf: P.L.1992, c.79, s.45)

12

13       218. Section 49 of P.L.1992, c.79 (C.40A:12A-49) is amended to  
14 read as follows:

15       49. The Commissioner of Community and Urban Affairs shall  
16 promulgate rules and regulations to effectuate the provisions of this  
17 act. The Local Finance Board shall adopt rules and regulations to  
18 effectuate the fiscal and financial controls set forth in the act.

19 (cf: P.L.1992, c.79, s.49)

20

21       219. Section 4 of P.L.1995, c.173 (C.40A:12A-53) is amended to  
22 read as follows:

23       4. a. A municipality that has created a district pursuant to section  
24 3 of P.L.1995, c.173 (C.40A:12A-52), in which there is an area  
25 designated as an urban enterprise zone in which the receipts of certain  
26 sales are exempt to the extent of 50% of the tax imposed under the  
27 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.),  
28 pursuant to section 21 of P.L.1983, c.303 (C.52:27H-80), may for the  
29 purpose of increasing public revenue adopt an ordinance to levy and  
30 collect, within the district, a franchise assessment not to exceed three  
31 percent of gross receipts and to devote the proceeds from those  
32 assessments to municipal purposes as provided in this section.

33       b. The rate of the franchise assessment shall be uniform throughout  
34 the district. The franchise assessment shall apply only within the  
35 territorial limits of the district and shall be in addition to any other  
36 assessments, taxes and excises.

37       c. The ordinance shall be a valid and binding ordinance of the  
38 municipality. The ordinance shall continue in force and effect until  
39 repealed by the governing body. The municipality may also provide  
40 and covenant by ordinance that the ordinance authorizing the franchise  
41 assessment will not be amended so as to repeal or reduce the franchise  
42 assessment while bonds issued pursuant to P.L.1995, c.173  
43 (C.40A:12A-50 et seq.) and this amendatory and supplementary act,  
44 P.L.1996, c.73 (C.40A:12A-50a et al.) are outstanding, unless the  
45 resolution authorizing the bonds shall provide otherwise. Such  
46 covenant shall constitute a valid and legally binding contract between

1 the municipality and bondholders.

2 d. No franchise assessment shall be imposed on gross receipts  
3 which the municipality or the State is prohibited from taxing under  
4 New Jersey law, or the Constitution and laws of the United States of  
5 America.

6 e. Upon adoption, the municipal clerk shall immediately transmit  
7 a copy of the ordinance to the Director of the Division of Local  
8 Government Services in the Department of Community and Urban  
9 Affairs and to the Director of the Division of Taxation in the  
10 Department of the Treasury. Every ordinance levying a franchise  
11 assessment pursuant to this section shall provide for reporting  
12 assessments due and for the collection thereof, and all franchise  
13 assessments pursuant to such an ordinance shall be remitted to the  
14 chief financial officer of the municipality. An ordinance levying a  
15 franchise assessment shall take effect only on the first day of any  
16 month in any year. The ordinance shall provide for the allocation and  
17 distribution of the proceeds of the franchise assessments collected;  
18 provided, however, that only such sums as are retained by the  
19 municipality pursuant to the ordinance shall be included in the general  
20 funds of the municipality and all other franchise assessment proceeds  
21 shall be held in trust for the payment or reimbursement of costs or  
22 obligations incurred for the purposes of the district.

23 f. The ordinance shall set forth the person or persons subject to the  
24 franchise assessment payment and collection procedures, and any other  
25 matters deemed relevant by the municipality with the municipality  
26 having discretion as to the mechanism to be utilized. The ordinance  
27 shall also contain findings that the imposition of the franchise  
28 assessment is necessary because of the substantial risks undertaken to  
29 develop a landfill reclamation improvement district, and to offset loss  
30 of revenues by the municipality because of its assignment of payments  
31 in lieu of taxes.

32 g. The ordinance shall provide for the collection of the franchise  
33 assessment by an officer of the municipality who shall be designated  
34 in the ordinance; shall provide methods for enforcement; and may  
35 provide penalties for the violation of any of the provisions of the  
36 ordinance.

37 h. All revenues collected under the ordinance and retained by the  
38 municipality pursuant to this section shall be deposited in the general  
39 fund of the municipality and may be used for general municipal  
40 purposes, including the payment of salaries, construction,  
41 reconstruction, maintenance and repair of municipal buildings,  
42 installations and properties and for such other purposes as may be  
43 provided by existing ordinances or ordinances hereafter enacted for  
44 general municipal purposes.

45 (cf: P.L.1996, c.73, s.5)

1 220. N.J.S.40A:14-37 is amended to read as follows:

2 40A:14-37. a. In any fire district maintaining a volunteer fire  
3 department, or wherein there shall exist one or more incorporated  
4 volunteer fire companies affording fire protection to the fire district,  
5 the membership whereof are serving under the jurisdiction of and with  
6 the consent of the fire district and have formed, or may hereafter form  
7 themselves into a group or groups, for the purpose of obtaining the  
8 advantages of the group plan of life insurance, in any of the plans now  
9 in vogue, or any plan which may hereafter be inaugurated, it shall be  
10 lawful for the board of commissioners of such fire district, by  
11 resolution, to appropriate moneys for the purpose of defraying the cost  
12 of such insurance and to pay the premiums therefor.

13 No board of commissioners of any fire district shall pay any  
14 premiums on account of any policy of group life insurance as provided  
15 herein where the amount payable upon the death of each assured under  
16 the terms of the policy exceeds the sum of \$10,000.00.

17 b. The board of commissioners of a fire district may, by resolution,  
18 contract for and appropriate money to defray the cost of any individual  
19 life insurance policy which provides cash value, non-forfeiture benefits  
20 and loan provisions for volunteer firefighters in its jurisdiction. Any  
21 such policy may provide for additional benefits by means of a rider.

22 The amount payable upon the death of each insured on any  
23 individual life insurance policy contracted for pursuant to the  
24 provisions of this section shall not exceed the sum of \$16,500.

25 The Director of the Division of Local Government Services in the  
26 Department of Community and Urban Affairs, after consultation with  
27 the Commissioner of Insurance, shall promulgate rules and regulations  
28 in accordance with the provisions of the "Administrative Procedure  
29 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to regulate the provision  
30 of insurance under this subsection.

31 (cf: P.L.1991, c.398, s.1)

32

33 221. Section 3 of P.L.1991, c.431 (C.40A:20-3) is amended to  
34 read as follows:

35 3. As used in this act:

36 a. "Gross revenue" means annual gross revenue or gross shelter  
37 rent or annual gross rents, as appropriate, and other income, for each  
38 urban renewal entity designated pursuant to this act. The financial  
39 agreement shall establish the method of computing gross revenue for  
40 the entity, and the method of determining insurance, operating and  
41 maintenance expenses paid by a tenant which are ordinarily paid by a  
42 landlord, which shall be included in the gross revenue; provided,  
43 however, that any federal funds received, whether directly or in the  
44 form of rental subsidies paid to tenants, by a nonprofit corporation  
45 that is the sponsor of a qualified subsidized housing project, shall not  
46 be included in the gross revenue of the project for purposes of

1 computing the annual services charge for municipal services supplied  
2 to the project.

3 b. "Limited-dividend entity" means an urban renewal entity  
4 incorporated pursuant to Title 14A of the New Jersey Statutes, or  
5 established pursuant to Title 42 of the Revised Statutes, for which the  
6 profits and the entity are limited as follows. The allowable net profits  
7 of the entity shall be determined by applying the allowable profit rate  
8 to each total project unit cost, if the project is undertaken in units, or  
9 the total project cost, if the project is not undertaken in units, for the  
10 period commencing on the date on which the construction of the unit  
11 or project is completed, and terminating at the close of the fiscal year  
12 of the entity preceding the date on which the computation is made,  
13 where:

14 "Allowable profit rate" means the percentage per annum arrived at  
15 by adding 1 1/4% to the annual interest percentage rate payable on the  
16 entity's initial permanent mortgage financing. If the initial permanent  
17 mortgage is insured or guaranteed by a governmental agency, the  
18 mortgage insurance premium or similar charge, if payable on a per  
19 annum basis, shall be considered as interest for this purpose. If there  
20 is no permanent mortgage financing the allowable profit rate shall be  
21 arrived at by adding 1 1/4% per annum to the interest rate per annum  
22 which the municipality determines to be the prevailing rate on  
23 mortgage financing on comparable improvements in the county.

24 c. "Net profit" means the gross revenues of the urban renewal  
25 entity less all operating and non-operating expenses of the entity, all  
26 determined in accordance with generally accepted accounting  
27 principles, but:

28 (1) there shall be included in expenses: (a) all annual service  
29 charges paid pursuant to section 12 of P.L.1991, c.431  
30 (C.40A:20-12); (b) all payments to the municipality of excess profits  
31 pursuant to section 15 or 16 of P.L.1991, c.431 (C.40A:20-15 or  
32 40A:20-16); (c) an annual amount sufficient to amortize the total  
33 project cost over the life of the improvements, as set forth in the  
34 financial agreement, which shall not be less than the terms of the  
35 financial agreement; and (d) all reasonable annual operating expenses  
36 of the urban renewal entity, including the cost of all management fees,  
37 brokerage commissions, insurance premiums, all taxes or service  
38 charges paid, legal, accounting, or other professional service fees,  
39 utilities, building maintenance costs, building and office supplies, and  
40 payments into repair or maintenance reserve accounts;

41 (2) there shall not be included in expenses either depreciation or  
42 obsolescence, interest on debt, income taxes, or salaries, bonuses or  
43 other compensation paid, directly or indirectly to directors, officers  
44 and stockholders of the entity, or officers, partners or other persons  
45 holding any proprietary ownership interest in the entity.

46 The urban renewal entity shall provide to the municipality an annual

1 audited statement which clearly identifies the calculation of net profit  
2 for the urban renewal entity during the previous year. The annual  
3 audited statement shall be prepared by a certified public accountant  
4 and shall be submitted to the municipality within 90 days of the close  
5 of the fiscal year.

6 d. "Nonprofit entity" means an urban renewal entity incorporated  
7 pursuant to Title 15A of the New Jersey Statutes for which no part of  
8 its net profits inures to the benefit of its members.

9 e. "Project" means any work or undertaking pursuant to a  
10 redevelopment plan adopted pursuant to the "Local Redevelopment  
11 and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), which has as  
12 its purpose the redevelopment of all or any part of a redevelopment  
13 area including any industrial, commercial, residential or other use, and  
14 may include any buildings, land, including demolition, clearance or  
15 removal of buildings from land, equipment, facilities, or other real or  
16 personal properties which are necessary, convenient, or desirable  
17 appurtenances, such as, but not limited to, streets, sewers, utilities,  
18 parks, site preparation, landscaping, and administrative, community,  
19 health, recreational, educational and welfare facilities.

20 f. "Redevelopment area" means an area determined to be in need  
21 of redevelopment and for which a redevelopment plan has been  
22 adopted by a municipality pursuant to the "Local Redevelopment and  
23 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.).

24 g. "Urban renewal entity" means a limited-dividend entity or a  
25 nonprofit entity which enters into a financial agreement pursuant to  
26 this act with a municipality to undertake a project pursuant to a  
27 redevelopment plan for the redevelopment of all or any part of a  
28 redevelopment area, or a project necessary, useful, or convenient for  
29 the relocation of residents displaced or to be displaced by the  
30 redevelopment of all or any part of one or more redevelopment areas,  
31 or a low and moderate income housing project.

32 h. "Total project unit cost" or "total project cost" means the  
33 aggregate of the following items as related to a unit of a project, if the  
34 project is undertaken in units, or to the total project, if the project is  
35 not undertaken in units, all of which as limited by, and approved as  
36 part of the financial agreement: (1) cost of the land and improvements  
37 to the entity, whether acquired from a private or a public owner, with  
38 cost in the case of leasehold interests to be computed by capitalizing  
39 the aggregate rental at a rate provided in the financial agreement; (2)  
40 architect, engineer and attorney fees, paid or payable by the entity in  
41 connection with the planning, construction and financing of the  
42 project; (3) surveying and testing charges in connection therewith; (4)  
43 actual construction costs which the entity shall cause to be certified  
44 and verified to the municipality and the municipal governing body by  
45 an independent and qualified architect, including the cost of any  
46 preparation of the site undertaken at the entity's expense; (5)

1 insurance, interest and finance costs during construction; (6) costs of  
 2 obtaining initial permanent financing; (7) commissions and other  
 3 expenses paid or payable in connection with initial leasing; (8) real  
 4 estate taxes and assessments during the construction period; (9) a  
 5 developer's overhead based on a percentage of actual construction  
 6 costs, to be computed at not more than the following schedule:

7		
8	\$500,000 or less -	10%
9	\$500,000 through \$1,000,000 -	\$50,000 plus 8% on excess
10		above \$500,000
11	\$1,000,001 through \$2,000,000 -	\$90,000 plus 7% on excess above
12		\$1,000,000
13	\$2,000,001 through \$3,500,000 -	\$160,000 plus 5.6667% on excess
14		above \$2,000,000
15	\$3,500,001 through \$5,500,000 -	245,000 plus 4.25% on excess
16		above \$3,500,000
17	\$5,500,001 through \$10,000,000 -	\$330,000 plus 3.7778% on excess
18		above \$5,500,000
19	over \$10,000,000 -	5%
20		

21 If the financial agreement so provides, there shall be excluded from  
 22 the total project cost actual costs incurred by the entity and certified  
 23 to the municipality by an independent and qualified architect or  
 24 engineer which are associated with site remediation and cleanup of  
 25 environmentally hazardous materials or contaminants in accordance  
 26 with State or federal law.

27 i. "Housing project" means any work or undertaking to provide  
 28 decent, safe, and sanitary dwellings for families in need of housing; the  
 29 undertaking may include any buildings, land (including demolition,  
 30 clearance or removal of buildings from land), equipment, facilities, or  
 31 other real or personal properties or interests therein which are  
 32 necessary, convenient or desirable appurtenances of the undertaking,  
 33 such as, but not limited to, streets, sewers, water, utilities, parks; site  
 34 preparation; landscaping, and administrative, community, health,  
 35 recreational, educational, welfare, commercial, or other facilities, or  
 36 to provide any part or combination of the foregoing.

37 j. "Redevelopment relocation housing project" means a housing  
 38 project which is necessary, useful or convenient for the relocation of  
 39 residents displaced by redevelopment of all or any part of one or more  
 40 redevelopment areas.

41 k. "Low and moderate income housing project" means a housing  
 42 project which is occupied, or is to be occupied, exclusively by  
 43 households whose incomes do not exceed income limitations  
 44 established pursuant to any State or federal housing program.

45 l. "Qualified subsidized housing project" means a low and moderate  
 46 income housing project owned by a nonprofit corporation organized

1 under the provisions of Title 15A of the New Jersey Statutes for the  
2 purpose of developing, constructing and operating rental housing for  
3 senior citizens under section 202 of Pub.L. 86-372 (12 U.S.C.  
4 s.1701q) or rental housing for persons with disabilities under section  
5 811 of Pub.L. 101-625 (42 U.S.C. s.8013), or under any other federal  
6 program that the Commissioner of Community and Urban Affairs by  
7 rule may determine to be of a similar nature and purpose.

8 (cf: P.L.1994, c.87, s.1)

9

10 222. Section 5 of P.L.1991, c.431 (C.40A:20-5) is amended to  
11 read as follows:

12 5. Any duly formed corporation, partnership, limited partnership,  
13 limited partnership association, or other unincorporated entity may  
14 qualify as an urban renewal entity under this act, if its certificate of  
15 incorporation, or other similar certificate or statement as may be  
16 required by law, shall contain the following provisions:

17 a. The name of the entity shall include the words "Urban Renewal."

18 b. The purpose for which it is formed shall be to operate under this  
19 act and to initiate and conduct projects for the redevelopment of a  
20 redevelopment area pursuant to a redevelopment plan, or projects  
21 necessary, useful, or convenient for the relocation of residents  
22 displaced or to be displaced by the redevelopment of all or part of one  
23 or more redevelopment areas, or low and moderate income housing  
24 projects, and, when authorized by financial agreement with the  
25 municipality, to acquire, plan, develop, construct, alter, maintain or  
26 operate housing, senior citizen housing, business, industrial,  
27 commercial, administrative, community, health, recreational,  
28 educational or welfare projects, or any combination of two or more of  
29 these types of improvement in a single project, under such conditions  
30 as to use, ownership, management and control as regulated pursuant  
31 to this act.

32 c. A provision that so long as the entity is obligated under financial  
33 agreement with a municipality made pursuant to this act, it shall  
34 engage in no business other than the ownership, operation and  
35 management of the project.

36 d. A declaration that the entity has been organized to serve a public  
37 purpose, that its operations shall be directed toward: (1) the  
38 redevelopment of redevelopment areas, the facilitation of the  
39 relocation of residents displaced or to be displaced by redevelopment,  
40 or the conduct of low and moderate income housing projects; (2) the  
41 acquisition, management and operation of a project, redevelopment  
42 relocation housing project, or low and moderate income housing  
43 project under this act; and (3) that it shall be subject to regulation by  
44 the municipality in which its project is situated, and to a limitation or  
45 prohibition, as appropriate, on profits or dividends for so long as it  
46 remains the owner of a project subject to this act.

1 e. A provision that the entity shall not voluntarily transfer more  
2 than 10% of the ownership of the project or any portion thereof  
3 undertaken by it under this act, until it has first removed both itself and  
4 the project from all restrictions of this act in the manner required by  
5 this act and, if the project includes housing units, has obtained the  
6 consent of the Commissioner of Community and Urban Affairs to such  
7 transfer; with the exception of transfer to another urban renewal  
8 entity, as approved by the municipality in which the project is situated,  
9 which other urban renewal entity shall assume all contractual  
10 obligations of the transferor entity under the financial agreement with  
11 the municipality. The entity shall file annually with the municipal  
12 governing body a disclosure of the persons having an ownership  
13 interest in the project, and of the extent of the ownership interest of  
14 each.

15 f. A provision stating that the entity is subject to the provisions of  
16 section 18 of P.L.1991, c.431 (C.40A:20-18) respecting the powers  
17 of the municipality to alleviate financial difficulties of the urban  
18 renewal entity or to perform actions on behalf of the entity upon a  
19 determination of financial emergency.

20 g. A provision stating that any housing units constructed or  
21 acquired by the entity shall be managed subject to the supervision of,  
22 and rules adopted by, the Commissioner of Community and Urban  
23 Affairs.

24 If the entity shall not by reason of any other law be required to file  
25 a statement or certificate with the Secretary of State, then the entity  
26 shall file a certificate in the office of the clerk of the county in which  
27 its principal place of business is located setting forth, in addition to the  
28 matters listed above, its full name, the name under which it shall do  
29 business, its duration, the location of its principal offices, the name of  
30 a person or persons upon whom service may be effected, and the name  
31 and address and extent of each person having any ownership or  
32 proprietary interest therein.

33 A certificate of incorporation, or similar certificate or statement,  
34 shall not be accepted for filing with the Secretary of State or office of  
35 the county clerk until the certificate or statement has been reviewed  
36 and approved by the Commissioner of [the Department of] Community  
37 and Urban Affairs.

38 (cf: P.L.1991, c.431, s.5)

39

40 223. Section 9 of P.L.1991, c.431 (C.40A:20-9) is amended to  
41 read as follows:

42 9. Every approved project shall be evidenced by a financial  
43 agreement between the municipality and the urban renewal entity. The  
44 agreement shall be prepared by the entity and submitted as a separate  
45 part of its application for project approval. Any amendments or  
46 modifications of the agreement made thereafter shall be by mutual

1 consent of the municipality and the urban renewal entity, and shall be  
2 subject to approval by resolution of the municipal governing body  
3 upon recommendation of the mayor or other chief executive officer of  
4 the municipality prior to taking effect.

5 The financial agreement shall be in the form of a contract requiring  
6 full performance within 30 years from the date of completion of the  
7 project, and shall include the following:

8 a. That the profits of or dividends payable by the urban renewal  
9 entity shall be limited according to terms appropriate for the type of  
10 entity in conformance with the provisions of this act.

11 b. That all improvements in the project to be constructed or  
12 acquired by the urban renewal entity shall be exempt from taxation as  
13 provided in this act.

14 c. That the urban renewal entity shall make payments for municipal  
15 services as provided in this act.

16 d. That the urban renewal entity shall submit annually, within 90  
17 days after the close of its fiscal year, its auditor's reports to the mayor  
18 and governing body of the municipality and to the Director of the  
19 Division of Local Government Services in the Department of  
20 Community and Urban Affairs.

21 e. That the urban renewal entity shall, upon request, permit  
22 inspection of property, equipment, buildings and other facilities of the  
23 entity, and also permit examination and audit of its books, contracts,  
24 records, documents and papers by authorized representatives of the  
25 municipality or the State.

26 f. That in the event of any dispute between the parties matters in  
27 controversy shall be resolved by arbitration in the manner provided in  
28 the financial agreement.

29 g. That operation under the financial agreement shall be terminable  
30 by the urban renewal entity in the manner provided by this act.

31 h. That the urban renewal entity shall at all times prior to the  
32 expiration or other termination of the financial agreement remain  
33 bound by the provisions of this act.

34 The financial agreement shall contain detailed representations and  
35 covenants by the urban renewal entity as to the manner in which it  
36 proposes to use, manage or operate the project. The financial  
37 agreement shall further set forth the method for computing gross  
38 revenue for the urban renewal entity, the method of determining  
39 insurance, operating and maintenance expenses paid by a tenant which  
40 are ordinarily paid by a landlord, the plans for financing the project,  
41 including the estimated total project cost, the amortization rate on the  
42 total project cost, the source of funds, the interest rates to be paid on  
43 the construction financing, the source and amount of paid-in capital,  
44 the terms of mortgage amortization or payment of principal on any  
45 mortgage, a good faith projection of initial sales prices of any  
46 condominium units and expenses to be incurred in promoting and

1 consummating such sales, and the rental schedules and lease terms to  
2 be used in the project.

3 (cf: P.L.1991, c.431, s.9)

4

5 224. Section 13 of P.L.1991, c.431 (C.40A:20-13) is amended to  
6 read as follows:

7 13. The tax exemption provided in this act shall apply only so long  
8 as the urban renewal entity and its project remain subject to the  
9 provisions of this act, but in no event more than 35 years from the date  
10 of the execution of the financial agreement. An urban renewal entity  
11 may at any time after the expiration of one year from the completion  
12 date of the project, notify the governing body of the municipality that,  
13 as of a certain date designated in the notice, it relinquishes its status  
14 under this act, and if the project includes housing units, that the urban  
15 renewal entity has obtained the consent of the Commissioner of  
16 Community and Urban Affairs to such a relinquishment. As of that  
17 date, the tax exemption, the service charges, and the profit and  
18 dividend restrictions shall terminate. The date of termination of tax  
19 exemption, whether by relinquishment by the entity or by terms of the  
20 financial agreement, shall be deemed the close of the fiscal year of the  
21 entity. Within 90 days of that date, the urban renewal entity shall pay  
22 to the municipality the amount of reserve, if any maintained pursuant  
23 to section 15 or 16 of this act, as well as the excess net profits, if any,  
24 payable as of that date.

25 (cf: P.L.1991, c.431, s.13)

26

27 225. Section 18 of P.L.1991, c.431 (C.40A:20-18) is amended to  
28 read as follows:

29 18. a. If the Local Finance Board has reason to believe that an  
30 urban renewal entity which owns a housing project is faced with  
31 financial difficulty, the chairman of the Local Finance Board shall  
32 summon an appropriate official of the entity to a hearing before the  
33 board. The board may require the production of papers, documents,  
34 witnesses or information, and may make or cause to be made an audit  
35 or investigation of the circumstances with respect to which the hearing  
36 was called.

37 b. If the chairman of the Local Finance Board shall determine that,  
38 as a result of mismanagement, mortgage foreclosure, or other fiscal,  
39 legal or managerial conduct, a financial emergency exists which  
40 requires the municipality to protect the health, safety or welfare of the  
41 residents of the housing project, the Local Finance Board shall order  
42 the implementation of a financial plan which will ensure the protection  
43 of the residents of the housing project. The order shall be deemed  
44 conclusive and final, and upon receipt of the order all persons shall be  
45 estopped from contesting the order or the provisions thereof, and the  
46 urban renewal entity affected thereby shall take action to comply with

1 the order.

2 c. A financial plan ordered pursuant to this section may stipulate  
3 the legal, fiscal, operational or managerial actions to be taken by the  
4 entity to correct the circumstances, and may require that the  
5 appropriate officer or agency of the Department of Community and  
6 Urban Affairs shall perform those actions on behalf of the entity or  
7 otherwise arrange for performance of those actions. The financial plan  
8 may require within the limitations imposed by this act, modifications  
9 of the financial agreement entered into with the urban renewal entity  
10 by the municipality, notwithstanding the lack of consent by the urban  
11 renewal entity to those modifications, if the modifications are  
12 approved by the municipal governing body.

13 (cf: P.L.1991, c.431, s.18)

14

15 226. Section 21 of P.L.1991, c.431 (C.40A:20-20) is amended to  
16 read as follows:

17 21. The Commissioner of Community and Urban Affairs and the  
18 Local Finance Board shall have the authority to adopt such  
19 administrative rules as may be necessary to implement this act.

20 (cf: P.L.1991, c.431, s.21)

21

22 227. Section 11 of P.L.1991, c.441 (C.40A:21-11) is amended to  
23 read as follows:

24 11. a. All tax agreements entered into by municipalities pursuant  
25 to sections 9 through 12 of P.L.1991, c.441 shall be in effect for no  
26 more than the five full tax years next following the date of completion  
27 of the project.

28 b. All projects subject to tax agreement as provided herein shall be  
29 subject to all applicable federal, State and local laws and regulations  
30 on pollution control, worker safety, discrimination in employment,  
31 housing provision, zoning, planning and building code requirements.

32 c. That percentage which the payment in lieu of taxes for a  
33 property bears to the property tax which would have been paid had an  
34 exemption and abatement not been granted for the property under the  
35 agreement shall be applied to the valuation of the property to  
36 determine the reduced valuation of the property to be included in the  
37 valuation of the municipality for determining equalization for county  
38 tax apportionment and school aid during the term of the tax  
39 agreements covering the properties, and at the termination of an  
40 agreement for a property the reduced valuation procedure required  
41 under this section shall no longer apply.

42 d. Within 30 days after the execution of a tax agreement, a  
43 municipality shall forward a copy of the agreement to the Director of  
44 the Division of Local Government Services in the Department of  
45 Community and Urban Affairs.

46 (cf: P.L.1991, c.441, s.11)

1       228. Section 19 of P.L.1991, c.441 (C.40A:21-19) is amended to  
2 read as follows:

3       19. The Commissioner [of the Department] of Community and  
4 Urban Affairs is authorized to determine standards and guidelines and  
5 to promulgate rules and regulations to effectuate the purposes of this  
6 act.

7 (cf: P.L.1991, c.441, s.19)

8

9       229. Section 21 of P.L.1991, c.441 (C.40A:21-21) is amended to  
10 read as follows:

11       21. The governing body of a municipality adopting an ordinance  
12 pursuant to this act shall report, on or before October 1 of each year,  
13 to the Director of the Division of Local Government Services in the  
14 Department of Community and Urban Affairs and to the Director of  
15 the Division of Taxation in the Department of the Treasury the total  
16 amount of real property taxes exempted and the total amount abated  
17 within the municipality in the current tax year for each of the  
18 following:

- 19       a. improvements of dwellings;  
20       b. construction of dwellings;  
21       c. improvements and conversions of multiple dwellings;  
22       d. improvements of commercial or industrial structures;  
23       e. construction of multiple dwellings under tax agreements; and  
24       f. construction of commercial or industrial structures under tax  
25 agreements.

26       In the case of e. and f. above, the report shall state instead the total  
27 amount of payments made in lieu of taxes according to each formula  
28 utilized by the municipality, and the difference between that total  
29 amount and the total amount of real property taxes which would have  
30 been paid on the project had the tax agreement not been in effect, for  
31 the current tax year.

32       The Director of the Division of Taxation shall include a summary  
33 of the information provided in the annual reports in the annual report  
34 of the division.

35 (cf: P.L.1991, c.441, s.21)

36

37       230. Section 8 of P.L.1987, c.282 (C.44:10-16) is amended to read  
38 as follows:

39       8. The Commissioner of Human Services shall establish the  
40 REACH program on a county-by-county basis according to a program  
41 implementation plan specifically designed to meet the needs of each  
42 county.

- 43       a. The commissioner shall establish a REACH planning committee  
44 in each county to determine the most effective way to plan and  
45 organize services in that county. The planning committee shall, at a  
46 minimum, include the following as voting members: the director of the

1 county welfare agency; a representative of the board of chosen  
2 freeholders; a representative of the local Private Industry Council of  
3 the service delivery area established pursuant to the "Job Training  
4 Partnership Act," Pub.L. 97-300 (29 U.S.C. s. 1501 et al.), or of a  
5 successor entity as may be provided by federal law; and the  
6 chairperson of the county Human Services Advisory Council. The  
7 planning committee may also include as voting members the following:  
8 a representative of the local community college; a representative of the  
9 county vocational school; a representative of private business or  
10 industry in that county; two or more recipients of aid to families with  
11 dependent children residing in that county, whose costs of  
12 participation in the planning committee shall be borne by the REACH  
13 program; county residents who represent the nonprofit and religious  
14 communities in the county; and other agencies of the county  
15 government, as appropriate. In addition, the planning committee shall  
16 include as nonvoting members representatives of the following  
17 agencies: the Division of Public Welfare in the Department of Human  
18 Services, the Division of Employment Services in the Department of  
19 Labor, the Bureau of Adult Education in the Department of Education,  
20 the Division of Housing and Development in the Department of  
21 Community and Urban Affairs and the county representative of the  
22 Department of Human Services.

23 b. The committee shall develop a program implementation plan for  
24 the county which shall ensure that training, education and employment  
25 services provided by the REACH program in that county reflect local  
26 needs and resources and that supportive services provided to program  
27 participants utilize existing local arrangements wherever possible. The  
28 plan shall also designate a county agency to administer the REACH  
29 program in the county and to report to the commissioner on program  
30 implementation and effectiveness according to criteria and standards  
31 established by the commissioner.

32 c. Pursuant to the provisions of the program implementation plan,  
33 the commissioner may contract with a county government for the  
34 provision of some or all of the services under the REACH program or  
35 provide them directly.

36 d. The commissioner shall reimburse a county for 100% of the  
37 reasonable costs associated with administration of the REACH  
38 program and program services which are not reimbursed by the federal  
39 government.

40 (cf: P.L.1987, c.282, s.8)

41

42 231. Section 3 of P.L.1969, c.215 (C.45:22A-3) is amended to  
43 read as follows:

44 3. This act shall be administered by the Division of Housing and  
45 Urban Renewal, State Department of Community and Urban Affairs,

1 which hereinafter is called the agency.

2 (cf: P.L.1969, c.215, s.3)

3

4 232. Section 11 of P.L.1969, c.215 (C.45:22A-11) is amended to  
5 read as follows:

6 11. (a) The agency shall adopt, amend, or repeal such rules and  
7 regulations as are reasonably necessary for the enforcement of the  
8 provisions of this act, after a public hearing with notice thereof  
9 published once in a newspaper or newspapers with Statewide  
10 circulation not less than 5 days nor more than 15 days prior to the  
11 hearing and mailed to developers not less than 5 days nor more than  
12 15 days prior to the public hearing. The Director of the Division on  
13 Aging, State Department of Community and Urban Affairs, shall  
14 advise the director of the agency concerning the promulgation or  
15 alteration of such rules. The rules shall include but not be limited to  
16 provisions for advertising standards to assure full and fair disclosure;  
17 provisions for escrow or trust agreements or other means reasonably  
18 to assure that all improvements referred to in the statement of record  
19 and advertising will be completed and that purchasers will receive the  
20 interest in land contracted for; provisions for operating procedures;  
21 rules of procedure to be followed in the conduct of all hearings; and  
22 other rules as are necessary and proper to effect the purpose of this  
23 act.

24 (b) The agency by rule or by an order, after reasonable notice to all  
25 developers covered by this act and a hearing, may require the filing of  
26 advertising material relating to retirement subdivision and community  
27 lands prior to its distribution.

28 (c) If it appears that a person has engaged or is about to engage in  
29 an act or practice constituting a violation of a provision of this act, or  
30 a rule or order hereunder, the agency, with or without prior  
31 administrative proceedings, may bring an action in the Chancery  
32 Division of the State Superior Court to enjoin the acts or practices  
33 and to enforce compliance with this act or any rule or order  
34 hereunder. Upon proper showing, injunctive relief or temporary  
35 restraining orders shall be granted, and a receiver may be appointed.  
36 The agency is not required to post a bond in any court proceedings.

37 (d) The agency may intervene in a suit involving subdivisions or  
38 community lands covered by this act. In such suit, the developer shall  
39 promptly furnish the agency notice of the suit and copies of all  
40 pleadings.

41 (e) The agency may:

42 (1) Accept registrations filed in other states or with the Federal  
43 Government, or with the Bureau of Securities, within the Division of  
44 Consumer Affairs, Department of Law and Public Safety;

45 (2) Grant exemptions if allowed by rules promulgated under  
46 subsection (a);

1 (3) Contract with similar agencies in this State or other  
2 jurisdictions to perform investigative functions;

3 (4) Accept grants in aid from any source.

4 (f) The agency shall cooperate with similar agencies in other  
5 jurisdictions to establish uniform filing procedures, statements of  
6 record and forms, uniform public offering statements, advertising  
7 standards, rules and common administrative practices.

8 (cf: P.L.1975, c.335, s.3)

9

10 233. Section 3 of P.L.1977, c.419 (C.45:22A-23) is amended to  
11 read as follows:

12 3. As used in this act unless the context clearly indicates otherwise:

13 a. "Disposition" means any sales, contract, lease, assignment, or  
14 other transaction concerning a planned real estate development.

15 b. "Developer" or "subdivider" means any person who disposes or  
16 offers to dispose of any lot, parcel, unit, or interest in a planned real  
17 estate development.

18 c. "Offer" means any inducement, solicitation, advertisement, or  
19 attempt to encourage a person to acquire a unit, parcel, lot, or interest  
20 in a planned real estate development.

21 d. "Purchaser" or "owner" means any person or persons who  
22 acquires a legal or equitable interest in a unit, lot, or parcel in a  
23 planned real estate development, and shall be deemed to include a  
24 prospective purchaser or owner.

25 e. "State" means the State of New Jersey.

26 f. "Commissioner" means the Commissioner of Community and  
27 Urban Affairs.

28 g. "Person" shall be defined as in R.S.1:1-2.

29 h. "Planned real estate development" or "development" means any  
30 real property situated within the State, whether contiguous or not,  
31 which consists of or will consist of, separately owned areas,  
32 irrespective of form, be it lots, parcels, units, or interest, and which are  
33 offered or disposed of pursuant to a common promotional plan, and  
34 providing for common or shared elements or interests in real property.

35 This definition shall specifically include, but shall not be limited to,  
36 property subject to the "Condominium Act," P.L.1969, c.257  
37 (C.46:8B-1 et seq.), any form of homeowners' association, any  
38 housing cooperative or to any community trust or other trust device.

39 This definition shall be construed liberally to effectuate the  
40 purposes of this act.

41 i. "Common promotional plan" means any offer for the disposition  
42 of lots, parcels, units or interests of real property by a single person or  
43 group of persons acting in concert, where such lots, parcels, units or  
44 interests are contiguous, or are known, designated or advertised as a  
45 common entity or by a common name.

46 j. "Advertising" means and includes the publication or causing to

1 be published of any information offering for disposition or for the  
2 purpose of causing or inducing any other person to purchase an  
3 interest in a planned real estate development, including the land sales  
4 contract to be used and any photographs or drawings or artist's  
5 representations of physical conditions or facilities on the property  
6 existing or to exist by means of any:

- 7 (1) Newspaper or periodical;
- 8 (2) Radio or television broadcast;
- 9 (3) Written or printed or photographic matter;
- 10 (4) Billboards or signs;
- 11 (5) Display of model houses or units;
- 12 (6) Material used in connection with the disposition or offer of the  
13 development by radio, television, telephone or any other electronic  
14 means; or
- 15 (7) Material used by developers or their agents to induce  
16 prospective purchasers to visit the development, particularly vacation  
17 certificates which require the holders of such certificates to attend or  
18 submit to a sales presentation by a developer or his agents.

19 "Advertising" does not mean and shall not be deemed to include:  
20 Stockholder communications such as annual reports and interim  
21 financial reports, proxy materials, registration statements, securities  
22 prospectuses, applications for listing securities on stock exchanges,  
23 and the like; all communications addressed to and relating to the  
24 account of any person who has previously executed a contract for the  
25 purchase of the subdivider's lands except when directed to the sale of  
26 additional lands.

27 k. "Nonbinding reservation agreement" means an agreement  
28 between the developer and a purchaser and which may be cancelled  
29 without penalty by either party upon written notice at any time prior  
30 to the formation of a contract for the disposition of any lot, parcel,  
31 unit or interest in a planned real estate development.

32 l. "Blanket encumbrance" means a trust deed, mortgage, judgment,  
33 or any other lien or encumbrance, including an option or contract to  
34 sell or a trust agreement, affecting a development or affecting more  
35 than one lot, unit, parcel, or interest therein, but does not include any  
36 lien or other encumbrance arising as the result of the imposition of any  
37 tax assessment by any public authority.

38 m. "Conversion" means any change with respect to a real estate  
39 development or subdivision, apartment complex or other entity  
40 concerned with the ownership, use or management of real property  
41 which would make such entity a planned real estate development.

42 n. "Association" means an association for the management of  
43 common elements and facilities, organized pursuant to section 1 of  
44 P.L.1993, c.30 (C.45:22A-43).

45 o. "Executive board" means the executive board of an association,  
46 as provided for in section 3 of P.L.1993, c.30 (C.45:22A-45).

1 p. "Unit" means any lot, parcel, unit or interest in a planned real  
2 estate development that is, or is intended to be, a separately owned  
3 area thereof.

4 (cf: P.L.1993, c.30, s.7)

5

6 234. Section 4 of P.L.1977, c.419 (C.45:22A-24) is amended to  
7 read as follows:

8 4. This act shall be administered by the Division of Housing and  
9 Development in the State Department of Community and Urban  
10 Affairs, hereinafter referred to as the "agency."

11 (cf: P.L.1993, c.258, s.9)

12

13 235. Section 6 of P.L.1993, c.30 (C.45:22A-48) is amended to  
14 read as follows:

15 6. The Commissioner of Community and Urban Affairs shall cause  
16 to be prepared and distributed, for the use and guidance of  
17 associations, executive boards and administrators, explanatory  
18 materials and guidelines to assist them in achieving proper and timely  
19 compliance with the requirements of P.L.1993, c.30 (C.45:22A-43 et  
20 al.). Such guidelines may include the text of model bylaw provisions  
21 suggested or recommended for adoption. Failure or refusal of an  
22 association or executive board to make proper amendment or  
23 supplementation of its bylaws prior to the effective date of P.L.1993,  
24 c.30 (C.45:22A-43 et al.) shall not, however, affect their obligation of  
25 compliance therewith on and after that effective date.

26 (cf: P.L.1993, c.30, s.6)

27

28 236. Section 1 of P.L.1993, c.258 (C.45:22A-49) is amended to  
29 read as follows:

30 1. As used in sections 2 through 8 of this act:

31 "Agency" means the Division of Housing and Development in the  
32 Department of Community and Urban Affairs.

33 "Proprietary campground facility" means any real property designed  
34 and used for the purpose of camping and associated recreational uses  
35 under a condominium or cooperative form of ownership.

36 (cf: P.L.1993, c.258, s.1)

37

38 237. Section 6 of P.L.1993, c.258 (C.45:22A-54) is amended to  
39 read as follows:

40 6. Any person aggrieved by any order issued by the agency under  
41 this act shall be entitled to a hearing before the Commissioner of  
42 Community and Urban Affairs pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The  
44 application for such hearing must be filed with the agency within 10  
45 business days of the receipt by the applicant of notice of the order

- 1 complained of.  
2 (cf: P.L.1993, c.258, s.6)  
3
- 4 238. Section 2 of P.L.1977, c.467 (C.46:3B-2) is amended to read  
5 as follows:
- 6 2. As used in this act:
- 7 a. "Department" means the Department of Community and Urban  
8 Affairs.
- 9 b. "Commissioner" means the Commissioner of Community and  
10 Urban Affairs.
- 11 c. "Warranty" means the warranty prescribed by the commissioner  
12 pursuant to this act.
- 13 d. "New home" means any dwelling unit not previously occupied,  
14 excluding dwelling units constructed solely for lease.
- 15 e. "Owner" means any person for whom the new home is built or  
16 to whom the home is sold for occupation by him or his family as a  
17 home and his successors in title to the home or mortgagee in  
18 possession. Owner does not mean any development company,  
19 association or subsidiary company of the builder or any person or  
20 organization to whom the home may be sold or otherwise conveyed by  
21 the builder for subsequent resale, letting or other purpose.
- 22 f. "Builder" means any individual corporation, partnership or other  
23 business organizations engaged in the construction of new homes.
- 24 g. "Major construction defect" means any actual damage to the  
25 load bearing portion of the home including damage due to subsidence,  
26 expansion or lateral movement of the soil (excluding movement caused  
27 by flood or earthquake) which affects its load bearing function and  
28 which vitally affects or is imminently likely to vitally affect use of the  
29 home for residential purposes.
- 30 h. "Warranty date" means the first occupation or settlement date,  
31 whichever is sooner.
- 32 i. "Approved claim" means, for the purposes of P.L.1991, c.202  
33 (C.46:3B-13 et al.), a claim examined and approved by the  
34 commissioner in accordance with section 3 of P.L.1991, c.202  
35 (C.46:3B-15).
- 36 j. "Approved method" means, for the purposes of P.L.1991, c.202  
37 (C.46:3B-13 et al.), a method of remediation approved by the  
38 commissioner in accordance with section 3 of P.L.1991, c.202  
39 (C.46:3B-15).
- 40 k. "Fund" means, for the purposes of P.L.1991, c.202 (C.46:3B-13  
41 et al.), the new home warranty security fund established in the  
42 department pursuant to section 7 of P.L.1977, c.467 (C.46:3B-7).
- 43 l. "Warranty guarantor" means, for the purposes of P.L.1991,  
44 c.202 (C.46:3B-13 et al.), (1) the new home warranty program  
45 established in the department pursuant to P.L.1977, c.467 (C.46:3B-1  
46 et seq.) or (2) any alternate new home warranty security program

1 approved pursuant to section 8 of P.L.1977, c.467 (C.46:3B-8).  
2 (cf: P.L.1991, c.202, s.7)

3

4 239. Section 8 of P.L.1977, c.467 (C.46:3B-8) is amended to read  
5 as follows:

6 8. The commissioner is authorized and directed to review and  
7 approve alternate new home warranty security programs which  
8 provide for payment of claims against builders for defects covered  
9 under the new home warranty and financial security adequate to cover  
10 the total amount of claims that may be reasonably anticipated against  
11 participating builders at least equivalent to that provided by the new  
12 home warranty security fund. However, any new home warranty  
13 insurance program approved by the Commissioner of Insurance prior  
14 to the adoption of this act shall: (1) Constitute an approved alternate  
15 new home warranty security program and shall be deemed in  
16 accordance with this section and in compliance with this act in the  
17 form and substance heretofore approved by the Commissioner of  
18 Insurance, (2) not be subject to any rules and regulations adopted by  
19 the Commissioner [of the Department] of Community and Urban  
20 Affairs pursuant to this act when such rules and regulations are in  
21 conflict with said previously approved new home warranty program.  
22 Any person desiring approval of a new home warranty security  
23 program shall make application to the commissioner in such form and  
24 manner as he shall prescribe. He may establish and charge reasonable  
25 fees to cover the costs incurred in reviewing and approving such  
26 applications. The commissioner shall review each application and  
27 conduct any investigation he deems necessary with respect to an  
28 application. The commissioner may, and if an applicant so requests,  
29 he shall, hold a hearing on an application in accordance with the  
30 provisions of the Administrative Procedures Act (P.L.1968, c.410,  
31 C.52:14B-1 et seq.) applicable to contested cases. If the  
32 commissioner finds that a new home warranty security program  
33 provides coverage and financial security at least equivalent to the new  
34 home warranty security fund, he shall approve the program. The  
35 commissioner may revoke or suspend the approval for such a program  
36 after a hearing in accordance with the same procedures applicable to  
37 hearings on applications if he finds that the program no longer  
38 provides coverage and financial security equivalent to the new home  
39 warranty security fund.

40 (cf: P.L.1977, c.467, s.8)

41

42 240. Section 2 of P.L.1991, c.202 (C.46:3B-14) is amended to  
43 read as follows:

44 2. a. The commissioner is hereby authorized to advance moneys  
45 out of the fund for the remediation of structural damages due to  
46 defective FRT plywood occurring in structures covered by an

1 approved warranty program, subject to the provisions and  
2 requirements of this act.

3 b. A claim for such advance funding may be made by any owner of  
4 the affected structure, jointly by any owner and builder of the affected  
5 structures, any builder who undertakes to remediate the cited  
6 damages, or any warranty guarantor who undertakes to reimburse the  
7 owner or builder for the costs of such remediation. Approval and  
8 payment of such claim shall be conditioned upon the claimant's  
9 assigning to the State of New Jersey, for the use of the fund, the  
10 claimant's rights in any claim upon any responsible party, or in any  
11 other recovery of funds, that may arise out of the damage cited in the  
12 claim. As a condition of any assignment and as a precondition to the  
13 receipt of any advance funding pursuant to this section, a claimant that  
14 has not previously instituted suit to recover damages on grounds of  
15 failure of FRT plywood shall provide the Department of Community  
16 and Urban Affairs with all documents and information in the  
17 possession of the claimant or of the claimant's counsel or  
18 representative that may be relevant to the State's effort to recover  
19 from responsible parties, and shall agree to cooperate fully with the  
20 Department of Community and Urban Affairs and the Attorney  
21 General's Office in the prosecution of any legal action to obtain such  
22 recovery. If the claimant has previously instituted suit to recover such  
23 damages, then the claimant and its counsel, as a condition of any  
24 assignment and receipt of advance funding shall cooperate with the  
25 Attorney General's pursuit of the claim or any related civil action in  
26 accordance with the provisions of section 6 of this act. The failure of  
27 any claimant or its counsel, employees, members, or agents to  
28 cooperate fully with the Attorney General or the commissioner shall  
29 constitute a basis to deny payment of the claim and the refusal of its  
30 assignment or, in the instance that the claim has already been paid and  
31 assigned, for the rescission of the assignment and the recovery by the  
32 commissioner of any monies paid by the commissioner to the claimant  
33 pursuant to this act. All documents and information communicated to  
34 the Attorney General and the commissioner by the claimant or its  
35 counsel under this section and under section 6 of this act shall be fully  
36 protected by all privileges applicable by statute, court rule, or common  
37 law for attorney-client communications and attorney work product,  
38 and the communication of that information to the Attorney General or  
39 the commissioner by claimant or its counsel shall not be deemed a  
40 waiver of any of those privileges and shall not be deemed to provide  
41 a basis to require those communications to be disclosed to potentially  
42 responsible parties, or their counsel, or others.

43 c. A claim pursuant to this section shall be filed with the  
44 commissioner in such manner and form, and accompanied by such  
45 supporting data, as the commissioner shall by regulations require.  
46 Upon review of such claim the commissioner may require, and the

1 claimant shall supply, such additional data and other information as the  
2 commissioner deems necessary in order to substantiate approval of the  
3 claim in accordance with the standards set forth in section 3 of this  
4 act.

5 d. The commissioner is hereby authorized to expend moneys of the  
6 fund for the expenses of administration of claims made under this  
7 section, including the costs of receiving, verifying and paying such  
8 claims, of handling or resolving administrative hearings or litigation  
9 arising out of claims that are rejected by the commissioner for advance  
10 funding, and of pursuing the recovery of moneys on behalf of the fund  
11 pursuant to section 5 of this act.

12 e. For purposes of this act "owner" means, for purposes of a claim  
13 involving a structure or structures that is filed under this act, an  
14 individual fee simple owner, an association of individual owners or  
15 lessees that is responsible for the maintenance or replacement of the  
16 roof structure or an association formed for the purpose of pursuing a  
17 unified claim under this act.

18 f. For the purposes of this section "undertakes" means, for  
19 purposes of a claim filed by a builder or warranty guarantor, a written  
20 agreement or written acknowledgement by the builder to remediate the  
21 cited damages for the structure or structures for which the claim is  
22 being filed, or a written agreement or written acknowledgement by the  
23 warranty guarantor to reimburse the owner or builder for the costs to  
24 remediate the cited damages for the structure or structures for which  
25 the claim is being filed.

26 (cf: P.L.1991, c.202, s.2)

27

28 241. Section 4 of P.L.1995, c.253 (C.46:3C-4) is amended to read  
29 as follows:

30 4. The municipal clerk of each municipality shall receive and make  
31 available, in the form and manner specified by the Commissioner of  
32 Community and Urban Affairs after consultation with the Department  
33 of Environmental Protection, lists identifying the location of off-site  
34 conditions existing within the boundaries of the municipality.

35 (cf: P.L.1995, c.253, s.4)

36

37 242. Section 5 of P.L.1995, c.253 (C.46:3C-5) is amended to read  
38 as follows:

39 5. a. Every person who owns, leases, or maintains any off-site  
40 condition, as defined in paragraph (3), (4), (5), (6), or (8) of section  
41 3 of P.L.1995, c.253 (C.46:3C-3), located in this State, shall provide  
42 the municipal clerk of each municipality in which those off-site  
43 conditions are located, a list in the form and manner specified by the  
44 Commissioner of Community and Urban Affairs, of the location of the  
45 off-site conditions within the boundaries of the municipality. The  
46 provisions of this subsection shall apply whether or not the person

1 provides any service within a municipality in which an off-site  
2 condition exists.

3 b. Every person subject to the provisions of subsection a. of this  
4 section shall submit the required lists within one year of the effective  
5 date of this act and shall update the lists, as necessary, as of August 31  
6 of every year.

7 The person providing the lists pursuant to this section shall also  
8 send to the municipal clerk of each municipality receiving the list a  
9 statement as follows:

10 "This list identifies [insert type] off-site conditions owned, leased  
11 or maintained by [insert name and address of provider] as defined in  
12 the "New Residential Construction Off-Site Conditions Disclosure  
13 Act," P.L.1995, c.253 (C.46:3C-1 et seq.), which as of [date] have  
14 been identified as existing within [name of municipality]."

15 (cf: P.L.1995, c.253, s.5)

16

17 243. Section 6 of P.L.1995, c.253 (C.46:3C-6) is amended to read  
18 as follows:

19 6. a. The Commissioner of Environmental Protection shall provide  
20 the municipal clerk of each municipality with lists, in the form and  
21 manner specified by the Commissioner of Community and Urban  
22 Affairs, after consultation with the Department of Environmental  
23 Protection, of the location of all off-site conditions, as defined in  
24 paragraphs (1), (2) and (7) of section 3 of P.L.1995, c.253  
25 (C.46:3C-3), located within the boundaries of the municipality.

26 b. The Commissioner of Environmental Protection shall submit the  
27 lists within one year of the effective date of this act and shall update  
28 the lists, as necessary, as of August 31 of every year. The department  
29 shall also send to the municipal clerk of each municipality receiving the  
30 lists a statement as follows:

31 "This list identifies [insert type] off-site conditions as defined in the  
32 "New Residential Construction Off-Site Conditions Disclosure Act,"  
33 P.L.1995, c.253 (C.46:3C-1 et seq.), which as of [date] have been  
34 identified and listed by the Department of Environmental Protection  
35 as existing within [name of municipality]."

36 (cf: P.L.1995, c.253, s.6)

37

38 244. Section 5 of P.L.1985, c.317 (C.46:8-9.2) is amended to read  
39 as follows:

40 5. A lease for a term of one or more years of a property that has  
41 been leased and used by the lessee solely for the purpose of providing  
42 a dwelling place for himself, or himself and his family, may be  
43 terminated prior to the expiration date thereof if the lessee or his  
44 spouse, or both, suffer a disabling illness or accident, upon notice duly  
45 given by the lessee or his spouse, on a form to be provided by the  
46 Director of the Division of Housing and Development in the

1 Department of Community and Urban Affairs, which form shall  
2 include: a. certification of a treating physician that the lessee or spouse  
3 is unable to continue to engage in gainful employment; b. proof of loss  
4 of income; and c. proof that any pension, insurance or other subsidy  
5 to which the lessee or his spouse is entitled is insufficient to  
6 supplement the income of the lessee or his spouse so that the rent on  
7 the property in question can be paid and that the income is necessary  
8 for payment of the rent.

9 A lease may be terminated at a dwelling place that is not  
10 handicapped accessible by a lessee or a member of his household who  
11 suffers a disabling illness or accident, provided that notice is given to  
12 the lessor by the lessee or his spouse or other adult family member, on  
13 a form to be provided by the director which shall include: (a)  
14 certification from a licensed physician that the lessee or a member of  
15 his household is handicapped and that the handicap is likely not to be  
16 of a temporary nature, and (b) a statement that the lessor has been  
17 asked to make the dwelling unit accessible to the lessee or to a  
18 member of his household at the lessor's expense and was unable or  
19 unwilling to do so. For purposes of this section, "handicapped" shall  
20 mean any person who would be considered a handicapped person  
21 pursuant to the definition in section 1 of P.L.1949, c.280  
22 (C.39:4-204).

23 The termination shall take effect on the fortieth day following the  
24 receipt by the lessor of the written notice, and the rent shall be paid up  
25 to the time of termination, at which time the lease shall cease and  
26 come to an end. The property shall be vacated and possession shall be  
27 turned over to the lessor at least five working days prior to the fortieth  
28 day following receipt by the lessor of written notice.

29 (cf: P.L.1993, c.208, s.1)

30

31 245. Section 6 of P.L.1985, c.317 (C.46:8-9.3) is amended to read  
32 as follows:

33 6. The Director of the Division of Housing in the Department of  
34 Community and Urban Affairs shall, pursuant to the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate  
36 rules and regulations necessary to effectuate the purposes of this act.  
37 (cf: P.L.1985, c.317, s.6)

38

39 246. Section 2 of P.L.1974, c.50 (C.46:8-28) is amended to read  
40 as follows:

41 2. Every landlord shall, within 30 days following the effective date  
42 of this act, or at the time of the creation of the first tenancy in any  
43 newly constructed or reconstructed building, file with the clerk of the  
44 municipality in which the residential property is situated in the case of  
45 a one-dwelling unit rental or a two-dwelling unit non-owner occupied  
46 premises, or with the Bureau of Housing Inspection in the Department

1 of Community and Urban Affairs in the case of a multiple dwelling as  
2 defined in section 3 of the "Hotel and Multiple Dwelling Law"  
3 (C.55:13A-3), a certificate of registration on forms prescribed by the  
4 Commissioner of Community and Urban Affairs, which shall contain  
5 the following information:

6 a. The name and address of the record owner or owners of the  
7 premises and the record owner or owners of the rental business if not  
8 the same persons. In the case of a partnership the names of all general  
9 partners shall be provided;

10 b. If the record owner is a corporation, the name and address of  
11 the registered agent and corporate officers of said corporation;

12 c. If the address of any record owner is not located in the county  
13 in which the premises are located, the name and address of a person  
14 who resides in the county in which the premises are located and is  
15 authorized to accept notices from a tenant and to issue receipts  
16 therefor and to accept service of process on behalf of the record  
17 owner;

18 d. The name and address of the managing agent of the premises, if  
19 any;

20 e. The name and address, including the dwelling unit, apartment or  
21 room number of the superintendent, janitor, custodian or other  
22 individual employed by the record owner or managing agent to provide  
23 regular maintenance service, if any;

24 f. The name, address and telephone number of an individual  
25 representative of the record owner or managing agent who may be  
26 reached or contacted at any time in the event of an emergency  
27 affecting the premises or any unit of dwelling space therein, including  
28 such emergencies as the failure of any essential service or system, and  
29 who has the authority to make emergency decisions concerning the  
30 building and any repair thereto or expenditure in connection therewith;

31 g. The name and address of every holder of a recorded mortgage  
32 on the premises;

33 h. If fuel oil is used to heat the building and the landlord furnishes  
34 the heat in the building, the name and address of the fuel oil dealer  
35 servicing the building and the grade of fuel oil used.

36 (cf: P.L.1981, c.511, s.20)

37  
38 247. Section 2 of P.L.1975, c.310 (C.46:8-44) is amended to read  
39 as follows:

40 2. As used in this act:

41 a. "Landlord" means any person who rents or leases or offers to  
42 rent or lease, for a term of at least 1 month, dwelling units, except  
43 dwelling units in rental premises containing not more than two such  
44 units, or in owner-occupied premises of not more than three dwelling  
45 units, or in hotels, motels or other guest houses serving transient or  
46 seasonal guests.

1       b. "Department" means the Department of Community and Urban  
2 Affairs.

3       c. "Commissioner" means the Commissioner of [the Department  
4 of] Community and Urban Affairs.

5 (cf: P.L.1975, c.310, s.2)

6

7       248. Section 2 of P.L.1991, c.48 (C.46:8B-13.1) is amended to  
8 read as follows:

9       2. The Commissioner of Community and Urban Affairs shall cause  
10 to be prepared and distributed, for the use and guidance of  
11 condominium associations and administrators, explanatory materials  
12 and guidelines to assist them in achieving proper and timely  
13 compliance with the requirements of this act. Such guidelines may  
14 include the text of model bylaw provisions suggested or recommended  
15 for adoption. Failure or refusal of a condominium association to make  
16 proper amendment or supplementation of its bylaws prior to the  
17 effective date of section 1 of this act shall not, however, affect its  
18 obligation of compliance therewith on and after that effective date.

19 (cf: P.L.1991, c.48, s.2)

20

21       249. Section 14 of P.L.1969, c.257 (C.46:8B-14) is amended to  
22 read as follows:

23       14. The association, acting through its officers or governing board,  
24 shall be responsible for the performance of the following duties, the  
25 costs of which shall be common expenses:

26       (a) The maintenance, repair, replacement, cleaning and sanitation  
27 of the common elements.

28       (b) The assessment and collection of funds for common expenses  
29 and the payment thereof.

30       (c) The adoption, distribution, amendment and enforcement of  
31 rules governing the use and operation of the condominium and the  
32 condominium property and the use of the common elements, including  
33 but not limited to the imposition of reasonable fines, assessments and  
34 late fees upon unit owners, if authorized by the master deed or bylaws,  
35 subject to the right of a majority of unit owners to change any such  
36 rules.

37       (d) The maintenance of insurance against loss by fire or other  
38 casualties normally covered under broad-form fire and extended  
39 coverage insurance policies as written in this State, covering all  
40 common elements and all structural portions of the condominium  
41 property and the application of the proceeds of any such insurance to  
42 restoration of such common elements and structural portions if such  
43 restoration shall otherwise be required under the provisions of this act  
44 or the master deed or bylaws.

45       (e) The maintenance of insurance against liability for personal  
46 injury and death for accidents occurring within the common elements

1 whether limited or general and the defense of any actions brought by  
2 reason of injury or death to person, or damage to property occurring  
3 within such common elements and not arising by reason of any act or  
4 negligence of any individual unit owner.

5 (f) The master deed or bylaws may require the association to  
6 protect blanket mortgages, or unit owners and their mortgagees, as  
7 their respective interest may appear, under the policies of insurance  
8 provided under clauses (d) and (e) of this section, or against such  
9 risks with respect to any or all units, and may permit the assessment  
10 and collection from a unit owner of specific charges for insurance  
11 coverage applicable to his unit.

12 (g) The maintenance of accounting records, in accordance with  
13 generally accepted accounting principles, open to inspection at  
14 reasonable times by unit owners. Such records shall include:

15 (i) A record of all receipts and expenditures.

16 (ii) An account for each unit setting forth any shares of common  
17 expenses or other charges due, the due dates thereof, the present  
18 balance due, and any interest in common surplus.

19 (h) Nothing herein shall preclude any unit owner or other person  
20 having an insurable interest from obtaining insurance at his own  
21 expense and for his own benefit against any risk whether or not  
22 covered by insurance maintained by the association.

23 (i) Such other duties as may be set forth in the master deed or  
24 bylaws.

25 (j) An association shall exercise its powers and discharge its  
26 functions in a manner that protects and furthers or is not inconsistent  
27 with the health, safety and general welfare of the residents of the  
28 community.

29 (k) An association shall provide a fair and efficient procedure for  
30 the resolution of housing-related disputes between individual unit  
31 owners and the association, and between unit owners, which shall be  
32 readily available as an alternative to litigation. A person other than an  
33 officer of the association, a member of the governing board or a unit  
34 owner involved in the dispute shall be made available to resolve the  
35 dispute. A unit owner may notify the Commissioner of Community  
36 and Urban Affairs if an association does not comply with this  
37 subsection. The commissioner shall have the power to order the  
38 association to provide a fair and efficient procedure for the resolution  
39 of disputes.

40 (cf: P.L.1996, c.79, s.2)

41

42 250. Section 16 of P.L.1969, c.257 (C.46:8B-16) is amended to  
43 read as follows:

44 16. (a) No unit owner, except as an officer of the association, shall  
45 have any authority to act for or bind the association. An association,  
46 however, may assert tort claims concerning the common elements and

1 facilities of the development as if the claims were asserted directly by  
2 the unit owners individually.

3 (b) Failure to comply with the bylaws and the rules and regulations  
4 governing the details of the use and operation of the condominium, the  
5 condominium property and the common elements, and the quality of  
6 life therein, in effect from time to time, and with the covenants,  
7 conditions and restrictions set forth in the master deed or in deeds of  
8 units, shall be grounds for reasonable fines and assessments upon unit  
9 owners maintainable by the association, or for an action for the  
10 recovery of damages, for injunctive relief, or for a combination  
11 thereof, maintainable by the association or by any other unit owner or  
12 by any person who holds a blanket mortgage or a mortgage lien upon  
13 a unit and is aggrieved by any such noncompliance.

14 (c) A unit owner shall have no personal liability for any damages  
15 caused by the association or in connection with the use of the common  
16 elements. A unit owner shall be liable for injuries or damages resulting  
17 from an accident in his own unit in the same manner and to the same  
18 extent as the owner of any other real estate.

19 (d) A unit owner may notify the Commissioner of Community and  
20 Urban Affairs upon the failure of an association to comply with  
21 requests made under subsection (g) of section 14 of P.L.1969, c.257  
22 (C.46:8B-14) by unit owners to inspect at reasonable times the  
23 accounting records of the association. Upon investigation, the  
24 commissioner shall have the power to order the compliance of the  
25 association with such a request.

26 (cf: P.L.1996, c.79, s.4)

27

28 251. Section 19 of P.L.1987, c.381 (C.46:8D-18) is amended to  
29 read as follows:

30 19. a. The Department of Community and Urban Affairs shall not  
31 accept for registration as a cooperative under "The Planned Real  
32 Estate Development Full Disclosure Act," P.L.1977, c.419  
33 (C.45:22A-21 et seq.), any offering plan which would not result in the  
34 creation of a "cooperative" as defined in subsection f. of section 3 of  
35 this act.

36 b. No tenant may be removed from a rental premises pursuant to  
37 the provisions of section 1 of P.L.1974, c.49 (C.2A:18-61.1) on the  
38 grounds that the landlord or owner is converting the property into a  
39 cooperative unless the proposed conversion would result in the  
40 creation of a "cooperative" as defined in subsection f. of section 3 of  
41 this act.

42 (cf: P.L.1987, c.381, s.19)

43

44 252. Section 4 of P.L.1968, c.405 (C.48:23-4) is amended to read  
45 as follows:

46 4. a. The authority shall consist of the New Jersey Public

1 Broadcasting Commission, which shall be the head of the authority, an  
2 executive director, who shall be the principal executive officer of the  
3 authority and such other officers and employees authorized to be  
4 appointed and employed by this act.

5 b. The commission shall be composed of 15 members, 5 of whom  
6 shall be ex-officio members, viz., the Commissioner of Education, the  
7 Chancellor of Higher Education, the Commissioner of Community and  
8 Urban Affairs, the Attorney General and the State Treasurer, or when  
9 so designated by them, their deputies, and 10 residents of the State.

10 c. The citizen members of the commission shall be appointed by the  
11 Governor with the advice and consent of the Senate and shall be  
12 selected without regard to political belief or affiliation. The term of  
13 office of appointed members, except for first appointments, shall be  
14 for 5 years. Each member shall serve until his successor shall have  
15 been appointed and qualified and vacancies shall be filled in the same  
16 manner as the original appointments for the remainder of the  
17 unexpired term. The terms of the members initially appointed shall be  
18 designated by the Governor so that 2 of such terms shall expire on  
19 June 30 in each successive year ensuing after such appointments.

20 d. The members of the commission shall receive no compensation  
21 for their services, but may be reimbursed for their expenses in  
22 performing their duties.

23 e. The commission shall hold public meetings at such places within  
24 the State as it shall designate at least once quarterly and at such other  
25 times as in its judgment may be necessary.

26 f. The commission shall organize annually in July of each year by  
27 the election of a chairman, vice-chairman and such other officers as the  
28 commission shall determine, except that the first chairman shall be  
29 designated by the Governor. Officers shall serve until the following  
30 July meeting and until their successors are elected and qualified.  
31 Vacancies in such offices shall be filled in the same manner for the  
32 unexpired term only.

33 g. The executive director shall be the secretary of the commission  
34 and shall have custody of its official seal. With the approval of the  
35 commission, he may designate an employee of the authority to perform  
36 such duties of the secretary and such other services as the commission  
37 shall designate.

38 (cf: P.L.1968, c.405, s 4)

39

40 253. Section 1 of P.L.1971, c.369 (C.51:12-1) is amended to read  
41 as follows:

42 1. As used in this act:

43 a. "Safety glazing material" means any glazing material, such as  
44 tempered glass, laminated glass, wire glass or rigid plastic, which  
45 meets the test requirements of the United States of America Standards  
46 Institute code numbers Z-97.1-1966 and Z-97.1-1971, or the stricter

1 thereof, and such further requirements as shall be adopted by the  
2 Department of Community and Urban Affairs after notice and hearing  
3 required by the "Administrative Procedure Act," approved January  
4 14, 1969 (P.L.1968, c.410), and which are so constructed, treated, or  
5 combined with other materials as to minimize the likelihood of cutting  
6 and piercing injuries resulting from human contact with the glazing  
7 material.

8 b. "Hazardous locations" means those installations, glazed or to  
9 be glazed, in residential, commercial and public buildings subject to  
10 this act, known as sliding glass doors, framed or unframed glass doors  
11 and adjacent fixed glazed panels which may be mistaken for means of  
12 ingress or egress, storm doors, shower doors, and tub enclosures,  
13 whether or not the glazing in such doors, panels or enclosures is  
14 transparent, and in any other area wherein the use of other than safety  
15 glazing materials would constitute a hazard as the Commissioner of  
16 Community and Urban Affairs may determine after notice and hearings  
17 as required by the "Administrative Procedure Act," approved  
18 January 14, 1969 (P.L.1968, c.410).  
19 (cf: P.L.1971, c.369, s.1)

20  
21 254. Section 2 of P.L.1971, c.369 (C.51:12-2) is amended to read  
22 as follows:

23 2. a. Each light of safety glazing material manufactured,  
24 distributed, imported, or sold for use in hazardous locations or  
25 installed in such a location within the State shall be permanently  
26 labeled by such means as etching, sandblasting or firing ceramic  
27 material on the safety glazing material. The label shall identify the  
28 labeler, whether manufacturer, fabricator or installer, and the nominal  
29 thickness and the type of safety glazing material and whether said  
30 material meets or exceeds the test requirements of the United States  
31 of America Standards Institute code Z-97.1-1966 and such further  
32 requirements as may be adopted by the Department of Community and  
33 Urban Affairs.

34 The label must be legible and visible after installation.

35 b. Such safety glazing labeling shall not be used on other than  
36 safety glazing materials.  
37 (cf: P.L.1971, c.369, s.2)

38  
39 255. Section 4 of P.L.1971, c.369 (C.51:12-4) is amended to read  
40 as follows:

41 4. All transparent glass doors or adjacent fixed glass panels subject  
42 to this act, and all doors or adjacent fixed glass panels which may  
43 reasonably be mistaken for a means of egress or ingress constructed  
44 of safety glazing material shall be posted, painted or otherwise marked  
45 in such a manner as to alert any person attempting to pass through the  
46 doorway that such door is opened or closed, or that such adjacent

1 fixed glass panel, is, in fact, not a door. Such doors or adjacent fixed  
2 glass panels shall be marked in accordance with rules and regulations  
3 prescribed by the Commissioner of [the Department of] Community  
4 and Urban Affairs.

5 (cf: P.L.1971, c.369, s.4)

6

7 256. Section 5 of P.L.1971, c.369 (C.51:12-5) is amended to read  
8 as follows:

9 5. The Commissioner of [the Department of] Community and  
10 Urban Affairs is authorized to promulgate, amend and repeal rules and  
11 regulations necessary for the administration of this act.

12 (cf: P.L.1971, c.369, s.5)

13

14 257. Section 9 of P.L.1971, c.369 (C.51:12-9) is amended to read  
15 as follows:

16 9. This act shall not supersede any municipal ordinance or parts  
17 thereof relating to the subject matter hereof more stringent than the  
18 requirements of this act. This act and all rules and regulations  
19 promulgated hereunder shall be enforced by the Department of  
20 Community and Urban Affairs, by every local building inspector, and  
21 by any municipal officer charged with or responsible for the  
22 enforcement of building codes.

23 (cf: P.L.1971, c.369, s.9)

24

25 258. Section 3 of P.L.1991, c.487 (C.51:13-3) is amended to read  
26 as follows:

27 3. Within 18 months of the effective date of this act, the Bureau of  
28 Fire Safety in the Department of Community and Urban Affairs shall,  
29 pursuant to the provisions of the "Administrative Procedure Act,"  
30 P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and  
31 regulations to effectuate the purposes of this act. The rules and  
32 regulations so promulgated shall include, but not be limited to,  
33 standards for the design and construction of child resistant lighters.

34 (cf: P.L.1991, c.487, s.3)

35

36 259. Section 2 of P.L.1973, c.299 (C.52:9Q-2) is amended to read  
37 as follows:

38 2. The commission shall consist of nine members: one person  
39 appointed by the Governor, who shall be responsible to keep him  
40 advised of the work and recommendations of the commission; the  
41 Commissioner of [the Department of] Community and Urban Affairs;  
42 the Commissioner of [the Department of] Transportation; the State  
43 Treasurer; the Mayor of the city of Trenton; the Director of the  
44 Trenton Department of Planning and Development; the Business  
45 Administrator of the city of Trenton; the Director of the Mercer  
46 County Board of Chosen Freeholders, and the Director of the Mercer

1 County Department of Planning and Development. The member  
2 appointed by the Governor shall serve at the pleasure of the Governor,  
3 and the other members shall serve during the term of the office by  
4 virtue of which they hold membership on the commission. The  
5 members shall serve without compensation in connection with the  
6 performance of their official duties as members of the commission.  
7 (cf: P.L.1973, c.299, s.2)

8

9 260. Section 4 of P.L.1973, c.299 (C.52:9Q-4) is amended to read  
10 as follows:

11 4. The Commissioner of [the Department of] Community and  
12 Urban Affairs shall act as the secretary of the commission. He shall be  
13 responsible for notifying all members of the time and place of each  
14 meeting and for properly recording and disseminating to all members  
15 the minutes of all meetings of the commission. In carrying out these  
16 duties, he may utilize the personnel and resources of the Department  
17 of Community and Urban Affairs.

18 (cf: P.L.1973, c.299, s.4)

19

20 261. Section 15 of P.L.1987, c.58 (C.52:9Q-23) is amended to  
21 read as follows:

22 15. a. For the purpose of assuring regular and effective liaison  
23 between the corporation, other public agencies and officers having  
24 responsibilities in areas related to the operations of the corporation,  
25 and the public, the Governor shall establish a Capital District  
26 Oversight Committee to consist of the following: the Commissioner  
27 of [the Department of] Community and Urban Affairs, the  
28 Commissioner of [the Department of] Environmental Protection, the  
29 Commissioner of [the Department of] Transportation, the Attorney  
30 General, and the Superintendent of the Division of State Police in the  
31 Department of Law and Public Safety, or their designees, who shall all  
32 serve ex officio; the President of the City Council of the city of  
33 Trenton or his designee, ex officio; and nine public members, of whom  
34 five shall be citizen representatives and residents of the city of Trenton  
35 and four shall be representatives of the business sector of the city of  
36 Trenton who may live within or outside the city of Trenton, but shall  
37 be residents of the State, to be appointed as follows: two shall be  
38 appointed by the Governor, of whom one shall be a citizen  
39 representative and one shall represent the business sector; two shall be  
40 appointed by the Mayor of the city of Trenton, of whom one shall be  
41 a citizen representative and one shall represent the business sector; and  
42 five shall be appointed by the board, of whom three shall be citizen  
43 representatives and two shall represent the business sector.

44 b. Each public member shall serve for a term of three years and  
45 until the appointment and qualification of a successor, except that of  
46 the five members first appointed by the corporation, one citizen

1 representative and one business representative shall each serve for a  
2 term of one year, one citizen representative and one business  
3 representative shall each serve for a term of two years, and one citizen  
4 representative shall serve for a term of three years; of the two  
5 members first appointed each by the Governor and the Mayor of the  
6 city of Trenton, one shall serve for a term of two years and one shall  
7 serve for a term of three years. In the event of a vacancy occurring  
8 during the unexpired term of office, a public member shall be  
9 appointed to serve for the unexpired term by the government entity  
10 which made the original appointment.

11 c. The Mayor shall designate the chairman of the committee, who  
12 shall serve in that position for the duration of his term. A chairman  
13 may be redesignated. Seven members of the committee shall  
14 constitute a quorum at any meeting thereof. Action may be taken and  
15 motions and resolutions adopted by the committee at any meeting  
16 thereof by the affirmative vote of at least seven members. No vacancy  
17 in the membership of the committee shall impair the right of a quorum  
18 to exercise all the powers and perform all the duties of the committee.

19 d. The committee shall study, and issue periodic reports assessing,  
20 first, the impact of the district on the provision of police and fire  
21 service within the city of Trenton and, thereafter, on any other areas  
22 of municipal activity which, in the committee's estimation, may be  
23 affected by the establishment of the district. The committee shall also  
24 study and report on the ways in which such municipal activity may be  
25 improved to enhance the attractiveness of the district. Based on these  
26 reports, the committee shall make recommendations to improve the  
27 efficiency or effectiveness of public agencies in enhancing the district.

28 e. Upon appointment, the committee shall prepare a budget which  
29 shall contain an itemization of those expenses in order that the  
30 committee may fulfill its officially prescribed duties. The chairman  
31 shall submit a budget to the executive director on an annual basis, and  
32 the board shall provide funds within the limits of any funds  
33 appropriated or otherwise made available for the committee's  
34 purposes. The members of the committee shall receive no  
35 compensation for their services, but may be reimbursed for their  
36 expenses in performing their official duties. The committee is  
37 authorized to engage such employees, advisors or consultants as are  
38 necessary in order to fulfill its prescribed duties. These employees,  
39 advisors or consultants, as the case may be, shall be appointed without  
40 regard to the provisions of Title 11A of the New Jersey Statutes and  
41 shall receive such compensation as shall from time to time be fixed by  
42 the corporation within the limits of available appropriations therefor.

43 f. All officers, departments, boards, agencies, divisions and  
44 commissions of the State are hereby authorized and empowered to  
45 render any services to the corporation as may be within the area of  
46 their respective governmental functions as fixed or established by law,

1 and as may be requested by the corporation.

2 g. The corporation shall refer each application for financial  
3 assistance made to the Capital City Redevelopment Loan and Grant  
4 Fund to the committee prior to taking formal action to approve or  
5 reject the application. The committee shall have 30 days from the date  
6 of referral to provide written comments on the application, and any  
7 comments provided within that time shall be a part of the record of the  
8 corporation's official action on the application.  
9 (cf: P.L.1987, c.58, s.15)

10

11 262. Section 1 of P.L.1983, c.567 (C.52:9W-1) is amended to read  
12 as follows:

13 1. There is established an Advisory Commission on Hispanic  
14 Affairs to consist of 10 members, two to be appointed by the President  
15 of the Senate from the members thereof, no more than one of whom  
16 shall be from the same political party; two to be appointed by the  
17 Speaker of the General Assembly from the members thereof, no more  
18 than one of whom shall be from the same political party, the  
19 Commissioner of Community and Urban Affairs, or his designee, and  
20 five public members to be appointed by the Governor, with the advice  
21 and consent of the Senate, who are residents of the State and who  
22 represent various Hispanic communities within the State. Legislative  
23 members shall serve during their terms of office. Public members shall  
24 serve for a term of three years from the date of their appointment and  
25 until their successors are appointed and qualified; except that of the  
26 first appointments hereunder: one shall be for a term of one year, two  
27 for two years, and two for three years. Vacancies resulting from  
28 causes other than by expiration of term shall be filled for the unexpired  
29 term only and shall be filled in the same manner as the original  
30 appointments were made.

31 (cf: P.L.1983, c.567, s.1)

32

33 263. Section 2 of P.L.1985, c.363 (C.52:9Y-2) is amended to read  
34 as follows:

35 2. There is created a permanent commission to be known as the  
36 "New Jersey Commission on Legal and Ethical Problems in the  
37 Delivery of Health Care." The commission shall consist of 28 members  
38 to be appointed as follows: the Commissioner of [the Department of]  
39 Community and Urban Affairs, the Commissioner of [the Department  
40 of] Health, the Commissioner of [the Department of] Human Services,  
41 the Public Defender, the Ombudsman for the Institutionalized Elderly  
42 or their designees; a representative of the private entity designated by  
43 the Governor as the State's mental health protection and advocacy  
44 agency pursuant to section 22 of P.L.1994, c.58 (C.52:27E-68), two  
45 members of the Senate, to be appointed by the President of the Senate,  
46 not more than one of whom shall be of the same political party; two

1 members of the General Assembly, to be appointed by the Speaker of  
 2 the General Assembly, not more than one of whom shall be of the  
 3 same political party; nine public members, two to be appointed by the  
 4 President of the Senate, two to be appointed by the Speaker of the  
 5 General Assembly and five to be appointed by the Governor, who are  
 6 distinguished in one or more of the fields of medicine, health care and  
 7 health administration, law, ethics, theology, the natural sciences, the  
 8 social sciences, the humanities, and public affairs.

9 In addition to the nine public members described above, there shall  
 10 be on the commission five other public members who shall not be from  
 11 health-related disciplines nor from the immediate families of persons  
 12 in health-related disciplines. Of these five members, three shall be  
 13 appointed by the Governor, one by the President of the Senate, and  
 14 one by the Speaker of the General Assembly. In appointing these  
 15 members an effort shall be made to insure that diverse viewpoints are  
 16 represented on the commission.

17 Also on the commission shall be a representative of the New Jersey  
 18 Hospital Association, a representative of the New Jersey State Nurses'  
 19 Association, a representative of the New Jersey Association of Health  
 20 Care Facilities and a representative of the New Jersey Association of  
 21 Nonprofit Homes for the Aging, Inc. These representatives shall be  
 22 selected by their organizations.

23 Members of the commission shall serve for three-year terms or until  
 24 a successor is appointed. However, the term of every member initially  
 25 appointed shall expire on December 31, 1988.

26 Vacancies in the membership of the commission shall be filled in the  
 27 same manner as original appointments were made, and the term of any  
 28 person reappointed or appointed to fill a vacancy shall only run for the  
 29 balance of the three-year term that had commenced when the  
 30 reappointment was made or the vacancy occurred. Members shall  
 31 serve without compensation but shall be reimbursed for the reasonable  
 32 travel and other out-of-pocket expenses incurred in the performance  
 33 of their duties.

34 (cf: P.L.1994, c.58, s.52)

35

36 264. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to  
 37 read as follows:

38 1. Notwithstanding the provisions of the annual appropriations act  
 39 and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall  
 40 fix and establish the annual salaries for the following officers within  
 41 the limits as follows:

42	Title	Salary Not to Exceed
43	44 Agriculture Department	
45	45 Secretary of Agriculture .....	\$115,000
46	46 Banking Department	

1	Commissioner of Banking .....	\$115,000
2	Commerce, Energy and Economic Development Department	
3	Commissioner of Commerce,	
4	Energy and Economic Development .....	\$115,000
5	Community <u>and Urban</u> Affairs Department	
6	Commissioner of Community <u>and Urban</u> Affairs .....	\$115,000
7	Corrections Department	
8	Commissioner of Corrections .....	\$115,000
9	Education Department	
10	Commissioner of Education .....	\$115,000
11	Environmental Protection Department	
12	Commissioner of Environmental Protection .....	\$115,000
13	Health Department	
14	Commissioner of Health .....	\$115,000
15	Higher Education Department	
16	Chancellor .....	\$115,000
17	Human Services Department	
18	Commissioner of Human Services .....	\$115,000
19	Insurance Department	
20	Commissioner of Insurance .....	\$115,000
21	Labor Department	
22	Commissioner of Labor .....	\$115,000
23	Law and Public Safety Department	
24	Attorney General .....	\$115,000
25	Military and Veterans' Affairs Department	
26	Adjutant General .....	\$115,000
27	Personnel Department	
28	Commissioner of Personnel .....	\$115,000
29	State Department	
30	Secretary of State .....	\$115,000
31	Transportation Department	
32	Commissioner of Transportation .....	\$115,000
33	Treasury Department	
34	State Treasurer .....	\$115,000
35	Members, Board of Public Utilities .....	\$115,000
36	(cf: P.L.1994, c.58, s.53)	

37

38 265. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to  
39 read as follows:

40 2. The salary ranges for the following positions shall be as  
41 established by the Department of Civil Service with the approval of  
42 the Director, Division of Budget and Accounting. The salary rate for  
43 any such position shall be the salary step in such range next above the  
44 salary currently being paid; provided, however, that any sums  
45 appropriated for salaries may be made available for salary adjustments  
46 therein arising from various exigencies of the State service and for

1 normal merit salary increments as the President of the Civil Service  
2 Commission, the State Treasurer and the Director of the Division of  
3 Budget and Accounting shall determine; and provided, further, that  
4 nothing in this act shall reduce the salary rate for any such position  
5 below that which is being paid on the effective date of this act:

6 Civil Service Department  
7 Chief Examiner and Secretary  
8 Community and Urban Affairs Department  
9 Assistant Commissioner of Community and Urban Affairs  
10 Director, Division of State and Regional Planning  
11 Director, Division of Local Government Services  
12 Director, Division of Housing and Urban Renewal  
13 Director, Office of Aging Programs  
14 Director, Office on Women  
15 Environmental Protection Department  
16 Director, Division of Water Resources  
17 Director, Division of Parks and Forestry  
18 Director of Fish, Game and Shell Fisheries  
19 Director, Division of Marine Services  
20 Director, Division of Environmental Quality  
21 Health Department  
22 Director, Division, of Narcotic and Drug Abuse Control  
23 Institutions and Agencies Department  
24 Chairman, State Parole Board  
25 Associate Member, State Parole Board  
26 Public Defender  
27 Labor and Industry Department  
28 Director, Workplace Standards  
29 Law and Public Safety Department  
30 Colonel and Superintendent, State Police  
31 Director, Division of Motor Vehicles  
32 State Medical Examiner  
33 Director, Division of Alcoholic Beverage Control  
34 State Superintendent of Weights and Measures  
35 Public Utilities Department  
36 Director, Office of Cable Television  
37 Executive Director, Public Broadcasting  
38 State Department  
39 Director, Division of Administrative Procedure  
40 Transportation Department  
41 Assistant Commissioner for Highways  
42 Assistant Commissioner for Public Transportation  
43 Treasury Department  
44 Director, Division of Budget and Accounting  
45 Director, Division of Taxation  
46 Director, Division of Purchase and Property

1 Director, Division of Investments  
2 Director, Division of Pensions  
3 Director, Division of State Lottery.

4 (cf: P.L.1974, c.55, s.2)

5

6 266. Section 2 of P.L.1985, c.1 (C.52:17B-77.1) is amended to  
7 read as follows:

8 2. There is created in the Police Training Commission in the  
9 Department of Law and Public Safety a Crime Prevention Advisory  
10 Committee comprised of 14 members. The committee shall consist of:  
11 the Attorney General, who shall be chairman of the committee, or his  
12 designee; the Commissioner of [the Department of] Community and  
13 Urban Affairs or his designee; the Commissioner of [the Department  
14 of] Commerce and Economic Development or his designee; the  
15 Commissioner of Education or his designee; the Director of the  
16 Division of Criminal Justice in the Department of Law and Public  
17 Safety; the Superintendent of State Police; a representative of the  
18 Police Training Commission; a representative of the New Jersey Crime  
19 Prevention Officers' Association; a representative of the New Jersey  
20 State Association of Chiefs of Police; a representative of the National  
21 Crime Prevention Council; and four citizens of the State to be  
22 appointed by the Governor with the advice and consent of the Senate,  
23 one of whom shall represent a public utility company, one of whom  
24 shall represent the insurance industry, and one of whom shall represent  
25 the banking industry. The four members appointed by the Governor  
26 shall serve for terms of three years, except that of the four members  
27 initially appointed by the Governor, one shall be appointed for a term  
28 of one year, one shall be appointed for a term of two years, and two  
29 shall be appointed for terms of three years.

30 Members shall be eligible for reappointment to the council, and  
31 vacancies in the committee shall be filled in the same manner as the  
32 original appointments but for the unexpired terms only. The statutory  
33 members of the Crime Prevention Advisory Committee who are also  
34 statutory voting members of the Police Training Commission shall be  
35 nonvoting members of the Crime Prevention Advisory Committee.

36 The members of the committee shall serve without compensation  
37 but shall be reimbursed for necessary expenses actually incurred in the  
38 performance of their duties as required by this act.

39 (cf: P.L.1985, c.1, s.2)

40

41 267. Section 9 of P.L.1993, c.220 (C.52:17B-167) is amended to  
42 read as follows:

43 9. a. There is hereby created the Safe and Secure Communities  
44 Selection Panel. The panel shall consist of eight members selected as  
45 follows: three members of the Senate appointed by the President of the  
46 Senate, no more than two of whom shall be of the same political party;

1 three members of the General Assembly appointed by the Speaker of  
2 the General Assembly, no more than two of whom shall be of the same  
3 political party; and the Attorney General and the Commissioner of  
4 Community and Urban Affairs, who shall serve ex officio. Appointed  
5 members shall serve the duration of the current legislative term.

6 b. The Attorney General on or before September 1 and March 1 of  
7 each year shall forward to the panel his recommendations for the  
8 award of program grants pursuant to subsection b. of section 10 of  
9 this act.

10 c. The panel shall review applications for program grants and, after  
11 considering the recommendations of the Attorney General and the  
12 criteria established by this act, select grant recipients.

13 d. No more than 50% of the total dollar amount of grants awarded  
14 from the fund shall be allocated to municipalities eligible to receive  
15 state aid pursuant to subsections a., b. and c. of section 1 of P.L.1985,  
16 c.170 (C.52:27D-118.11).

17 e. No municipality shall receive a grant exceeding \$200,000 for a  
18 project or \$50,000 for equipment. However, if funding remains after  
19 all approved projects and law enforcement equipment grants have been  
20 funded in any program year, funding in excess of the amount specified  
21 in this subsection may be awarded to grantees upon recommendation  
22 of the Attorney General and approval by the Safe and Secure  
23 Communities Selection Panel.

24 f. Initial grants under this program will be awarded only during the  
25 first two program years following the effective date of this act.

26 g. A municipality which receives a grant for a project under this act  
27 may receive funding in subsequent years to continue that project.  
28 Approval of a continuation grant shall be contingent upon certification  
29 by the Attorney General that the project is effectively meeting the  
30 objectives of this act. A municipality that is eligible to receive an  
31 initial grant under this act shall be eligible to receive continuation  
32 funding.

33 (cf: P.L.1993, c.220, s.9)

34

35 268. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to  
36 read as follows:

37 4. a. The advisory council to the Juvenile Justice Commission shall  
38 consist of the following members:

39 (1) The Commissioner of [the Department of] Labor, the  
40 Commissioner of [the Department of] Health, the Commissioner of  
41 [the Department of] Community and Urban Affairs, the Commissioner  
42 of [the Department of] Personnel, the Public Defender and a county  
43 prosecutor selected by and serving at the pleasure of the Governor or  
44 a person designated by one of the forenamed officers to serve in that  
45 officer's place;

46 (2) Nine members who shall be selected for their knowledge,

1 competence, experience or interest in the juvenile justice system.  
2 Appointments shall be made as follows: three by the President of the  
3 Senate, no more than two of whom shall be of the same political party;  
4 three by the Speaker of the General Assembly, no more than two of  
5 whom shall be of the same political party and three by the Governor,  
6 no more than two of whom shall be of the same political party.

7 b The term of office of each public member of the advisory council  
8 shall be three years; except that of the first members appointed, one  
9 appointed by the Governor, one by the President of the Senate and one  
10 by the Speaker of the General Assembly shall be appointed for a term  
11 of one year, one appointed by the Governor, one by the President of  
12 the Senate and one by the Speaker of the General Assembly shall be  
13 appointed for a term of two years and the remaining three members  
14 shall be appointed for a term of three years. Each member shall serve  
15 until a successor has been appointed and qualified, and vacancies shall  
16 be filled in the same manner as the original appointments for the  
17 remainder of the unexpired term. A member is eligible for  
18 reappointment to the council.

19 c. The Governor shall appoint the chair of the advisory council  
20 from among the members of the council. The chair shall serve at the  
21 pleasure of the Governor during the Governor's term of office and  
22 until the appointment and qualification of the chair's successor. The  
23 members of the council shall elect a vice-chair from among the  
24 members of the council.

25 d. The members of the council shall receive no compensation for  
26 their services.

27 (cf: P.L.1995, c.284, s.4)

28

29 269. Section 2 of P.L.1989, c.3 (C.52:17C-2) is amended to read  
30 as follows:

31 2. a. There is created in the Department of Law and Public Safety  
32 a commission to be known as the 9-1-1 Commission which shall  
33 oversee the office in the planning, design, and implementation of the  
34 Statewide emergency enhanced 9-1-1 telephone system to be  
35 established pursuant to this act. The commission shall consist of 26  
36 members as follows: two members of the Senate appointed by the  
37 President of the Senate, who shall not be both of the same political  
38 party; two members of the General Assembly, appointed by the  
39 Speaker of the General Assembly, who shall not be both of the same  
40 political party; the following members ex officio: Attorney General of  
41 the State of New Jersey; President of the Board of Public Utilities;  
42 Superintendent of State Police; Deputy Director of the State Office of  
43 Emergency Management in the Department of Law and Public Safety;  
44 Director of the Bureau of Fire Safety in the Department of Community  
45 and Urban Affairs; Director of Emergency Medical Services in the  
46 Division of Community Health Services of the Department of Health;

1 the Administrator of the Office of Telecommunications and  
2 Information Systems in the Department of the Treasury; the following  
3 public members appointed by the Governor with the advice and  
4 consent of the Senate: a representative of the New Jersey State League  
5 of Municipalities; a representative of the New Jersey State Association  
6 of Chiefs of Police; a representative of the Fire Fighters' Association  
7 of New Jersey; a representative of the New Jersey First Aid Council;  
8 a representative of the Associated Public Safety Communications  
9 Officers (APCO); a representative of the New Jersey Bell Co.; a  
10 representative of the independent telephone companies; two members  
11 representing county-wide dispatch centers; one representative of the  
12 Sheriffs Association of New Jersey; one representative of the New  
13 Jersey Fire Chiefs Association; two members representing  
14 multi-municipal public safety dispatch centers who serve more than  
15 one, but less than five municipalities; and two members representing  
16 municipal public safety dispatch centers.

17 The members of the Senate and General Assembly appointed to the  
18 commission shall serve for terms which shall be for the term for which  
19 they were elected. Of the public members first appointed by the  
20 Governor with the advice and consent of the Senate, five shall be  
21 appointed for terms of three years, five shall be appointed for terms of  
22 two years, and five shall be appointed for terms of one year.  
23 Thereafter, the public members of the commission shall be appointed  
24 for terms of three years. Vacancies on the commission shall be filled  
25 in the same manner as the original appointment but for the unexpired  
26 term. Members may be removed by the appointing authority for cause.  
27 The initial members shall be appointed within 30 days of the operative  
28 date of this act. The commission shall have the authority to establish  
29 subcommittees as it deems appropriate to carry out the purposes of  
30 this act.

31 b. Members of the commission shall serve without compensation  
32 but the public and legislative members shall be entitled to  
33 reimbursement for expenses incurred in performance of their duties,  
34 within the limits of any funds appropriated or otherwise made available  
35 for that purpose.

36 c. Each ex officio member may designate an employee of the  
37 member's department or agency to represent the member at meetings  
38 or hearings of the commission. All designees may lawfully vote and  
39 otherwise act on behalf of the members for whom they constitute the  
40 designees.

41 d. The commission shall expire on the first day of the first month  
42 following the Statewide implementation of the operation of the  
43 enhanced 9-1-1 service as shall be determined by the Attorney  
44 General.

45 (cf: P.L.1989, c.3, s.2)

46

1       270. Section 46 of P.L.1948, c.92 (C.52:18A-46) is amended to  
2 read as follows:

3       46. Whenever the term "State Treasurer" occurs or any reference  
4 is made thereto in any law, contract or document, the same shall be  
5 deemed to mean or refer to the State Treasurer designated as the head  
6 of the Department of the Treasury established hereunder.

7       Whenever the term "State Director of the United New Jersey  
8 Railroad and Canal Company" occurs or any reference is made thereto  
9 in any law, contract or document, the same shall be deemed to mean  
10 or refer to the State Treasurer designated as the head of the  
11 Department of the Treasury established hereunder.

12       Whenever the term "State Comptroller" or "Comptroller of the  
13 Treasury" occurs or any reference is made thereto in any law, contract  
14 or document, the same shall be deemed to mean or refer to the  
15 Director of the Division of Budget and Accounting in the Department  
16 of the Treasury established hereunder.

17       Whenever the term "Division of Purchase and Property in the State  
18 Department of Taxation and Finance" occurs or any reference is made  
19 thereto in any law, contract or document, the same shall be deemed  
20 to mean or refer to the Division of Purchase and Property in the  
21 Department of the Treasury established hereunder.

22       Whenever the term "Director of the Division of Purchase and  
23 Property in the State Department of Taxation and Finance" occurs or  
24 any reference is made thereto in any law, contract or document, the  
25 same shall be deemed to mean or refer to the Director of the Division  
26 of Purchase and Property in the Department of the Treasury  
27 established hereunder.

28       Whenever the term "Division of Local Government in the State  
29 Department of Taxation and Finance" occurs or any reference is  
30 made thereto in any law, contract or document, the same shall be  
31 deemed to mean or refer to the Division of Local Government  
32 Services in the Department of Community and Urban Affairs  
33 established hereunder.

34       Whenever the term "Director of the Division of Local Government  
35 in the State Department of Taxation and Finance" occurs or any  
36 reference is made thereto in any law, contract or document, the same  
37 shall be deemed to mean or refer to the Director of the Division of  
38 Local Government Services in the Department of Community and  
39 Urban Affairs.

40       Whenever the term "Local Government Board of the Division of  
41 Local Government in the State Department of Taxation and Finance"  
42 occurs or any reference is made thereto in any law, contract or  
43 document, the same shall be deemed to mean or refer to the Local  
44 Finance Board of the Division of Local Government Services in the  
45 Department of Community and Urban Affairs.

46       Whenever the term "Division of Taxation in the State Department

1 of Taxation and Finance" occurs or any reference is made thereto in  
2 any law, contract or document, the same shall be deemed to mean or  
3 refer to the Division of Taxation in the Department of the Treasury  
4 established hereunder.

5 Whenever the term "Director of the Division of Taxation in the  
6 State Department of Taxation and Finance" occurs or any reference  
7 is made thereto in any law, contract or document, the same shall be  
8 deemed to mean or refer to the Director of the Division of Taxation  
9 in the Department of the Treasury established hereunder.

10 Whenever the term "New Jersey Racing Commission" occurs or  
11 any reference is made thereto in any law, contract or document, the  
12 same shall be deemed to mean or refer to the New Jersey Racing  
13 Commission constituted the Division of the New Jersey Racing  
14 Commission established hereunder in the Department of the Treasury.

15 Whenever the term "State Commission of Taxation and Finance"  
16 occurs or any reference is made thereto in any law, contract or  
17 document, the same shall be deemed to mean or refer to the State  
18 Treasurer designated as the head of the Department of the Treasury  
19 established hereunder.

20 (cf: P.L.1983, c.36, s.8)

21

22 271. Section 2 of P.L.1947, c.151 (C.52:27BB-2) is amended to  
23 read as follows:

24 2. As used in this act, unless the context indicates otherwise:

25 "Department" means the State Department of Community and  
26 Urban Affairs.

27 "Commissioner" means the Commissioner [and head of the State  
28 Department] of Community and Urban Affairs.

29 "Division" means the Division of Local Finance in the State  
30 Department of Community and Urban Affairs.

31 "Director" means the administrative head of the Division of Local  
32 Finance in the State Department of Community and Urban Affairs.

33 "Board" means the Local Finance Board of the Division of Local  
34 Finance in the State Department of Community and Urban Affairs.

35 "Governing body" means, in the case of a county, the board of  
36 chosen freeholders, and in the case of a municipality, the body  
37 exercising general legislative and administrative authority within the  
38 municipality, and in the case of a county or municipal authority, the  
39 body exercising general legislative and administrative authority over  
40 the actions of said county or municipal authority.

41 "Political subdivision" includes a municipality, county, school  
42 district, county or municipal authority, or a regional authority or  
43 district other than an interstate authority or district.

44 "Local government" means the government of political  
45 subdivisions.

46 "Municipality" includes a city, town, village, borough, township,

1 special district, municipal authority, or other municipal corporations  
2 other than a school district or a county.

3 "Municipality under supervision" means a municipality to which the  
4 provisions of this act apply by virtue of a resolution of the Local  
5 Finance Board in the Division of Local Finance in the State  
6 Department of Community and Urban Affairs made in accordance with  
7 section 21 of this act.

8 "Administrator" means the local administrator of finance.

9 "Cash deficit" means the amount, if any, by which liabilities and  
10 cash disbursements of a municipality for lawful yearly expenditures (as  
11 defined in section 40A:4-42 of the New Jersey Statutes) exceed the  
12 cash receipts in a budget year, whether the municipality is operating  
13 under a cash basis budget or not.

14 "Accountant" means a registered municipal accountant.

15 "Regular audit" means the annual or biennial audit, as the case may  
16 be, required by law.

17 "Fiscal year" or "year" means the calendar year beginning January  
18 1 and ending December 31.

19 "County or municipal authority" means a body corporate and  
20 politic of this State created by a county or municipality having  
21 corporate succession and the power to issue bonds, or other  
22 obligations.

23 (cf: P.L.1969, c.288, s.2)

24

25 272. Section 56 of P.L.1947, c.151 (C.52:27BB-56) is amended to  
26 read as follows:

27 56. If the director finds in the course of his duties that any of the  
28 conditions listed in section 55 of this act exists in a municipality not  
29 subject to supervision under sections 52:27-1 to 52:27-66, inclusive,  
30 of the Revised Statutes, he shall forthwith give notice to the  
31 governing body that the question of the application of this article to  
32 that municipality will be placed before the board for its determination  
33 at a time and place which shall be stated in the notice.

34 The board, at the time and place stated in the notice, shall give the  
35 local governing body and any other interested parties an opportunity  
36 to be heard. If the board finds, after hearing, that any of the  
37 conditions listed in section 55 of this act exists in the municipality, it  
38 may by resolution determine that the municipality is subject to  
39 supervision pursuant to this article (C.52:27BB-54 et seq.) and  
40 sections 20 and 21 of this amendatory and supplementary act.

41 The resolution shall be submitted to the Commissioner of [the  
42 Department of]Community and Urban Affairs, the State Treasurer and  
43 the Attorney General and shall be effective upon the approval by any  
44 two of the above cabinet officers. To remain effective, the resolution  
45 shall be renewed each year by the board and approved by two of the  
46 above named officers.

1 The resolution shall state for each municipality subject to  
2 supervision pursuant to this article and sections 20 and 21 of this  
3 amendatory and supplementary act, which of the provisions of this  
4 article and sections 20 and 21 of this amendatory and supplementary  
5 act are in effect within the municipality.

6 Thereafter, the board may modify the resolution to terminate or  
7 limit the operation of any provisions of this article, or, with the  
8 approval of any two of the above cabinet officers, to put additional  
9 provisions into effect.

10 Notice shall be given by registered mail to the clerk of the  
11 municipality. Upon receipt of such notice the governing body and  
12 municipal officers shall observe the provisions of this article and shall  
13 comply with all orders of the director issued under it while the  
14 municipality remains subject to its provisions.

15 (cf: P.L.1981, c.211, s.2)

16

17 273. Section 3 of P.L.1988, c.29 (C.52:27C-24.1) is amended to  
18 read as follows:

19 3. a. The Commissioner of [the Department of] Community and  
20 Urban Affairs shall establish within the Division of Housing and  
21 Development a fund for the purpose of funding programs to assist  
22 homeless persons pursuant to subsections f. and h. of section 24 of  
23 P.L.1944, c.85 (C.52:27C-24).

24 b. The fund shall consist of moneys appropriated thereto by section  
25 4 of P.L.1988, c. 29 and such other moneys as may be appropriated or  
26 otherwise made available for that purpose.

27 c. Not more than 5% of moneys paid into the fund during any fiscal  
28 year of the State may be used to pay the costs of the fund's  
29 administration by the Department of Community and Urban Affairs  
30 during that fiscal year.

31 (cf: P.L.1988, c.29, s.3)

32

33 274. Section 1 of P.L.1966, c.293 (C.52:27D-1) is amended to  
34 read as follows:

35 1. There is hereby established in the Executive Branch of the State  
36 Government a principal department which shall be known as the  
37 Department of Community and Urban Affairs.

38 As used in this act, unless the context clearly indicates otherwise,  
39 the word "department" means the Department of Community and  
40 Urban Affairs established herein.

41 (cf: P.L.1966, c.293, s.1)

42

43 275. Section 2 of P.L.1966, c.293 (C.52:27D-2) is amended to  
44 read as follows:

45 2. The administrator and chief executive officer of the department  
46 shall be a commissioner, who shall be known as the Commissioner of

1 Community and Urban Affairs, and who shall be a person qualified by  
2 training and experience to perform the duties of his office. The  
3 commissioner shall be appointed by the Governor, with the advice and  
4 consent of the Senate, and shall serve at the pleasure of the Governor  
5 during the Governor's term of office and until the appointment and  
6 qualification of the commissioner's successor. He shall receive such  
7 salary as shall be provided by law.

8 (cf: P.L.1967, c.42, s.1)

9

10 276. Section 5 of P.L.1990, c.90 (C.52:27D-3.1) is amended to  
11 read as follows:

12 5. a. The Commissioner of Community and Urban Affairs shall  
13 provide written notice to a county or municipality, as appropriate,  
14 when any funding is provided to a local or regional housing authority,  
15 or to a redevelopment corporation, agency or authority, for the  
16 purpose of financing a housing development project within the county  
17 or municipality. Such notification shall be made within five calendar  
18 days of the decision to provide the funding.

19 b. In the case of a county organized under the "Optional County  
20 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice  
21 shall be provided to the county executive or other appropriate  
22 executive officer, and to the board of chosen freeholders. In all other  
23 counties, written notice shall be provided to the members of the board  
24 of chosen freeholders.

25 In the case of a municipality other than a municipality organized  
26 under the council-manager plan pursuant to the "Optional Municipal  
27 Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice  
28 shall be provided to the mayor and to the members of the council. In  
29 the case of a municipality organized under the council-manager plan  
30 pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210  
31 (C.40:69A-1 et seq.), written notice shall be provided to the manager  
32 and to the members of the council.

33 (cf: P.L.1990, c.90, s.5)

34

35 277. Section 6 of P.L.1990, c.90 (C.52:27D-3.2) is amended to  
36 read as follows:

37 6. a. The Commissioner of Community and Urban Affairs shall  
38 provide written notice to a county or municipality when the United  
39 States Department of Housing and Urban Development makes any  
40 request for information to the Department of Community and Urban  
41 Affairs relative to the award of a grant for a project within the county  
42 or municipality. The Commissioner of Community and Urban Affairs  
43 shall also provide written notice to a county or municipality when the  
44 Director of the Division of Housing and Development in the  
45 Department of Community and Urban Affairs nominates for a grant  
46 from the United States Department of Housing and Urban

1 Development a project which is to be developed within the county or  
2 municipality.

3 b. In the case of a county organized under the "Optional County  
4 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), written notice  
5 shall be provided to the county executive or other appropriate  
6 executive officer, and to the board of chosen freeholders. In all other  
7 counties, written notice shall be provided to the members of the board  
8 of chosen freeholders.

9 In the case of a municipality other than a municipality organized  
10 under the council-manager plan pursuant to the "Optional Municipal  
11 Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.), written notice  
12 shall be provided to the mayor and to the members of the council. In  
13 the case of a municipality organized under the council-manager plan  
14 pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210  
15 (C.40:69A-1 et seq.), written notice shall be provided to the manager  
16 and to the members of the council.

17 (cf: P.L.1990, c.90, s.6)

18

19 278. Section 1 of P.L.1992, c.176 (C.52:27D-3.3) is amended to  
20 read as follows:

21 1. a. In addition to the annual report required under the provisions  
22 of subsection (h) of section 3 of P.L.1966, c.293 (C.52:27D-3) and  
23 such other reports as may otherwise be required by law, the  
24 Commissioner of Community and Urban Affairs shall submit a separate  
25 annual report to the Governor and the Legislature concerning the  
26 activities and management of each local or regional housing authority  
27 which operates pursuant to the "Local Housing Authorities Law,"  
28 R.S.55:14A-1 et seq. or the "Local Redevelopment and Housing  
29 Law," P.L.1992, c.79 (C.40A:12A-1 et al.).

30 b. The report, which shall be presented in a manner and form  
31 prescribed by the commissioner, shall be designed to provide the  
32 Governor and the Legislature with an assessment of the effectiveness  
33 of each of those local housing authorities subject to the provisions of  
34 this act. In developing the manner and form of the report, the  
35 commissioner shall consult with the Council of Large Public Housing  
36 Authorities regarding appropriate performance measurements of the  
37 effectiveness of those local housing authorities subject to the  
38 provisions of this act. The measures of effectiveness shall include, but  
39 not be limited to: vacancy number and percentage thereof; use of  
40 modernization grants; rent collection; energy consumption; unit  
41 turnaround time; work order completion time; unit and system  
42 inspections; tenant accounts receivable; operating reserves; expense to  
43 income ratio; and initiatives relating to the creation of a drug-free  
44 environment, the promotion of homeownership opportunities, resident  
45 management, economic development, and the use of grants to develop  
46 new public housing. The report shall include a synopsis, explanation,

1 and evaluation of the information contained in the reports prepared by  
2 the U.S. Department of Housing and Urban Development as part of  
3 the Public Housing Management Assessment Program or any similar  
4 public housing assessment program administered by the federal  
5 government. The report shall include also any evaluation of the status  
6 of any improvement plans or memoranda of agreement between the  
7 federal government and a local housing authority which the federal  
8 government required for the purpose of improving the effectiveness of  
9 that local housing authority.

10 (cf: P.L.1992, c.176, s.1)

11  
12 279. Section 6 of P.L.1966, c.293 (C.52:27D-6) is amended to  
13 read as follows:

14 6. (a) There is hereby established in the Department of Community  
15 and Urban Affairs an Advisory Council on Community and Urban  
16 Affairs, an Office of Community Services, a Division of Local Finance,  
17 a Division of Housing and Urban Renewal, a Division of State and  
18 Regional Planning, a Division on Aging, a Division of Youth, and an  
19 Office of Economic Opportunity.

20 The commissioner also shall have authority to organize and  
21 maintain in his offices an administrative division and to assign to  
22 employment therein such secretarial, clerical and other assistants in the  
23 department as his office and the internal operations of the department  
24 shall require.

25 (b) In addition, the commissioner shall have the authority to  
26 reorganize the department and the several divisions, offices, bureaus  
27 and agencies established therein, in any manner which he deems to be  
28 necessary and desirable.

29 (cf: P.L.1967, c.286, s.18)

30  
31 280. Section 7 of P.L.1966, c.293 (C.52:27D-7) is amended to  
32 read as follows:

33 7. The New Jersey Office of Economic Opportunity created by  
34 Executive Order No. 17 of 1964, together with all of its functions,  
35 powers and duties, is transferred to and constituted the Office of  
36 Economic Opportunity in the Department of Community and Urban  
37 Affairs. Such office, by and through its director, shall continue to  
38 have all of the powers and shall exercise all of the functions and duties  
39 vested in, or imposed upon, it by said executive order or by any law,  
40 subject to the supervision and control of the commissioner. The  
41 Director and deputy Director of the Office of Economic Opportunity  
42 shall be appointed by the commissioner to serve at the pleasure of the  
43 commissioner and until their respective successors are appointed and  
44 have qualified; provided, that the persons in office as Director and  
45 deputy Director of the New Jersey Office of Economic Opportunity on  
46 the effective date of this act shall hold the respective offices of

1 Director and deputy Director of the Office of Economic Opportunity  
2 in the Department of Community and Urban Affairs established  
3 hereunder at the pleasure of the Governor and until their respective  
4 successors are appointed by the commissioner and have qualified.  
5 (cf: P.L.1967, c.42, s.4)

6

7 281. Section 8 of P.L.1966, c.293 (C.52:27D-8) is amended to  
8 read as follows:

9 8. All functions, powers and duties heretofore exercised by the  
10 Commissioner of Conservation and Economic Development or his  
11 designated representative pursuant to the Regional Advisory Council  
12 Act of 1962 (chapter 46, laws of 1962), the Tri-State Transportation  
13 Compact (chapter 12, laws of 1965), the Redevelopment Agencies  
14 Law (chapter 306, laws of 1949) and the Delaware Valley Urban Area  
15 Compact (chapter 149, laws of 1966), and all amendments and  
16 supplements to said acts, are hereby transferred to and vested in the  
17 Commissioner of Community and Urban Affairs.

18 (cf: P.L.1967, c.42, s.5)

19

20 282. Section 1 of P.L.1984, c.183 (C.52:27D-9.1) is amended to  
21 read as follows:

22 1. The Department of Community and Urban Affairs shall develop  
23 a program which: a. makes grandparents aware of their rights under  
24 P.L.1971, c.420 (C.9:2-7.1) which establishes visitation rights for  
25 grandparents in cases involving the custody and visitation of the child,  
26 such as divorce cases; and b. informs divorcing parents as to the  
27 utility, to the child, of regular and frequent visitation with  
28 grandparents.

29 (cf: P.L.1984, c.183, s.1)

30

31 283. Section 2 of P.L.1984, c.183 (C.52:27D-9.2) is amended to  
32 read as follows:

33 2. The Department of Community and Urban Affairs shall develop  
34 this outreach and educational program in consultation with the  
35 Administrative Office of the Courts and the New Jersey State Bar  
36 Association. The program shall utilize such items as handbooks,  
37 pamphlets, public forums and other appropriate outlets to advise  
38 grandparents of their rights under the law.

39 (cf: P.L.1984, c.183, s.2)

40

41 284. Section 3 of P.L.1984, c.183 (C.52:27D-9.3) is amended to  
42 read as follows:

43 3. Subject to the "Administrative Procedure Act," P.L.1968,  
44 c.410 (C.52:14B-1 et seq.), the Commissioner of [the Department of]  
45 Community and Urban Affairs shall adopt all regulations necessary to

1 effectuate the purposes of this act.

2 (cf: P.L.1984, c.183, s.3)

3

4 285. Section 10 of P.L.1966, c.293 (C.52:27D-10) is amended to  
5 read as follows:

6 10. The department, or any of the divisions established hereunder,  
7 may, subject to the approval of the Governor and Commissioner of  
8 Community and Urban Affairs, apply for and accept grants from the  
9 Federal Government or any agency thereof, or from any foundation,  
10 corporation, association or individual, and may comply with the  
11 terms, conditions and limitations thereof, for any of the purposes of  
12 the department, or of such division. Any money so received may be  
13 expended by the department, or such division, subject to any  
14 limitations imposed in such grants to effect any of the purposes of the  
15 department, or of such division, as the case may be, upon warrant of  
16 the Director of the Division of Budget and Accounting of the  
17 Department of the Treasury on vouchers certified and approved by  
18 the Commissioner of Community and Urban Affairs.

19 (cf: P.L.1966, c.293, s.10)

20

21 286. Section 18 of P.L.1966, c.293 (C.52:27D-18) is amended to  
22 read as follows:

23 18. The Division of Local Government in the Department of the  
24 Treasury, together with all of its functions, powers and duties, is  
25 continued, but such division is transferred to and constituted the  
26 Division of Local Finance in the Department of Community and Urban  
27 Affairs established hereunder. The Local Government Board of the  
28 Division of Local Government in the Department of the Treasury and  
29 all of its functions, powers and duties are hereby transferred to the  
30 Division of Local Finance established hereunder in the Department of  
31 Community and Urban Affairs. Such board shall henceforth be known  
32 as the Local Finance Board, and shall continue to have all of the  
33 powers and shall exercise all of the functions and duties heretofore  
34 vested in, or imposed upon, it by law. This act shall not affect the  
35 terms of office of the present members of such board. Such board  
36 shall continue to be constituted and the members thereof shall continue  
37 to be appointed as provided by existing law. Any member of such  
38 board may be removed from office by the Governor, for cause, upon  
39 notice and opportunity to be heard.

40 (cf: P.L.1966, c.293, s.18)

41

42 287. Section 1 of P.L.1974, c.35 (C.52:27D-18.1) is amended to  
43 read as follows:

44 1. The local Finance Board in the Division of Local Government  
45 Services in the Department of Community and Urban Affairs shall  
46 consist hereafter of the Director of the Division of Local Government

1 Services as chairman and seven members appointed by the Governor  
2 by and with the advice and consent of the Senate. Except as otherwise  
3 provided by law, all appointments shall be for 5 years. In case of a  
4 vacancy by reason of expiration of term or otherwise the appointment  
5 shall be for the remainder of the unexpired term.

6 (cf: P.L.1979, c.411, s.1)

7

8 288. Section 19 of P.L.1966, c.293 (C.52:27D-19) is amended to  
9 read as follows:

10 19. The Division of Local Finance shall be under the immediate  
11 supervision of a director, who shall be a person qualified by training  
12 and experience to direct the work of such division. The director shall  
13 be appointed by the commissioner and shall serve at the pleasure of  
14 the commissioner and until the director's successor is appointed and  
15 has qualified. He shall receive such salary as shall be provided by law.

16 The director shall administer the work of such division under the  
17 direction and supervision of the commissioner, and shall perform such  
18 other functions of the department as the commissioner may prescribe.

19 The person in office as director of the Division of Local  
20 Government in the Department of the Treasury on the effective date  
21 of this act shall hold the office of Director of the Division of Local  
22 Finance in the Department of Community and Urban Affairs  
23 established hereunder for the period of his term as director of the  
24 Division of Local Government in the Department of the Treasury  
25 which remains unexpired on the effective date of this act, and until his  
26 successor is appointed and has qualified.

27 (cf: P.L.1966, c.293, s.19)

28

29 289. Section 21 of P.L.1966, c.293 (C.52:27D-21) is amended to  
30 read as follows:

31 21. All of the functions, powers and duties relating to housing and  
32 urban renewal of the Division of Resource Development and of the  
33 Commissioner of Conservation and Economic Development in the  
34 Department of Conservation and Economic Development, including  
35 but not limited to all functions, powers and duties of such divisions  
36 relating to the preparation of the standard building code of New  
37 Jersey, or to local housing authorities, the former State Housing  
38 Authority and the public housing and development authority, and all  
39 of the functions, powers and duties heretofore vested in the Division  
40 of Veterans' Services in the Department of Conservation and  
41 Economic Development by section 20, chapter 448, laws of 1948, are  
42 hereby transferred to the Department of Community and Urban Affairs  
43 established hereunder, and shall be exercised and performed through  
44 the Division of Housing and Urban Renewal in such department.

45 (cf: P.L.1966, c.293, s.21)

1       290. Section 22 of P.L.1966, c.293 (C.52:27D-22) is amended to  
2 read as follows:

3       22. The public housing and development authority in the  
4 Department of Conservation and Economic Development, together  
5 with all of its functions, powers and duties, is continued as a body  
6 politic and corporate, with corporate succession, but such authority  
7 is transferred to the Department of Community and Urban Affairs  
8 established hereunder. The functions, powers and duties of such  
9 authority shall henceforth be exercised or performed by the  
10 Commissioner of Community and Urban Affairs through the Division  
11 of Housing and Urban Renewal in said department, subject to the  
12 same extent as heretofore to the rules and regulations of the State  
13 Housing Council herein transferred.

14       The State Housing Council in the Department of Conservation and  
15 Economic Development is transferred to the Department of  
16 Community and Urban Affairs established hereunder. Such council  
17 shall continue to have all of the powers and shall exercise all of the  
18 functions vested in it by law. This act shall not affect the terms of  
19 office of the present members of such council, and such council shall  
20 continue to be constituted and the members thereof shall continue to  
21 be appointed as provided by existing law.

22 (cf: P.L.1966, c.293, s.22)

23

24       291. Section 23 of P.L.1966, c.293 (C.52:27D-23) is amended to  
25 read as follows:

26       23. The Bureau of Tenement House Supervision of the Division of  
27 State Police in the Department of Law and Public Safety, together  
28 with all of its functions, powers and duties, is continued, but such  
29 bureau is transferred to and constituted the Bureau of Housing  
30 Inspection of the Division of Housing and Urban Renewal in the  
31 Department of Community and Urban Affairs established hereunder.

32       The Board of Tenement House Supervision of the Division of State  
33 Police in the Department of Law and Public Safety and all of its  
34 functions, powers and duties are hereby transferred to the Division of  
35 Housing and Urban Renewal established hereunder in the Department  
36 of Community and Urban Affairs. Such board shall henceforth be  
37 known as the Board of Housing Inspection, and shall continue to have  
38 all of the powers and shall exercise all of the functions and duties  
39 heretofore vested in, or imposed upon, it by law. This act shall not  
40 affect the terms of office of the present members of such board. Such  
41 board shall continue to be constituted and the members thereof shall  
42 continue to be appointed as provided by existing law. Any member  
43 of such board may be removed from office by the Governor for cause,  
44 upon notice and opportunity to be heard.

45       The authority vested pursuant to existing law in the Superintendent  
46 of State Police to appoint, employ or remove officers or employees

1 of the Bureau of Tenement House Supervision transferred and  
2 reconstituted hereunder is hereby transferred to and vested in the  
3 Commissioner of Community and Urban Affairs as the head of the  
4 Department of Community and Urban Affairs established hereunder.  
5 (cf: P.L.1966, c.293, s.23)

6

7 292. Section 24 of P.L.1966, c.293 (C.52:27D-24) is amended to  
8 read as follows:

9 24. The office of supervisor of hotel fire safety in the Department  
10 of Law and Public Safety together with all of its functions, powers and  
11 duties, is continued, but such office is transferred to and constituted  
12 the office of supervisor of hotel fire safety in the Bureau of Housing  
13 Inspection of the Division of Housing and Urban Renewal in the  
14 Department of Community and Urban Affairs established hereunder.  
15 Such office shall continue to have all of the powers and shall exercise  
16 all of the functions and duties vested in, or imposed upon, it by law.

17 The authority vested pursuant to existing law to appoint the  
18 supervisor of hotel fire safety is hereby transferred to and vested in the  
19 Commissioner of Community and Urban Affairs. Said supervisor shall  
20 serve at the pleasure of the commissioner and shall receive such  
21 compensation as shall be approved by the commissioner and the  
22 President of the Civil Service Commission subject to availability of  
23 funds. The supervisor shall be subject to the provisions of Title 11,  
24 Civil Service. The commissioner shall assign to the office of hotel fire  
25 safety such employees in the department as may be necessary to the  
26 supervisor in the performance of his duties.

27 (cf: P.L.1966, c.293, s.24)

28

29 293. Section 1 of P.L.1983, c.382 (C.52:27D-25a) is amended to  
30 read as follows:

31 1. As used in this act:

32 a. "Division" means the Division of Fire Safety established by  
33 section 2 of this act.

34 b. "Commissioner" means the Commissioner of [the Department  
35 of] Community and Urban Affairs.

36 c. "Department" means the Department of Community and Urban  
37 Affairs.

38 d. "Commission" means the fire safety commission established by  
39 section 5 of this act.

40 (cf: P.L.1993, c.218, s.2)

41

42 294. Section 2 of P.L.1983, c.382 (C.52:27D-25b) is amended to  
43 read as follows:

44 2. There is established in the Department of Community and  
45 Urban Affairs a Division of Fire Safety. Within three months of the  
46 effective date of this act, after reviewing the functions and duties

1 required of the division by this act and transferred to the division by  
2 this act, the commissioner shall prepare an organizational plan of the  
3 division.

4 (cf: P.L.1993, c.218, s.3)

5  
6 295. Section 1 of P.L.1989, c.42 (C.52:27D-25d1) is amended to  
7 read as follows:

8 1. The Division of Fire Safety in the Department of Community  
9 and Urban Affairs, in consultation with the Department of Education,  
10 shall maintain a system for gathering data on all fires that occur in any  
11 public school building or on public school property.

12 (cf: P.L.1993, c.218, s.7)

13  
14 296. Section 4 of P.L.1991, c.433 (C.52:27D-25d3) is amended to  
15 read as follows:

16 4. a. In consultation with the Commissioner of Health and the  
17 Superintendent of the Division of State Police in the Department of  
18 Law and Public Safety, the Division of Fire Safety in the Department  
19 of Community and Urban Affairs shall establish and maintain a burn  
20 patient arson registry which shall contain the information from reports  
21 submitted pursuant to subsection b. of N.J.S.2C:58-8 and any other  
22 information deemed necessary by the director of the division to assist  
23 in the prevention and prosecution of the crime of arson and to provide  
24 an information source for arson research and analysis.

25 b. The director of the Division of Fire Safety in the Department of  
26 Community and Urban Affairs, the Superintendent of the Division of  
27 State Police in the Department of Law and Public Safety, the  
28 Commissioner of Health, two physicians or surgeons specializing in  
29 burn injuries from Saint Barnabas Burn Foundation appointed by the  
30 director of the foundation, and two physicians or surgeons specializing  
31 in burn injuries from the Burn Foundation of Philadelphia appointed by  
32 the director of the foundation shall meet at least once during every six  
33 month period. The group shall meet to discuss the status and  
34 operation of the burn patient arson registry and the quality of the  
35 information accumulated in the registry; assess the level of compliance  
36 with subsection b. of N.J.S.2C:58-8; identify additional factors for  
37 inclusion in paragraph (7) of subsection b. of N.J.S.2C:58-8; and make  
38 recommendations for change in the operation of the registry.

39 (cf: P.L.1993, c.218, s.9)

40  
41 297. Section 5 of P.L.1991, c.433 (C.52:27D-25d4) is amended to  
42 read as follows:

43 5. In accordance with the "Administrative Procedure Act,"  
44 P.L.1968, c.410 (C.52:14B-1 et seq.) the Commissioner of [the  
45 Department of] Community and Urban Affairs shall adopt rules and  
46 regulations necessary to effectuate the purposes of this act including,

1 but not limited to, the transfer of information from the 24-hour toll  
2 free arson hotline established and maintained pursuant to section 6 of  
3 P.L.1991, c.433 (C.53:2-7), procedures for the submission of reports  
4 required under subsection b. of N.J.S.2C:58-8, the transmission of all  
5 reports to the Division of Fire Safety in the Department of Community  
6 and Urban Affairs, and procedures for notifying the appropriate  
7 enforcement agency, if necessary, to facilitate an arson investigation.

8 The form to be used for written reports submitted pursuant to  
9 subsection b. of N.J.S.2C:58-8 shall be developed in consultation with  
10 the Department of Health, the Superintendent of the Division of State  
11 Police and the physicians or surgeons of Saint Barnabas Burn  
12 Foundation and the Burn Foundation of Philadelphia appointed for the  
13 purposes of subsection b. of section 4 of P.L.1991, c.433  
14 (C.52:27D-25d3).

15 (cf: P.L.1993, c.218, s.10)

16  
17 298. Section 5 of P.L.1983, c.382 (C.52:27D-25e) is amended to  
18 read as follows:

19 5. a. To assist and advise the commissioner in the administration  
20 of this act, there is created in the Department of Community and  
21 Urban Affairs a fire safety commission consisting of 21 members. The  
22 commission shall consist of: two members of the Senate, appointed by  
23 the President of the Senate, who shall not be both of the same political  
24 party; two members of the General Assembly, appointed by the  
25 Speaker of the General Assembly, who shall not be both of the same  
26 political party; seven citizens of the State, appointed jointly by the  
27 President of the Senate and the Speaker of the General Assembly, no  
28 more than four of whom shall be of the same political party, including  
29 a representative of a volunteer fire organization, a representative of a  
30 construction labor organization, a representative of the fire insurance  
31 industry, a representative of the construction industry, a representative  
32 of the International Association of Fire Chiefs, a municipal  
33 construction official, and a representative of the New Jersey State Fire  
34 Prevention and Protection Association; 10 citizens of the State  
35 appointed by the Governor, no more than five of whom shall be of the  
36 same political party, and who shall include a representative of the New  
37 Jersey State Firemen's Mutual Benevolent Association, a  
38 representative of the New Jersey League of Municipalities, two  
39 representatives of the volunteer fire service, one of whom shall be a  
40 representative of the New Jersey State Volunteer Firemen's  
41 Association, a representative of the New Jersey State Fire Chiefs'  
42 Association, a representative of the New Jersey Paid Fire Chiefs'  
43 Association, a representative of the Fire Fighters' Association of New  
44 Jersey, a representative of the New Jersey State Association of Fire  
45 Districts, a municipal fire protection subcode official, and a chief  
46 administrator of the fire department of a municipality with a

1 population of 100,000 or more, according to the most recent federal  
2 decennial census. The members of the Senate and General Assembly  
3 appointed to the commission shall serve for terms which shall be for  
4 the legislative session for which they were elected. Of the seven  
5 members first appointed jointly by the President of the Senate and the  
6 Speaker of the General Assembly, three shall be appointed for terms  
7 of five years, three shall be appointed for terms of four years, and one  
8 shall be appointed for a term of three years. Of the eight members first  
9 appointed by the Governor, three shall be appointed for terms of five  
10 years, three shall be appointed for a term of four years, and two shall  
11 be appointed for terms of three years. The first representative of the  
12 New Jersey State Association of Fire Districts appointed by the  
13 Governor shall be for a term of three years. Thereafter, members of  
14 the fire safety commission, except as provided above for members of  
15 the Legislature, shall be appointed for terms of five years. Vacancies  
16 on the commission shall be filled, in the same manner as the original  
17 appointment but for the unexpired term. Members may be removed by  
18 the appointing authority for cause.

19 b. Members of the fire safety commission shall serve without  
20 compensation but shall be entitled to reimbursement for expenses  
21 incurred in performance of their duties, within the limits of any funds  
22 appropriated or otherwise made available for that purpose.

23 c. To advise and assist the fire safety commission in the  
24 performance of its responsibilities under this act, there are created four  
25 advisory councils, one in each of the following subject areas: the  
26 "Uniform Fire Safety Act"; training and education which shall be  
27 comprised of at least 60% of the representatives of the volunteer fire  
28 service; statistics and information; and master planning and research.  
29 Additional advisory councils shall be created by the fire safety  
30 commission as it deems appropriate. Each advisory council shall  
31 consist of one member of the fire safety commission, who shall be  
32 chairman, and as many citizens who are knowledgeable and  
33 experienced in matters related to the particular subject as the fire  
34 safety commission shall appoint. Members of the advisory councils  
35 shall serve without compensation and at the pleasure of the fire safety  
36 commission.

37 (cf: P.L.1991, c.399, s.1)

38

39 299. Section 6 of P.L.1983, c.382 (C.52:27D-25f) is amended to  
40 read as follows:

41 6. Pursuant to the "State Agency Transfer Act," P.L.1971, c.375  
42 (C.52:14D-1 et seq.), personnel assigned to the Office of the State  
43 Fire Marshal in the Division of State Police in the Department of Law  
44 and Public Safety, together with all of its functions, powers and duties,  
45 are transferred to the Division of Fire Safety established by section 2  
46 of this act in the Department of Community and Urban Affairs. The

1 Department of Community and Urban Affairs shall reorganize the  
2 functions, duties and titles of the personnel transferred.

3 (cf: P.L.1993, c.218, s.6)

4

5 300. Section 11 of P.L.1993, c.218 (C.52:27D-25h) is amended to  
6 read as follows:

7 11. The bureau of fire safety in the Division of Housing and Urban  
8 Renewal in the Department of Community and Urban Affairs, together  
9 with its functions, powers and duties, is transferred to the Division of  
10 Fire Safety in the Department of Community and Urban Affairs. All  
11 references in any law, order, rule, regulation, contract, document,  
12 judicial or administrative proceeding, or otherwise, to the bureau of  
13 fire safety in the Division of Housing and Urban Renewal in the  
14 Department of Community and Urban Affairs, or the supervisor  
15 thereof, shall mean the Division of Fire Safety in the Department of  
16 Community and Urban Affairs or the director thereof. All transfers  
17 shall be made pursuant to the "State Agency Transfer Act," P.L.1971,  
18 c.375 (C.52:14D-1 et seq.).

19 (cf: P.L.1993, c.218, s.11)

20

21

22 301. Section 2 of P.L.1995, c.266 (C.52:27D-25i) is amended to  
23 read as follows:

24 2. As used in this act:

25 "Commissioner" means the Commissioner of Community and Urban  
26 Affairs.

27 "Division" means the Division of Fire Safety in the Department of  
28 Community and Urban Affairs.

29 "Fire service" means the State, a county or municipal agency or fire  
30 district utilizing volunteer, career or part-paid fire fighters for rescue,  
31 fire suppression and related activities.

32 "Fire service instructor" means a career or volunteer or part-paid  
33 fire fighter who has been certified by the division to deliver fire fighter  
34 training after completing a prescribed curriculum.

35 "Fire service training organization" means any State, county or  
36 municipal agency or other entity, either public or private, which trains  
37 fire fighters.

38 "Incident management system" means a nationally recognized and  
39 organized system of rules, responsibilities and standard operating  
40 procedures used to manage emergency operations.

41 "Live fire training" means training that involves any open flame or  
42 device that can propagate fire.

43 (cf: P.L.1995, c.266, s.2)

44

45 302. Section 2 of P.L.1988, c.139 (C.52:27D-29.24) is amended  
46 to read as follows:

1       2. The Commissioner of [the Department of] Community and  
2 Urban Affairs shall establish the New Jersey Policy Center on Aging  
3 at Rutgers, The State University.

4       It shall be the duty of the center to:

5       a. Analyze and assist in the development of aging policies for New  
6 Jersey;

7       b. Conduct studies of gerontological issues, concerns and programs  
8 which impact on the State;

9       c. Act as a focal point for State support of gerontological research  
10 in the State; and

11       d. Conduct gerontological research which includes, but is not  
12 limited to:

13       (1) Demographic analysis of the effects of the State's economy on  
14 the elderly, the available housing stock and the general population  
15 distribution;

16       (2) Analysis of the cost of services, the use of general revenues,  
17 casino revenues and federal funding for services and the areas in which  
18 service gaps exist;

19       (3) Analysis of the long-term care system in the State, including an  
20 examination of alternative methods of care delivery such as health  
21 maintenance organizations and social health maintenance  
22 organizations; and

23       (4) Analysis of demographic data, service utilization, and other  
24 information which will assist the State in defining the needs of its  
25 elderly population.

26 (cf: P.L.1988, c.139, s.2)

27  
28       303. Section 3 of P.L.1988, c.139 (C.52:27D-29.25) is amended  
29 to read as follows:

30       3. There is established a Policy Center on Aging Advisory  
31 Committee. The committee shall consist of the Commissioner of [the  
32 Department of] Community and Urban Affairs, who shall act as the  
33 committee chairperson, the Commissioners of [the Departments of]  
34 Health and Human Services and the Chancellor of Higher Education,  
35 or their designees; a representative of the New Jersey State  
36 Commission on Aging, section 2 of P.L.1957, c.72(C.26:1A-108)  
37 appointed by the commission; four citizen members of whom two shall  
38 be appointed by the Governor, one shall be appointed by the President  
39 of the Senate and one shall be appointed by the Speaker of the General  
40 Assembly; a member of the Senate appointed by the President thereof;  
41 and a member of the General Assembly appointed by the Speaker  
42 thereof.

43       The committee shall prepare guidelines for the establishment and  
44 advise on the operation of the New Jersey Policy Center on Aging.

45 (cf: P.L.1988, c.139, s.3)

1       304. Section 4 of P.L.1988, c.139 (C.52:27D-29.26) is amended  
2 to read as follows:

3       4. The Commissioner of [the Department of] Community and  
4 Urban Affairs, on behalf of the center and with the concurrence of  
5 Rutgers, The State University, is authorized to:

6       a. Apply for and accept grants of money available for the purposes  
7 of this act from the federal government or other sources; and

8       b. Accept gifts, grants and bequests of funds from individuals,  
9 foundations, corporations, governmental agencies and other  
10 organizations and institutions.

11 (cf: P.L.1988, c.139, s.4)

12

13       305. Section 6 of P.L.1988, c.139 (C.52:27D-29.28) is amended  
14 to read as follows:

15       6. Pursuant to the "Administrative Procedure Act," P.L.1968,  
16 c.410 (C.52:14B-1 et seq.), the Commissioner of [the Department of]  
17 Community and Urban Affairs, in consultation with the Chancellor of  
18 Higher Education and in cooperation with Rutgers, The State  
19 University, shall adopt rules and regulations necessary to implement  
20 the provisions of this act.

21 (cf: P.L.988, c.139, s.6)

22

23       306. Section 7 of P.L.1988, c.139 (C.52:27D-29.29) is amended  
24 to read as follows:

25       7. Within 30 days after the effective date of this act, the  
26 Commissioner of [the Department of] Community and Urban Affairs  
27 shall report in writing to the Senate Revenue, Finance and  
28 Appropriations Committee and the General Assembly Appropriations  
29 Committee, or their successors, concerning the manner in which the  
30 appropriation will be expended, including information on  
31 administrative and project costs. Within 30 days after each fiscal year  
32 in which the Policy Center on Aging receives State funds, the  
33 Commissioner shall report in writing to the Senate Revenue, Finance  
34 and Appropriations Committee and the General Assembly  
35 Appropriations Committee, or their successors, concerning the manner  
36 in which any funds received by the policy center were expended,  
37 including information on administrative and project costs.

38 (cf: P.L.1988, c.139, s.7)

39

40       307. Section 32 of P.L.1966, c.293 (C.52:27D-32) is amended to  
41 read as follows:

42       32. All appropriations and other moneys available and to become  
43 available to any department, division, bureau or other agency, the  
44 functions, powers and duties of which have been herein assigned or  
45 transferred to the Department of Community and Urban Affairs, are  
46 hereby transferred to the Department of Community and Urban Affairs

1 established hereunder, and shall be available for the objects and  
2 purposes for which appropriated, subject to any terms, restrictions,  
3 limitations or other requirements imposed by State or Federal law.

4 (cf: P.L.1966, c.293, s.32)

5

6 308. Section 33 of P.L.1966, c.293 (C.52:27D-33) is amended to  
7 read as follows:

8 33. The director of each division in the Department of Community  
9 and Urban Affairs shall be in the unclassified service of the civil  
10 service of the State. Any such director may be removed from office by  
11 the Governor, for cause, upon notice and opportunity to be heard.

12 Any vacancy occurring in the office of director of any division in  
13 the department shall be filled in the same manner as the original  
14 appointment.

15 (cf: P.L.1966, c.293, s.33)

16

17 309. Section 34 of P.L.1966, c.293 (C.52:27D-34) is amended to  
18 read as follows:

19 34. Such employees of any department, commission, council,  
20 board, authority, office or other agency, the functions, powers and  
21 duties of which have been herein assigned or transferred to the  
22 Department of Community and Urban Affairs or to any office,  
23 authority or agency designated, continued or constituted therein, as  
24 the Commissioner of Community and Urban Affairs may determine are  
25 needed for the proper performance of the functions and duties imposed  
26 upon the Department of Community and Urban Affairs, or such office,  
27 authority or agency therein, are hereby transferred to the department,  
28 office, authority or agency to which such functions, powers and duties  
29 have been herein assigned or transferred.

30 (cf: P.L.1966, c.293, s.34)

31

32 310. Section 36 of P.L.1966, c.293 (C.52:27D-36) is amended to  
33 read as follows:

34 36. All files, books, papers, records, equipment and other property  
35 of any department, commission, council, board, office, authority or  
36 other agency, the functions, powers and duties of which have been  
37 herein assigned or transferred to the Department of Community and  
38 Urban Affairs or to any office, authority or agency designated,  
39 continued or constituted hereunder, shall upon the effective date of  
40 this act be transferred to the department, office, authority or agency  
41 to which such assignment or transfer has been made hereunder.

42 (cf: P.L.1966, c.293, s.36)

43

44 311. Section 37 of P.L.1966, c.293 (C.52:27D-37) is amended to  
45 read as follows:

46 37. This act shall not affect the orders, rules and regulations

1 heretofore made or promulgated by any department, commission,  
2 council, board, authority, officer or other agency, the functions,  
3 powers and duties of which have been herein assigned or transferred  
4 to the Department of Community and Urban Affairs or to any officer,  
5 authority or agency designated, continued or constituted hereunder;  
6 but such orders, rules and regulations shall continue with full force and  
7 effect until amended or repealed pursuant to law.

8 (cf: P.L.1966, c.293, s.37)

9  
10 312. Section 38 of P.L.1966, c.293 (C.52:27D-38) is amended to  
11 read as follows:

12 38. This act shall not affect actions or proceedings, civil or  
13 criminal, brought by or against any department, commission, council,  
14 board, authority, officer or other agency, the functions, powers and  
15 duties of which have been herein assigned or transferred to the  
16 Department of Community and Urban Affairs or to any officer,  
17 authority or agency designated, continued or constituted hereunder,  
18 and pending on the effective date of this act, but such actions or  
19 proceedings may be prosecuted or defended in the same manner and  
20 to the same effect by the department, officer, authority or agency to  
21 which such assignment or transfer has been made hereunder, as if the  
22 foregoing provisions had not taken effect; nor shall any of the  
23 foregoing provisions affect any order or recommendation made by, or  
24 other matters or proceedings before, any department, commission,  
25 council, board, officer, authority or agency, the functions, powers and  
26 duties of which have been herein assigned or transferred to the  
27 Department of Community and Urban Affairs or to any officer,  
28 authority or agency designated, continued or constituted hereunder,  
29 and all such matters or proceedings pending before such department,  
30 commission, council, board, officer, authority or other agency on the  
31 effective date of this act shall be continued by the department, officer,  
32 authority or agency to which such assignment or transfer has been  
33 made hereunder, as if the foregoing provisions had not taken effect.

34 (cf: P.L.1966, c.293, s.38)

35  
36 313. Section 40 of P.L.1966, c.293 (C.52:27D-40) is amended to  
37 read as follows:

38 40. Whenever the term "Division of Local Government" occurs or  
39 any reference is made thereto in any law, contract or document, the  
40 same shall be deemed to mean or refer to the Division of Local  
41 Finance in the Department of Community and Urban Affairs  
42 established hereunder.

43 Whenever the term "Director of the Division of Local Government"  
44 occurs or any reference is made thereto in any law, contract or  
45 document, the same shall be deemed to mean or refer to the Director  
46 of the Division of Local Finance in the Department of Community and

1 Urban Affairs established hereunder.

2 Whenever the term "Local Government Board" occurs or any  
3 reference is made thereto in any law, contract or document, the same  
4 shall be deemed to mean or refer to the Local Finance Board of the  
5 Division of Local Finance in the Department of Community and Urban  
6 Affairs established hereunder.

7 Whenever the term "public housing and development authority"  
8 occurs or any reference is made thereto in any law, contract or  
9 document, the same shall be deemed to mean or refer to the public  
10 housing and development authority in the Department of Community  
11 and Urban Affairs established hereunder.

12 Whenever the term "State Housing Council" occurs or any  
13 reference is made thereto in any law, contract or document, the same  
14 shall be deemed to mean or refer to the State Housing Council in the  
15 Department of Community and Urban Affairs established hereunder.

16 Whenever the term "Bureau of Tenement House Supervision"  
17 occurs or any reference is made thereto in any law, contract or  
18 document, the same shall be deemed to mean or refer to the Bureau of  
19 Housing Inspection of the Division of Housing and Urban Renewal in  
20 the Department of Community and Urban Affairs established  
21 hereunder.

22 Whenever the term "Board of Tenement House Supervision" occurs  
23 or any reference is made thereto in any law, contract or document, the  
24 same shall be deemed to mean or refer to the Board of Housing  
25 Inspection in the Division of Housing and Urban Renewal of the  
26 Department of Community and Urban Affairs established hereunder.

27 Whenever the term "office of supervisor of hotel fire safety" occurs  
28 or any reference is made thereto in any law, contract or document, the  
29 same shall be deemed to mean or refer to the office of supervisor of  
30 hotel fire safety in the Bureau of Housing Inspection of the Division  
31 of Housing and Urban Renewal in the Department of Community and  
32 Urban Affairs established hereunder.

33 Whenever the term "Division of State and Regional Planning"  
34 occurs or any reference is made thereto in any law, contract or  
35 document, the same shall be deemed to mean or refer to the Division  
36 of State and Regional Planning in the Department of Community and  
37 Urban Affairs established hereunder.

38 Whenever the term "Director of the Division of State and Regional  
39 Planning" occurs or any reference is made thereto in any law, contract  
40 or document, the same shall be deemed to mean or refer to the  
41 Director of the Division of State and Regional Planning in the  
42 Department of Community and Urban Affairs established hereunder.

43 Whenever the term "Division on Aging" occurs or any reference is  
44 made thereto in any law, contract or document, the same shall be  
45 deemed to mean or refer to the Division on Aging in the Department  
46 of Community and Urban Affairs established hereunder.

1 Whenever the term "Director of the Division on Aging" occurs or  
2 any reference is made thereto in any law, contract or document, the  
3 same shall be deemed to mean or refer to the Director of the Division  
4 on Aging in the Department of Community and Urban Affairs  
5 established hereunder.

6 Whenever the term "New Jersey State Commission on Aging"  
7 occurs or any reference is made thereto in any law, contract or  
8 document, the same shall be deemed to mean or refer to the New  
9 Jersey State Commission on Aging in the Division on Aging in the  
10 Department of Community and Urban Affairs established hereunder.

11 Whenever the terms "Youth Division" or "Division of Youth" occur  
12 or any reference is made thereto in any law, contract or document, the  
13 same shall be deemed to mean or refer to the Division of Youth in the  
14 Department of Community and Urban Affairs established hereunder.

15 Whenever the terms "Director of the Youth Division" or "Director  
16 of the Division of Youth" occur or any reference is made thereto in  
17 any law, contract or document, the same shall be deemed to mean or  
18 refer to the Director of the Division of Youth in the Department of  
19 Community and Urban Affairs established hereunder.

20 Whenever the term "New Jersey State Youth Commission" occurs  
21 or any reference is made thereto in any law, contract or document, the  
22 same shall be deemed to mean or refer to the New Jersey State Youth  
23 Commission of the Division of Youth in the Department of Community  
24 and Urban Affairs established hereunder.

25 Whenever the term "New Jersey Office of Economic Opportunity"  
26 occurs or any reference is made thereto in any law, contract or  
27 document, the same shall be deemed to mean or refer to the New  
28 Jersey Office of Economic Opportunity in the Department of  
29 Community and Urban Affairs established hereunder.

30 (cf: P.L.1967, c.42, s.8)

31  
32 314. Section 42 of P.L.1966, c.293 (C.52:27D-42) is amended to  
33 read as follows:

34 42. There is hereby appropriated to the Department of Community  
35 and Urban Affairs the sum of \$200,000.00 to carry out the purposes  
36 of this act for the fiscal period ending June 30, 1967; provided, that  
37 out of the sum hereby appropriated there shall be paid, for the period  
38 March 1, 1967 through June 30, 1967, a salary to the Commissioner  
39 of Community and Urban Affairs, who shall receive \$30,000.00 per  
40 annum pro rated over said period; to each of the 2 Assistant  
41 Commissioners of Community and Urban Affairs, each of whom shall  
42 receive \$22,000.00 per annum pro rated over said period; and to the  
43 Director of the Office of Community Services, who shall receive  
44 \$18,000.00 per annum pro rated over said period.

45 (cf: P.L.1967, c.42, s.9)

1       315. Section 43 of P.L.1966, c.293 (C.52:27D-43) is amended to  
2 read as follows:

3       43. This act shall be known as, and may be cited as, the  
4 "Department of Community and Urban Affairs Act of 1966."

5 (cf: P.L.1966, c.293, s.43)

6

7       316. Section 2 of P.L.1974, c.87 (C.52:27D-43.9) is amended to  
8 read as follows:

9       2. There is hereby established in the Department of Community and  
10 Urban Affairs a Division on Women. The division shall consist of a  
11 director and the New Jersey Advisory Commission on the Status of  
12 Women.

13 (cf: P.L.1974, c.87, s.2)

14

15       317. Section 6 of P.L.1974, c.87 (C.52:27D-43.13) is amended to  
16 read as follows:

17       6. The division, under the supervision and leadership of the  
18 director, shall:

19       a. Serve as the central permanent agency for the coordination of  
20 programs and services for the women of New Jersey and for the  
21 evaluation of the effectiveness of their implementation and as a  
22 planning agency for the development of new programs and services;

23       b. Establish a liaison with all other governmental departments and  
24 agencies involved with the enforcement of laws, ordinances and  
25 regulations and with the development of programs affecting the status  
26 of women;

27       c. Request State departments and other public and private agencies  
28 on a State, county, and local level to initiate joint efforts to promote  
29 the expansion of rights and opportunities available to the women of  
30 this State;

31       d. Cooperate with all Federal and interstate programs and services  
32 provided for women;

33       e. Engage in a continuous study of the changing needs and  
34 concerns of women in New Jersey and develop and recommend new  
35 programs to the Governor and the Legislature;

36       f. Consult with, advise, and otherwise provide professional  
37 assistance to organized efforts by communities, organizations,  
38 associations and groups which are working toward the goal of  
39 improving the status of women;

40       g. Serve as a clearing house to publish and disseminate information  
41 and to provide assistance and direction to women with specific  
42 problems and needs;

43       h. Act as a search committee for the Governor and other executive  
44 officers in the State Government for the purpose of discovering and  
45 recommending women who are talented and qualified to serve in the  
46 Executive Branch of the State Government;

1 i. Report annually to the Commissioner of [the Department of]  
2 Community and Urban Affairs and the Governor on its activities and  
3 recommendations;

4 j. Do all other things necessary to carry out the powers and duties  
5 granted under this act.

6 (cf: P.L.1974, c.87, s.6)

7  
8 318. Section 2 of P.L.1979, c.125 (C.52:27D-43.19) is amended  
9 to read as follows:

10 2. As used in this act, a "displaced homemaker" is an individual  
11 who has not worked in the labor force for a substantial number of  
12 years but has, during those years, worked in the home providing  
13 unpaid services for family members and has been dependent upon the  
14 income of another family member but is no longer supported by that  
15 income and:

16 a. Is receiving public assistance because of dependent children in  
17 the home but is within 1 year of no longer being eligible for such  
18 assistance; or

19 b. Is unemployed or underemployed and is experiencing difficulty  
20 in obtaining or upgrading employment; or

21 c. Is at least 40 years of age, an age at which discrimination based  
22 on age is likely, and at which entry or reentry to or advancement in  
23 the labor market is difficult.

24 "Commissioner" means the Commissioner of [the Department of]  
25 Community and Urban Affairs.

26 "Division" shall mean the Division on Women within the  
27 Department of Community and Urban Affairs.

28 (cf: P.L.1979, c.125, s.2)

29  
30 319. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended  
31 to read as follows:

32 3. The Division on Women in the Department of Community and  
33 Urban Affairs shall identify existing displaced homemaker programs  
34 and provide technical assistance and encouragement for the expansion  
35 of other multi-purpose programs which provide:

36 a. Job counseling services which are specifically designed for  
37 displaced homemakers, and which aid them in acquiring knowledge of  
38 their talents and skills in relation to existing jobs, and which counsel  
39 displaced homemakers with respect to appropriate job opportunities.

40 b. Job training and job placement services which develop, by  
41 working with State and local government agencies and private  
42 employers, training and placement programs for jobs in the public and  
43 private sectors, which assist participants in gaining admission to  
44 existing public and private job training programs and opportunities,  
45 and which identify community needs and encourage the creation of  
46 new jobs in the public and private sectors.

1 c. Health education and counseling services which cooperate with  
2 existing health programs to provide counseling on preventive health  
3 care, health care consumer education, family health care and nutrition,  
4 alcohol and drug addiction, and overcoming health barriers to  
5 employment.

6 d. Financial management services which provide information and  
7 assistance with respect to credit, insurance, taxes, estate and probate  
8 problems, mortgages, loans, and other related financial matters.

9 e. Educational services, including outreach and information about  
10 courses offering credit through secondary or post-secondary education  
11 programs, and including bilingual programs where appropriate, as well  
12 as information about other programs which are determined to be of  
13 interest and benefit to displaced homemakers in developing employable  
14 skills.

15 f. Legal counseling and referral services.

16 g. Outreach and information services with respect to Federal and  
17 State employment, education, health, public assistance, and  
18 unemployment assistance programs.

19 (cf: P.L.1979, c.125, s.3)

20

21 320. Section 5 of P.L.1979, c.125 (C.52:27D-43.22) is amended  
22 to read as follows:

23 5. The Division on Women within the Department of Community  
24 and Urban Affairs shall make a continuous study of the needs of  
25 displaced homemakers, and effective programs and services and  
26 funding available to meet those needs. The division shall also  
27 coordinate community organizations, women's groups, and public  
28 agencies to maximize the utilization of existing programs and  
29 resources. Such coordination shall include, but not be limited to the  
30 Division on Aging in the Department of Community and Urban  
31 Affairs, the Office on Women of the Division of Vocational Education  
32 in the Department of Education, the Division of Vocational  
33 Rehabilitation Services in the Department of Labor and Industry, and  
34 the Division of Welfare in the Department of Human Services. The  
35 goal of this coordination shall be to put eligible people in touch with  
36 existing programs and to foster cooperation and the exchange of  
37 information among all departments and agencies of State Government  
38 which sponsor programs for which displaced homemakers would be  
39 eligible.

40 (cf: P.L.1979, c.125, s.5)

41

42 321. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended  
43 to read as follows:

44 2. The Clerk of the Superior Court shall forward \$25.00 of the  
45 \$160.00 filing fee for divorce provided for in N.J.S.22A:2-12 on a

1 quarterly basis to the Department of Community and Urban Affairs.  
2 (cf: P.L.1993, c.188, s.2)

3  
4 322. Section 3 of P.L.1993, c.188 (C.52:27D-43.24b) is amended  
5 to read as follows:

6 3. The Department of Community and Urban Affairs shall establish  
7 a trust fund for the deposit of the fees collected pursuant to section 2  
8 of this amendatory and supplementary act. The moneys from the trust  
9 fund shall be used for the specific purpose of providing grants-in-aid  
10 to programs for displaced homemakers as identified by the Division on  
11 Women in the Department of Community and Urban Affairs pursuant  
12 to section 3 of P.L.1979, c.125 (C.52:27D-43.20).

13 (cf: P.L.1993, c.188, s.3)

14

15 323. Section 4 of P.L.1993, c.188 (C.52:27D-43.24c) is amended  
16 to read as follows:

17 4. The Commissioner of [the Department of] Community and  
18 Urban Affairs in accordance with the "Administrative Procedure Act,"  
19 P.L.1968, c.410 (C.52:14B-1 et seq.) shall promulgate rules and  
20 regulations necessary to implement this act including rules and  
21 regulations establishing eligibility requirements for programs for  
22 displaced homemakers to receive the grants-in-aid.

23 (cf: P.L.1993, c.188, s.4)

24

25 324. Section 3 of P.L.1990, c.83 (C.52:27D-43.27) is amended to  
26 read as follows:

27 3. As used in this act:

28 a. "Center" means an Hispanic women's demonstration resource  
29 center established pursuant to this act which is intended to enhance the  
30 employability of Hispanic women.

31 b. "Department" means the Department of Community and Urban  
32 Affairs.

33 c. "Division" means the Division on Women in the Department of  
34 Community and Urban Affairs.

35 d. "Director" means the Director of the Division on Women.

36 e. "Hispanic" means a person who is of Spanish or Latin American  
37 culture, with origins in Mexico, South or Central America, or the  
38 Caribbean Islands.

39 f. "Office" means the Office of Hispanic Affairs in the Department  
40 of Community and Urban Affairs.

41 (cf: P.L.1990, c.83, s.3)

42

43 325. Section 7 of P.L.1990, c.83 (C.52:27D-43.31) is amended to  
44 read as follows:

45 7. The division shall make a study of employment needs of  
46 individuals who use the services of the centers and of existing

1 programs and services which are effective in meeting those needs. The  
2 division shall also coordinate community organizations, women's  
3 groups, and public agencies to maximize the utilization of existing  
4 programs and resources. The coordination shall include, but not be  
5 limited to, the Office of Hispanic Affairs in the Department of  
6 Community and Urban Affairs, the Division of Vocational Education  
7 in the Department of Education, the Division of Vocational  
8 Rehabilitation Services in the Department of Labor, and the Division  
9 of Public Welfare in the Department of Human Services. The goal of  
10 this coordination shall be to put Hispanic women in touch with  
11 existing programs and to foster cooperation and the exchange of  
12 information among all departments and agencies of State government  
13 which sponsor employment and related programs of special interest to  
14 women.

15 (cf: P.L.1990, c.83, s.7)

16

17 326. Section 4 of P.L.1967, c.80 (C.52:27D-47) is amended to  
18 read as follows:

19 4. The following terms whenever used or referred to in this act  
20 have the following respective meanings, except in those instances  
21 where the context clearly indicates otherwise:

22 (a) The term "act" shall mean this act, and amendments and  
23 supplements thereto, and rules or regulations promulgated thereunder.

24 (b) The term "commissioner" shall mean the Commissioner of  
25 [the Department of] Community and Urban Affairs.

26 (c) The term "department" shall mean the Department of  
27 Community and Urban Affairs.

28 (d) The term "fund" shall mean the State Urban Renewal  
29 Assistance Fund established pursuant to section 10 of this act.

30 (e) The term "local grants-in-aid" shall mean the local assistance  
31 required, whether by appropriation, cash grant, municipal services and  
32 facilities or otherwise, in connection with any urban renewal project  
33 as provided for and determined in accordance with the laws and  
34 regulations of the United States governing such project and any  
35 contract between the municipality or local public agency and the  
36 Department of Housing and Urban Development of the United States.

37 (f) The term "local public agency" shall mean any agency  
38 authorized by a municipality, or by one or more municipalities acting  
39 jointly pursuant to law, to undertake a redevelopment project either in  
40 accordance with chapter 306 of the laws of 1949, as amended and  
41 supplemented or chapter 300 of the laws of 1949, as amended and  
42 supplemented.

43 (g) The term "municipality" shall mean any political subdivision  
44 of the State other than a county or a school district, and shall include  
45 2 or more municipalities acting jointly pursuant to law.

46 (h) The term "urban renewal project" shall mean a project as

1 defined by section 5, chapter 306 of the laws of 1949, as supplemented  
2 by section 2 of chapter 212 of the laws of 1956, as amended by section  
3 1, chapter 64 of the laws of 1957, and also a redevelopment project as  
4 defined by section 4 of chapter 300 of the laws of 1949, as amended  
5 by section 1, chapter 86 of the laws of 1951, as supplemented by  
6 section 2, chapter 211 of the laws of 1956, and shall include those  
7 programs, projects, tests and demonstrations authorized by and to  
8 effectuate the purposes of Title I of the Housing Act of 1949, section  
9 314 of the Housing Act of 1954, Title VII of Public Law 87-70 (the  
10 Housing Act of 1961), and Public Law 89-754 (the Demonstration  
11 Cities and Metropolitan Development Act of 1966), and all laws  
12 amendatory and supplementary thereto.

13 (cf: P.L.1967, c.80, s.4)

14

15 327. Section 1 of P.L.1967, c.82 (C.52:27D-59) is amended to  
16 read as follows:

17 1. This act shall be known as, and may be cited as, the  
18 "Department of Community and Urban Affairs Demonstration Grant  
19 Law of 1967."

20 (cf: P.L.1967, c.82, s.1)

21

22 328. Section 3 of P.L.1967, c.82 (C.52:27D-61) is amended to  
23 read as follows:

24 3. The Legislature finds that there is an extreme shortage of safe  
25 and sanitary accommodations in this State available to families with  
26 moderate incomes, and that the ordinary operations of private,  
27 profit-making enterprises alone cannot satisfy the demand for such  
28 dwelling accommodations. The Legislature finds further that there are  
29 in this State many slums and blighted areas which are injurious to the  
30 health, safety and welfare of the residents of this State, and that  
31 existing programs and technology have not as yet developed  
32 techniques for the elimination of such slums and blighted areas.

33 The Legislature hereby finds that various nonprofit corporations  
34 and associations and mutual housing associations are desirous of  
35 organizing to construct or rehabilitate housing units for families of  
36 moderate income, but that those corporations and associations require  
37 development funds and technical assistance in the organization and  
38 management of nonprofit corporations and mutual housing  
39 associations, and that the provision of such development funds and  
40 technical assistance to those corporations and associations will  
41 maximize the availability of Federal funds and credits which may be  
42 used for the construction or rehabilitation of housing units for  
43 residents of this State.

44 Further, the Legislature finds that housing development and  
45 demonstration programs conducted by the Department of Community  
46 and Urban Affairs, whether singly or in participation and co-operation

1 with Federal, State or local agencies or with private enterprise, will  
2 accelerate the pace of research into, and the development of,  
3 techniques for the provision of better, faster and more economical  
4 methods of constructing and rehabilitating housing units for families  
5 of moderate income, and of eliminating the slums and blighted sections  
6 of the urban and nonfarm rural areas of this State.

7 The Legislature further finds that the authority and powers  
8 conferred under this act constitute and serve a valid public purpose.  
9 (cf: P.L.1967, c.82, s.3)

10

11 329. Section 4 of P.L.1967, c.82 (C.52:27D-62) is amended to  
12 read as follows:

13 4. The following terms whenever used or referred to in this act  
14 shall have the following respective meanings for the purposes of this  
15 act, except in those instances where the context clearly indicates  
16 otherwise:

17 (a) The term "act" shall mean this act, and any amendments and  
18 supplements thereto, and any rules and regulations promulgated  
19 thereunder.

20 (b) The term "commissioner" shall mean the Commissioner of  
21 [the Department of] Community and Urban Affairs.

22 (c) The term "department" shall mean the Department of  
23 Community and Urban Affairs.

24 (d) The term "development cost" shall mean the amount approved  
25 by the commissioner as an appropriate expenditure which may be  
26 incurred prior to the first mortgage advance under an eligible  
27 mortgage loan, which amount may include, without limitation: (1)  
28 payments for options, deposits or contracts to purchase properties on  
29 the proposed housing project site or, with the prior approval of the  
30 commissioner, payments for the purchase of such properties; (2) legal  
31 and organizational expenses, including attorneys' fees, and salaries,  
32 office rent and other incidental expenses for a project manager and  
33 office staff; (3) fees for preliminary feasibility studies, planning  
34 advances, borings, surveys, engineering and architectural work, and  
35 fees for the services of architects, engineers, planners and attorneys  
36 in connection therewith; (4) expenses for tenant surveys and market  
37 analyses; and (5) such other expenses as the commissioner may deem  
38 necessary and appropriate to effectuate the purposes of this act.

39 (e) The term "eligible mortgage" shall mean a below-market  
40 interest rate mortgage insured by the Secretary of Housing and Urban  
41 Development, a mortgage insured by the Secretary of Housing and  
42 Urban Development and augmented by a program of rent supplement  
43 authorized by the provisions of Public Law 89-117 (The Housing and  
44 Urban Development Act of 1965), a mortgage loan made by the State  
45 of New Jersey, or any department, division, office, bureau or section  
46 thereof, or any agency or authority created or chartered thereby, to a

1 nonprofit or mutual housing sponsor for the purpose of providing  
2 housing to families of moderate income, a mortgage insured by the  
3 Secretary of Housing and Urban Development pursuant to Public Law  
4 86-372 (The Housing Act of 1959), and any similar below-market  
5 interest rate mortgage that may be insured by any department or  
6 agency of the United States or this State.

7 (f) The term "fund" shall mean the Revolving Housing  
8 Development and Demonstration Grant Fund created by section 5 of  
9 this act.

10 (g) The term "housing project" or "project" shall mean any  
11 specific work upon or improvement to housing accommodations,  
12 whether new construction or rehabilitation thereof, undertaken by a  
13 nonprofit or mutual housing sponsor to provide dwelling  
14 accommodations for families of moderate income, including the  
15 acquisition, construction or rehabilitation of lands, buildings and  
16 improvements, and such stores, offices, and social, recreational,  
17 communal or other facilities as may be incidental or appurtenant  
18 thereto.

19 (h) The term "family of moderate income" shall mean a family  
20 whose income is too low to compete successfully in the normal rental  
21 or mutual housing market and whose aggregate family income does  
22 not exceed limits prescribed by such rules and regulations as may be  
23 issued and promulgated by the commissioner.

24 (i) The term "mutual housing sponsor" shall mean any nonprofit  
25 association or corporation organized under the laws of this State for  
26 the purpose of providing dwelling accommodations for families of  
27 moderate income, which dwelling accommodations are operated, or  
28 are to be operated upon completion of construction or rehabilitation,  
29 exclusively for the benefit of the families who are entitled to occupy  
30 said dwelling accommodations by reason of co-ownership of stock in  
31 such corporation, or by reason of co-ownership of stock in such  
32 corporation, or by reason of co-ownership of the premises in a  
33 horizontal property regime authorized by the provisions of chapter  
34 168 of the laws of 1963 (The Horizontal Property Act).

35 (j) The term "nonprofit sponsor" shall mean any association or  
36 corporation organized not for profit under the provisions of Title 15  
37 of the Revised Statutes or any other law which has as one of its  
38 purposes the construction or rehabilitation and operation, or both, of  
39 housing projects, or any corporation qualified under the provisions of  
40 chapter 184 of the laws of 1949 as amended and supplemented.

41 (cf: P.L.1967, c.82, s.4)

42

43 330. Section 1 of P.L.1971, c.411 (C.52:27D-99) is amended to  
44 read as follows:

45 1. a. The Bureau of Recreation established pursuant to P.L.1950,  
46 c. 338, as amended and supplemented (C. 13:1B-15.1), together with

1 all its functions, powers and duties, is continued, transferred and  
2 constituted in the Department of Community and Urban Affairs,  
3 subject to the reorganization powers of the Commissioner of  
4 Community and Urban Affairs.

5 b. The Board of Recreation Examiners, established pursuant to  
6 P.L.1966, c.291 (C.13:1C-1 et seq.) together with all of its functions,  
7 powers and duties, is continued and transferred to the Department of  
8 Community and Urban Affairs. This act shall not affect the terms of  
9 office of the present members of the board. The members of the  
10 board shall continue to be appointed as provided by existing law.

11 (cf: P.L.1971, c.411, s.1)

12

13 331. Section 2 of P.L.1971, c.411 (C.52:27D-100) is amended to  
14 read as follows:

15 2. All appropriations, grants and other moneys available and to  
16 become available to the bureau and the board, the functions, powers  
17 and duties of which have been herein assigned or transferred to the  
18 Department of Community and Urban Affairs, are hereby transferred  
19 to the Department of Community and Urban Affairs, and shall be  
20 available for the objects and purposes for which appropriated, subject  
21 to any terms, restrictions, limitations or other requirements imposed  
22 by State or Federal law.

23 (cf: P.L.1971, c.411, s.2)

24

25 332. Section 3 of P.L.1971, c.411 (C.52:27D-101) is amended to  
26 read as follows:

27 3. a. Such employees of the bureau and the board, the functions,  
28 powers and duties of which have been herein assigned or transferred  
29 to the Department of Community and Urban Affairs or to any agency  
30 designated, continued or constituted therein, are hereby transferred to  
31 the department or agency to which such functions, powers and duties  
32 have been herein assigned or transferred.

33 b. Nothing in this act shall be construed to deprive any person of  
34 any tenure rights or of any right or protection provided him by Title  
35 11 of the Revised Statutes, Civil Service, or under any pension law or  
36 retirement system.

37 (cf: P.L.1971, c.411, s.3)

38

39 333. Section 4 of P.L.1971, c.411 (C.52:27D-102) is amended to  
40 read as follows:

41 4. All files, books, papers, records, equipment and other property  
42 of the bureau, and the board, the functions, powers and duties of  
43 which have been herein assigned or transferred to the Department of  
44 Community and Urban Affairs, shall upon the effective date of this act  
45 be transferred to the department to which such assignment or transfer

1 has been made hereunder.

2 (cf: P.L.1971, c.411, s.4)

3

4 334. Section 7 of P.L.1971, c.411 (C.52:27D-103) is amended to  
5 read as follows:

6 7. This act shall not affect the orders, rules and regulations  
7 heretofore made or promulgated by the bureau or the board, the  
8 functions, powers and duties of which have been herein assigned or  
9 transferred to the Department of Community and Urban Affairs; but  
10 such orders, rules and regulations shall continue with full force and  
11 effect until amended or repealed pursuant to law.

12 (cf: P.L.1971, c.411, s.7)

13

14 335. Section 8 of P.L.1971, c.411 (C.52:27D-104) is amended to  
15 read as follows:

16 8. This act shall not affect actions or proceedings, civil or criminal,  
17 brought by or against the bureau or the board, the functions, powers  
18 and duties of which have been herein assigned or transferred to the  
19 Department of Community and Urban Affairs and pending on the  
20 effective date of this act, but such actions or proceedings may be  
21 prosecuted or defended in the same manner and to the same effect by  
22 the department or agency to which such assignment or transfer has  
23 been made hereunder, as if the foregoing provisions had not taken  
24 effect; nor shall any of the foregoing provisions affect any order or  
25 recommendation made by, or other matters or proceedings before, the  
26 bureau or the board, the functions, powers and duties of which have  
27 been assigned or transferred to the Department of Community and  
28 Urban Affairs, and all such matters or proceedings pending before  
29 such bureau or board, on the effective date of this act shall be  
30 continued by the department or agency to which such assignment or  
31 transfer has not been made hereunder, as if the foregoing provisions  
32 had not taken effect.

33 (cf: P.L.1971, c.411, s.8)

34

35 336. Section 10 of P.L.1971, c.411 (C.52:27D-106) is amended to  
36 read as follows:

37 10. With respect to the functions, powers and duties hereby  
38 transferred to the Department of Community and Urban Affairs,  
39 whenever in any law, rule, regulation, contract, document, judicial or  
40 administrative proceeding or otherwise, reference is made to the  
41 Bureau of Recreation in the Department of Environmental Protection,  
42 the same shall mean and refer to the Bureau of Recreation in the  
43 Department of Community and Urban Affairs.

44 (cf: P.L.1971, c.411, s.10)

45

46 337. Section 11 of P.L.1971, c.411 (C.52:27D-107) is amended to

1 read as follows:

2 11. With respect to the functions, powers and duties hereby  
3 transferred to the Department of Community and Urban Affairs,  
4 whenever in any law, rule, regulation, contract, document, judicial or  
5 administrative proceeding or otherwise, reference is made to the Board  
6 of Recreation Examiners in the Department of Environmental  
7 Protection, the same shall mean and refer to the Board of Recreation  
8 Examiners in the Department of Community and Urban Affairs.  
9 (cf: P.L.1971, c.411, s.11)

10

11 338. Section 1 of P.L.1973, c.291 (C.52:27D-117) is amended to  
12 read as follows:

13 1. The New Jersey Mortgage Finance Agency as established in the  
14 Department of Banking by P.L.1970, c.38 (C.17:1B-4 et seq.) is  
15 continued and transferred to the Department of Community and  
16 Urban Affairs.

17 (cf: P.L.1973, c.291, s.1)

18

19 339. Section 1 of P.L.1979, c.118 (C.52:27D-118.1) is amended  
20 to read as follows:

21 1. As used in this act:

22 a. "Director" means the Director of the Division of Local  
23 Government Services in the Department of Community and Urban  
24 Affairs;

25 b. "Qualifying municipality" means each municipality in the State  
26 which received State aid pursuant to P.L.1978, c.14;

27 c. "Approved program" means a program, project, or municipal  
28 services approved by the director pursuant to the Safe and Clean  
29 Neighborhoods Program established by this act.

30 (cf: P.L.1979, c.118, s.1)

31

32 340. Section 8 of P.L.1979, c.118 (C.52:27D-118.8) is amended  
33 to read as follows:

34 8. The director is authorized to make and issue such rules and  
35 regulations in accordance with the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.) and to require such facts and  
37 information from the municipalities and any agencies thereof as he may  
38 deem necessary. An application approved by the director shall provide  
39 for the accountability of a municipality for the expenditure of funds as  
40 allocated in its approved application and performance evaluations of  
41 programs to be provided by the Department of Community and Urban  
42 Affairs in carrying out the provisions of this act.

43 (cf: P.L.1979, c.118, s.8)

44

45 341. Section 3 of P.L.1987, c.75 (C.52:27D-118.26) is amended  
46 to read as follows:

1       3. As used in this act:

2       "Board" means the Local Finance Board of the Division of Local  
3 Government Services in the Department of Community and Urban  
4 Affairs.

5       "Director" means the Director of the Division of Local Government  
6 Services in the Department of Community and Urban Affairs.

7       "Eligible municipality" means a municipality which is qualified to  
8 receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a  
9 municipality under the supervision of the Local Finance Board  
10 pursuant to the provisions of the "Local Government Supervision Act  
11 (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), or a municipality  
12 which has issued qualified bonds pursuant to the provisions of the  
13 "Municipal Qualified Bond Act," P.L.1976, c.38 (C.40A:3-1 et seq.).  
14 (cf: P.L.1987, c.75, s.3)

15

16       342. Section 2 of P.L.1991, c.63 (C.52:27D-118.33) is amended  
17 to read as follows:

18       2. As used in this act:

19       "Board" means the Local Finance Board of the Division of Local  
20 Government Services in the Department of Community and Urban  
21 Affairs.

22       "Director" means the Director of the Division of Local Government  
23 Services in the Department of Community and Urban Affairs.

24       "Equalized tax rate" means the total tax levy on which the tax rate  
25 is computed for a municipality as shown in the table of aggregates for  
26 the pretax year prepared pursuant to R.S.54:4-52, divided by the  
27 equalized valuation of property exclusive of Class II railroad property  
28 as shown in the table of equalized valuations for the pretax year  
29 prepared pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.).

30       "Municipal per capita income" means the money income of a  
31 municipality for the most recent year prior to the budget year as  
32 reported by the Bureau of the Census divided by the population of the  
33 municipality according to the most recent federal decennial census.

34       "State per capita income" means the money income of the State for  
35 the most recent year prior to the budget year as reported by the  
36 Bureau of the Census divided by the State population according to the  
37 most recent federal decennial census.

38       "Statewide aggregate equalized tax rate" means the sum of the total  
39 tax levies on which the tax rates are computed for all municipalities in  
40 the State as shown in the table of aggregates for the pretax year  
41 prepared pursuant to R.S.54:4-52, divided by the sum of equalized  
42 valuations of property of all municipalities in the State exclusive of  
43 Class II railroad property as shown in the table of equalized valuations  
44 for the pretax year prepared pursuant to P.L.1954, c.86 (C.54:1-35.1  
45 et seq.).

46 (cf: P.L.1991, c.63, s.2)

1       343. Section 3 of P.L.1975, c.217 (C.52:27D-121) is amended to  
2 read as follows:

3       3. Definitions. As used in this act:

4       "Building" means a structure enclosed with exterior walls or fire  
5 walls, built, erected and framed of component structural parts,  
6 designed for the housing, shelter, enclosure and support of individuals,  
7 animals or property of any kind.

8       "Business day" means any day of the year, exclusive of Saturdays,  
9 Sundays, and legal holidays.

10       "Certificate of occupancy" means the certificate provided for in  
11 section 15 of this act, indicating that the construction authorized by  
12 the construction permit has been completed in accordance with the  
13 construction permit, the State Uniform Construction Code and any  
14 ordinance implementing said code.

15       "Commissioner" means the Commissioner of Community and Urban  
16 Affairs.

17       "Code" means the State Uniform Construction Code.

18       "Commercial farm building" means any building located on a  
19 commercial farm which produces not less than \$2,500 worth of  
20 agricultural or horticultural products annually, which building's main  
21 use or intended use is related to the production of agricultural or  
22 horticultural products produced on that farm. A building shall not be  
23 regarded as a commercial farm building if more than 1,200 square feet  
24 of its floor space is used for purposes other than its main use. A  
25 greenhouse constructed in conjunction with the odor control bio-filter  
26 of a solid waste or sludge composting facility, which greenhouse  
27 produces not less than \$2,500 worth of agricultural or horticultural  
28 products in addition to its function as a cover for the bio-filter, shall  
29 be considered a commercial farm building for the purposes of this act,  
30 provided, however, that the greenhouse is not intended for human  
31 occupancy.

32       "Construction" means the construction, erection, reconstruction,  
33 alteration, conversion, demolition, removal, repair or equipping of  
34 buildings or structures.

35       "Construction board of appeals" means the board provided for in  
36 section 9 of this act.

37       "Department" means the Department of Community and Urban  
38 Affairs.

39       "Enforcing agency" means the municipal construction official and  
40 subcode officials provided for in section 8 of this act and assistants  
41 thereto.

42       "Equipment" means plumbing, heating, electrical, ventilating, air  
43 conditioning, refrigerating and fire prevention equipment, and  
44 elevators, dumbwaiters, escalators, boilers, pressure vessels and other  
45 mechanical facilities or installations.

46       "Hearing examiner" means a person appointed by the commissioner

1 to conduct hearings, summarize evidence, and make findings of fact.

2 "Maintenance" means the replacement or mending of existing work  
3 with equivalent materials or the provision of additional work or  
4 material for the purpose of the safety, healthfulness, and upkeep of the  
5 structure and the adherence to such other standards of upkeep as are  
6 required in the interest of public safety, health and welfare.

7 "Manufactured home" or "mobile home" means a unit of housing  
8 which:

9 (1) Consists of one or more transportable sections which are  
10 substantially constructed off site and, if more than one section, are  
11 joined together on site;

12 (2) Is built on a permanent chassis;

13 (3) Is designed to be used, when connected to utilities, as a  
14 dwelling on a permanent or nonpermanent foundation; and

15 (4) Is manufactured in accordance with the standards promulgated  
16 for a manufactured home by the Secretary of the United States  
17 Department of Housing and Urban Development pursuant to the  
18 "National Manufactured Housing Construction and Safety Standards  
19 Act of 1974," Pub.L. 93-383 (42 U.S.C. s. 5401 et seq.) and the  
20 standards promulgated by the commissioner pursuant to P.L.1975,  
21 c.217 (C.52:27D-119 et seq.).

22 "Municipality" means any city, borough, town, township or village.

23 "Owner" means the owner or owners in fee of the property or a  
24 lesser estate therein, a mortgagee or vendee in possession, an assignee  
25 of rents, receiver, executor, trustee, lessee, or any other person, firm  
26 or corporation, directly or indirectly in control of a building, structure,  
27 or real property and shall include any subdivision thereof of the State.

28 "Premanufactured system" means an assembly of materials or  
29 products that is intended to comprise all or part of a building or  
30 structure and that is assembled off site by a repetitive process under  
31 circumstances intended to insure uniformity of quality and material  
32 content.

33 "Public school facility" means any building, or any part thereof, of  
34 a school, under college grade, owned and operated by a local,  
35 regional, or county school district.

36 "State sponsored code change proposal" means any proposed  
37 amendment or code change adopted by the commissioner in  
38 accordance with subsection c. of section 5 of this act for the purpose  
39 of presenting such proposed amendment or code change at any of the  
40 periodic code change hearings held by the National Model Code  
41 Adoption Agencies, the codes of which have been adopted as subcodes  
42 under this act.

43 "Stop construction order" means the order provided for in section  
44 14 of this act.

45 "State Uniform Construction Code" means the code provided for  
46 in section 5 of this act, or any portion thereof, and any modification of

1 or amendment thereto.

2 "Structure" means a combination of materials to form a construction  
3 for occupancy, use, or ornamentation, whether installed on, above, or  
4 below the surface of a parcel of land; provided the word "structure"  
5 shall be construed when used herein as though followed by the words  
6 "or part or parts thereof and all equipment therein" unless the context  
7 clearly requires a different meaning.

8 (cf: P.L.1992, c.12 s.1).

9

10 344. Section 1 of P.L.1996, c.53 (C.52:27D-122.1) is amended to  
11 read as follows:

12 1. The Legislature finds and declares that:

13 a. One of the specified purposes of the "State Uniform  
14 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), was  
15 the elimination of restrictive and unnecessary construction regulations  
16 that tend to unnecessarily increase construction costs.

17 b. While the overall effect of the statutory requirement that the  
18 subcodes of the State Uniform Construction Code be adoptions of the  
19 model codes or standards of nationally recognized organizations,  
20 including all amendments or revisions to such codes or standards, has  
21 been consistent with the intent and purpose of the "State Uniform  
22 Construction Code Act," there have been exceptional instances in  
23 which the amendment or revision of an adopted code or standard has  
24 included changes that are not consistent with that intent and purpose.

25 c. It is therefore necessary and appropriate that the Commissioner  
26 of Community and Urban Affairs be given the authority to limit the  
27 adoption of later revisions to the model code to include only those  
28 standards in effect on July 1, 1995, and any later revisions or  
29 amendments of model codes which would not be inconsistent with the  
30 intent and purpose of the act.

31 (cf: P.L.1996, c.53, s.1)

32

33 345. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to  
34 read as follows:

35 5. a. The commissioner shall after public hearing pursuant to  
36 section 4 of the "Administrative Procedure Act," P.L.1968, c.410  
37 (C.52:14B-4) adopt a State Uniform Construction Code for the  
38 purpose of regulating the structural design, construction, maintenance  
39 and use of buildings or structures to be erected and alteration,  
40 renovation, rehabilitation, repair, maintenance, removal or demolition  
41 of buildings or structures already erected. Prior to the adoption of  
42 said code, the commissioner shall consult with the code advisory board  
43 and other departments, divisions, bureaus, boards, councils or other  
44 agencies of State Government heretofore authorized to establish or  
45 administer construction regulations.

46 Such prior consultations with departments, divisions, bureaus,

1 boards, councils, or other agencies of State Government shall include  
2 but not be limited to consultation with the Commissioner of Health  
3 and the Public Health Council prior to adoption of a plumbing subcode  
4 pursuant to paragraph b. of this section. Said code shall include any  
5 code, rule or regulation incorporated therein by reference.

6 b. The code shall be divided into subcodes which may be adopted  
7 individually by the commissioner as he may from time to time consider  
8 appropriate. These subcodes shall include but not be limited to a  
9 building code, a plumbing code, an electrical code, an energy code, a  
10 fire prevention code, a manufactured or mobile home code and  
11 mechanical code.

12 These subcodes shall be adoptions of the model codes of the  
13 Building Officials and Code Administrators International, Inc., the  
14 National Electrical Code, and the National Standard Plumbing Code,  
15 provided that for good reasons, the commissioner may adopt as a  
16 subcode a model code or standard of some other nationally recognized  
17 organization upon a finding that such model code or standard  
18 promotes the purposes of this act. The initial adoption of a model  
19 code or standard as a subcode shall constitute adoption of subsequent  
20 edition year publications of the model code or standard organization,  
21 except as provided for in paragraphs (1) through (4) of this subsection.  
22 Adoption of publications shall not occur more frequently than once  
23 every three years; provided, however, that a revision or amendment  
24 may be adopted at any time in the event that the commissioner finds  
25 that there exists an imminent peril to the public health, safety or  
26 welfare.

27 (1) Except as otherwise provided in this subsection, the edition of  
28 a model code or standard in effect as a subcode as of July 1, 1995 shall  
29 continue in effect regardless of any publication of a subsequent edition  
30 of that model code or standard. Prior to establishing the effective  
31 date for any subsequent revision or amendment of any model code or  
32 standard adopted as a subcode, the commissioner shall review, in  
33 consultation with the code advisory board, the text of the revised or  
34 amended model code or standard and determine whether the amended  
35 or revised provisions of the model code are essential to carry out the  
36 intent and purpose of this act as viewed in contrast to the  
37 corresponding provisions of the subcode then currently in effect.

38 (2) In the event that the commissioner, pursuant to paragraph (1)  
39 of this subsection, determines that any amended or revised provision  
40 of a model code is essential to carry out the intent and purpose of this  
41 act as viewed in contrast to any corresponding provision of the  
42 subcode then currently in effect, the commissioner may then adopt that  
43 provision of the amended or revised model code.

44 (3) The commissioner, in consultation with the code advisory  
45 board, shall have the authority to review any model code or standard  
46 currently in effect as a subcode of the State Uniform Construction  
47 Code and compare it with previously adopted editions of the same  
48 model code or standard in order to determine if the subcode currently

1 in effect is at least as consistent with the intent and purpose of this act  
2 as were previously adopted editions of the same model code or  
3 standard.

4 (4) In the event that the commissioner, after consultation with the  
5 code advisory board, determines pursuant to this subsection that a  
6 provision of a model code or standard currently in effect as a subcode  
7 of the State Uniform Construction Code is less consistent with the  
8 intent and purpose of this act than was the corresponding provision  
9 of a previously adopted edition of the same model code or standard,  
10 the commissioner may delete the provision in effect and substitute in  
11 its place the corresponding provision of the previously adopted edition  
12 of the same model code or standard determined to be more consistent  
13 with the intent and purpose of this act.

14 The commissioner shall be authorized to adopt a barrier free  
15 subcode or to supplement or revise any model code adopted  
16 hereunder, for the purpose of insuring that adequate and sufficient  
17 features are available in buildings or structures so as to make them  
18 accessible to and usable by the physically handicapped.

19 c. Any municipality through its construction official, and any State  
20 agency or political subdivision of the State may submit an application  
21 recommending to the commissioner that a State sponsored code  
22 change proposal be adopted. Such application shall contain such  
23 technical justification and shall be submitted in accordance with such  
24 rules of procedure as the commissioner may deem appropriate, except  
25 that whenever the State Board of Education shall determine that  
26 enhancements to the code are essential to the maintenance of a  
27 thorough and efficient system of education, the enhancements shall be  
28 made part of the code; provided that the amendments do not result in  
29 standards that fall below the adopted subcodes. The Commissioner of  
30 [the Department of] Education shall consult with the Commissioner of  
31 [the Department of] Community and Urban Affairs prior to publishing  
32 the intent of the State Board to adopt any amendments to the Uniform  
33 Construction Code. Upon adoption of any amendments by the State  
34 Board of Education they shall be transmitted forthwith to the  
35 Commissioner of [the Department of] Community and Urban Affairs  
36 who shall publish and incorporate the amendments as part of the  
37 Uniform Construction Code and the amendments shall be enforceable  
38 as if they had been adopted by the commissioner.

39 At least 45 days prior to the final date for the submission of  
40 amendments or code change proposals to the National Model Code  
41 Adoption Agency, the code of which has been adopted as a subcode  
42 under this act, the commissioner shall hold a public hearing in  
43 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
44 (C.52:14B-1 et seq.), at which testimony on any application  
45 recommending a State sponsored code change proposal will be heard.

46 The commissioner shall maintain a file of such applications, which  
47 shall be made available to the public upon request and upon payment  
48 of a fee to cover the cost of copying and mailing.

1 After public hearing, the code advisory board shall review any such  
2 applications and testimony and shall within 20 days of such hearing  
3 present its own recommendations to the commissioner.

4 The commissioner may adopt, reject or return such  
5 recommendations to the code advisory board for further deliberation.  
6 If adopted, any such proposal shall be presented to the subsequent  
7 meeting of the National Model Code Agency by the commissioner or  
8 by persons designated by the commissioner as a State sponsored code  
9 change proposal. Nothing herein, however, shall limit the right of any  
10 municipality, the department, or any other person from presenting  
11 amendments to the National Model Code Agency on its own initiative.

12 The commissioner may adopt further rules and regulations pursuant  
13 to this subsection and may modify the procedures herein described  
14 when a model code change hearing has been scheduled so as not to  
15 permit adequate time to meet such procedures.

16 d. (Deleted by amendment, P.L.1983, c.496.)

17 (cf: P.1996, c.53, s.2)

18

19 346. Section 1 of P.L.1989, c.186 (C.52:27D-123a) is amended to  
20 read as follows:

21 1. The Commissioner of Community and Urban Affairs shall adopt,  
22 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
23 (C.52:14B-1 et seq.), a radon hazard code, or may propose  
24 amendments to revise the appropriate model code adopted pursuant to  
25 the "State Uniform Construction Code Act," P.L.1975, c.217  
26 (C.52:27D-119 et seq.), for the purpose of establishing adequate and  
27 appropriate standards to ensure that schools and residential buildings  
28 within tier one areas, as defined by the Department of Environmental  
29 Protection pursuant to P.L.1985, c.408 (C.26:2D-59 et seq.), are  
30 constructed in a manner that minimizes radon gas and radon progeny  
31 entry and facilitates any subsequent remediation that might prove  
32 necessary. In preparing the radon hazard code standards, the  
33 commissioner shall employ a guideline of four picocuries per liter or  
34 such other action level standard as the Department of Environmental  
35 Protection may establish subsequent to the effective date of this act.

36 The department shall include in the radon hazard code standards  
37 such testing requirements as may prove reliable, practical and  
38 economical to identify sites where a proposed school or residential  
39 building will require construction in a manner that minimizes radon gas  
40 and radon progeny entry and facilitates any subsequent remediation.  
41 If a feasible predictive test method is developed, then the standards  
42 adopted pursuant to the "State Uniform Construction Code Act,"  
43 P.L.1975, c.217 (C.52:27D-119 et seq.), shall be revised to include  
44 such further changes in construction standards as may be necessary to  
45 prevent the entry of radon gas and radon progeny into new schools or  
46 residential buildings.

47 No person who constructs a school or residential building in  
48 compliance with these standards anywhere within the State shall

1 thereafter be held liable for the presence of radon gas or radon  
2 progeny in the school or residential building, or for any losses or  
3 damage to persons or property resulting therefrom.

4 (cf: P.L.1989, c.186, s.1)

5

6 347. Section 4 of P.L.1989, c.186 (C.52:27D-123d) is amended to  
7 read as follows:

8 4. The Department of Community and Urban Affairs, in  
9 consultation with the Department of Environmental Protection, the  
10 National Institute of Standards and Technology, the National  
11 Association of Homebuilders Research Center and the United States  
12 Environmental Protection Agency, shall investigate methods of testing  
13 building sites for the purpose of predicting the presence of radon  
14 hazards in buildings to be constructed thereon.

15 (cf: P.L.1989, c.186, s.4)

16

17 348. Section 5 of P.L.1989, c.186 (C.52:27D-123e) is amended to  
18 read as follows:

19 5. The Department of Community and Urban Affairs shall take  
20 such actions as are necessary to train construction officials in the  
21 implementation of this act.

22 (cf: P.L.1989, c.186, s.5)

23

24 349. Section 2 of P.L.1986, c.119 (C.52:27D-123.2) is amended  
25 to read as follows:

26 2. a. Notwithstanding any other provision of P.L.1975, c.217  
27 (C.52:27D-119 et seq.), the Commissioner of [the Department of]  
28 Community and Urban Affairs and the Secretary of Agriculture shall,  
29 within 270 days of the effective date of this amendatory and  
30 supplementary act, jointly promulgate, pursuant to the "Administrative  
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), separate  
32 construction code criteria for commercial farm buildings. The  
33 Commissioner shall, upon adoption, incorporate these criteria into the  
34 State Uniform Construction Code.

35 b. The Secretary of Agriculture shall, in consultation with the  
36 Commissioner of Community and Urban Affairs and all other  
37 interested and affected parties, prepare the criteria to be proposed for  
38 adoption pursuant to the "Administrative Procedure Act," P.L.1968,  
39 c.410 (C.52:14B-1 et seq.). The Secretary may, in his discretion, make  
40 use of the services of Rutgers, The State University to prepare the  
41 proposed criteria.

42 c. The Commissioner and the Secretary shall, to the greatest extent  
43 possible, ensure that the criteria provide no impediment to the orderly  
44 development of the State's agricultural and horticultural enterprises.  
45 They shall pay particular attention to establishing separate height, area,  
46 fire protection and construction type requirements which are more  
47 suitable to agricultural and horticultural uses than those which are  
48 presently incorporated in the State Uniform Construction Code.

1 d. The Commissioner and the Secretary shall ensure that, to the  
2 greatest extent possible, criteria are completely eliminated for  
3 structures and buildings which are not intended for human occupancy,  
4 such as storage bins, silos and the like.

5 (cf: P.L.1986, c.119, s.2)

6

7 350. Section 2 of P.L.1995, c.68 (C.52:27D-123.5) is amended to  
8 read as follows:

9 2. The Commissioner of [the Department of] Community and  
10 Urban Affairs, in consultation with the State Board of Education, is  
11 directed to develop a building code specifically designed to foster  
12 cost-effective school building construction, while ensuring through its  
13 provisions that necessary health and safety requirements are met. The  
14 code shall be designed for use throughout the State and shall  
15 supplement the State Uniform Construction Code, P.L.1975, c.217  
16 (C.52:27D-119 et seq.). The commissioner may promulgate this code  
17 as a separate document from the State Uniform Construction Code, or  
18 may, if the commissioner finds it feasible and useful, incorporate its  
19 provisions directly into, and make them an integral part of, that code.

20 (cf: P.L.1995, c.68, s.2)

21

22 351. Section 3 of P.L.1995, c.68 (C.52:27D-123.6) is amended to  
23 read as follows:

24 3. The code adopted by the Commissioner of Community and  
25 Urban Affairs pursuant to section 2 of this act shall not require as a  
26 condition for approval of plans and specifications for the erection,  
27 alteration, improvement or repair of a public school facility:

28 a. refurbishment of a school facility based upon an automatic  
29 threshold, involving percentage increases in square footage or the  
30 relative costs of the building addition, beyond that necessary to meet  
31 the requirements of the appropriate building code which directly  
32 impact on the health and safety of students; or

33 b. refurbishment of a newly reopened school facility beyond that  
34 necessary to meet the requirements of the appropriate building code  
35 which directly impact on the health and safety of the students.

36 (cf: P.L.1995, c.68, s.3)

37

38 352. Section 2 of P.L.1995, c.78 (C.52:27D-123.8) is amended to  
39 read as follows:

40 2. a. The Commissioner of Community and Urban Affairs is hereby  
41 directed to develop a building code specifically designed to foster  
42 cost-effective housing rehabilitation, while ensuring through its  
43 provisions that necessary health and safety requirements are met. The  
44 code shall be designed for use throughout the State but shall have  
45 particular application to the older cities of the State, and the housing  
46 types characteristic of those cities. The code shall supplement the  
47 State Uniform Construction Code, adopted pursuant to P.L.1975,  
48 c.217 (C.52:27D-119 et seq.). The commissioner may promulgate this

1 code as a separate document from the State Uniform Construction  
2 Code, or may, if he finds it feasible and useful, incorporate its  
3 provisions directly into, and make them an integral part of, that code.

4 b. In developing the code, the commissioner is directed to  
5 investigate any model codes, such as Chapter 34, "Existing  
6 Structures," of the "BOCA National Building Code/1993" and  
7 experiences of other code enforcement jurisdictions, to consult with  
8 individuals and organizations experienced in the rehabilitation of low  
9 and moderate income housing in New Jersey's urban areas, and  
10 conduct research as may be relevant to the purposes of this act.

11 c. The commissioner is further directed to undertake a study of the  
12 desirability of authorizing a procedure under which, in adopting the  
13 provisions of the standard or model codes upon which the State  
14 Uniform Construction Code is based, discretion may be accorded to  
15 the commissioner to modify, amplify or otherwise depart from any  
16 such provisions, without exceeding any of them in stringency, for the  
17 purpose of accommodating this State's construction code to the needs  
18 of the State and its various regions, particularly with respect to  
19 encouraging the provision of housing affordable to persons and  
20 families of low and moderate income.

21 d. The commissioner shall, pursuant to the "Administrative  
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate the  
23 code prescribed in subsection a. of this section within six months of  
24 the effective date of this act; or, if he finds it impracticable to do so,  
25 shall make a written report to the Legislature setting forth the grounds  
26 of the impracticability and making such recommendations for further  
27 legislative action as he may deem likely to remove those grounds.  
28 Within the same period of time the commissioner shall also make his  
29 report and recommendations to the Legislature on the study directed  
30 by subsection c. of this section.

31 (cf: P.L.1995, c.78, s.2)

32

33 353. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
34 read as follows:

35 6. The commissioner shall have all the powers necessary or  
36 convenient to effectuate the purposes of this act, including, but not  
37 limited to, the following powers in addition to all others granted by  
38 this act:

39 a. To adopt, amend and repeal, after consultation with the code  
40 advisory board, rules: (1) relating to the administration and  
41 enforcement of this act and (2) the qualifications or licensing, or both,  
42 of all persons employed by enforcing agencies of the State to enforce  
43 this act or the code, except that, plumbing inspectors shall be subject  
44 to the rules adopted by the commissioner only insofar as such rules are  
45 compatible with such rules and regulations, regarding health and  
46 plumbing for public and private buildings, as may be promulgated by  
47 the Public Health Council in accordance with Title 26 of the Revised  
48 Statutes.

1       b. To enter into agreements with federal and State of New Jersey  
2 agencies, after consultation with the code advisory board, to provide  
3 insofar as practicable (1) single-agency review of construction plans  
4 and inspection of construction and (2) intergovernmental acceptance  
5 of such review and inspection to avoid unnecessary duplication of  
6 effort and fees. The commissioner shall have the power to enter into  
7 such agreements although the federal standards are not identical with  
8 State standards; provided that the same basic objectives are met. The  
9 commissioner shall have the power through such agreements to bind  
10 the State of New Jersey and all governmental entities deriving  
11 authority therefrom.

12       c. To take testimony and hold hearings relating to any aspect of or  
13 matter relating to the administration or enforcement of this act,  
14 including but not limited to prospective interpretation of the code so  
15 as to resolve inconsistent or conflicting code interpretations, and, in  
16 connection therewith, issue [subpenas] subpoenas to compel the  
17 attendance of witnesses and the production of evidence. The  
18 commissioner may designate one or more hearing examiners to hold  
19 public hearings and report on such hearings to the commissioner.

20       d. To encourage, support or conduct, after consultation with the  
21 code advisory board, educational and training programs for employees,  
22 agents and inspectors of enforcing agencies, either through the  
23 Department of Community and Urban Affairs or in cooperation with  
24 other departments of State government, enforcing agencies,  
25 educational institutions, or associations of code officials.

26       e. To study the effect of this act and the code to ascertain their  
27 effect upon the cost of building construction and maintenance, and the  
28 effectiveness of their provisions for insuring the health, safety, and  
29 welfare of the people of the State of New Jersey.

30       f. To make, establish and amend, after consultation with the code  
31 advisory board, such rules as may be necessary, desirable or proper to  
32 carry out his powers and duties under this act.

33       g. To adopt, amend, and repeal rules and regulations providing for  
34 the charging of and setting the amount of fees for the following code  
35 enforcement services, licenses or approvals performed or issued by the  
36 department, pursuant to the "State Uniform Construction Code Act:"

37       (1) Plan review, construction permits, certificates of occupancy,  
38 demolition permits, moving of building permits, elevator permits and  
39 sign permits; and

40       (2) Review of applications for and the issuance of licenses  
41 certifying an individual's qualifications to act as a construction code  
42 official, subcode official or assistant under this act.

43       (3) (Deleted by amendment, P.L.1983, c.338).

44       h. To adopt, amend and repeal rules and regulations providing for  
45 the charging of and setting the amount of construction permit  
46 surcharge fees to be collected by the enforcing agency and remitted to  
47 the department to support those activities which may be undertaken  
48 with moneys credited to the Uniform Construction Code Revolving

1 Fund.

2 i. To adopt, amend and repeal rules and regulations providing for:

3 (1) Setting the amount of and the charging of fees to be paid to the  
4 department by a private agency for the review of applications for and  
5 the issuance of approvals authorizing a private agency to act as an  
6 on-site inspection and plan review agency or an in-plant inspection  
7 agency;

8 (2) The setting of the amounts of fees to be charged by a private  
9 agency for inspection and plan review services; provided, however,  
10 that such fees shall not be more than those adopted and charged by the  
11 department when it serves as a local enforcement agency pursuant to  
12 section 10 of P.L.1975, c.217 (C.52:27D-128); and

13 (3) The formulation of standards to be observed by a municipality  
14 in the evaluation of a proposal submitted by a private agency to  
15 provide inspection or plan review services within a municipality.

16 j. To enforce and administer the provisions of the "State Uniform  
17 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and  
18 the code promulgated thereunder, and to prosecute or cause to be  
19 prosecuted violators of the provisions of that act or the code  
20 promulgated thereunder in administrative hearings and in civil  
21 proceedings in State and local courts.

22 k. To monitor the compliance of local enforcing agencies with the  
23 provisions of the "State Uniform Construction Code Act," P.L.1975,  
24 c.217 (C.52:27D-119 et seq.), to order corrective action as may be  
25 necessary where a local enforcing agency is found to be failing to carry  
26 out its responsibilities under that act, to supplant or replace the local  
27 enforcing agency for a specific project, and to order it dissolved and  
28 replaced by the department where the local enforcing agency  
29 repeatedly or habitually fails to enforce the provisions of the "State  
30 Uniform Construction Code Act."

31 (cf: P.L.1993, c.47, s.1)

32

33 354. Section 2 of P.L.1979, c.121 (C.52:27D-124.1) is amended  
34 to read as follows:

35 2. There is established in the Department of Community and Urban  
36 Affairs, a nonlapsing, revolving fund to be known as the Uniform  
37 Construction Code Revolving Fund. All surcharge fees levied on new  
38 construction pursuant to section 6 of P.L.1975, c. 217, such moneys  
39 as may be appropriated by the State or Federal Government for  
40 inclusion in the fund, and such revenues as may be generated by  
41 departmental training, educational and instruction activities related to  
42 code enforcement shall be deposited in the fund.

43 Moneys appropriated from the fund shall be used to prepare and  
44 administer examinations to determine the eligibility of persons seeking  
45 to be employed by an enforcing agency, to establish and administer  
46 courses for the training of code, and subcode officials and assistants,  
47 and to reimburse in whole or in part, such persons as deemed eligible  
48 by the department, who have paid tuition for such training courses,

1 and to disseminate information concerning the code and code rules and  
2 regulations, and changes made therein.

3 (cf: P.L.1979, c.121, s.2)

4

5 355. Section 12 of P.L.1987, c.365 (C.52:27D-124.2) is amended  
6 to read as follows:

7 12. All of the functions, powers and duties heretofore exercised by  
8 the Department of Energy and the commissioner thereof pursuant to  
9 P.L.1977, c.146 (C.52:27F-1 et seq.) relating to the adoption,  
10 amendment and repeal of the energy subcode of the State Uniform  
11 Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et  
12 seq.) and P.L.1977, c.256 (C.54:4-3.113 et seq.) are hereby  
13 transferred to and vested in the Department of Community and Urban  
14 Affairs and the commissioner thereof.

15 (cf: P.L.1987, c.365, s.12)

16

17 356. Section 7 of P.L.1975, c.217 (C.52:27D-125) is amended to  
18 read as follows:

19 7. a. To assist and advise the commissioner in the administration  
20 of this act there is hereby created in the Department of Community  
21 and Urban Affairs a code advisory board to consist of 15 citizens to  
22 be appointed by the commissioner for a term of 4 years. The board  
23 shall consist of: one architect registered in the State of New Jersey;  
24 two professional engineers licensed by the State of New Jersey, one  
25 of whom shall be a mechanical engineer and one of whom shall be a  
26 structural engineer; one municipal building official; one member of  
27 the building industry in the State of New Jersey; one public health  
28 official in the State of New Jersey; one licensed plumbing inspector  
29 in the State of New Jersey; one licensed electrical inspector in the  
30 State of New Jersey; one fire prevention inspector in the State of  
31 New Jersey and six members of the public, two of whom shall be  
32 experienced in representing consumers and one of whom shall be a  
33 representative of the handicapped who shall serve as chairman of the  
34 subcode committee on the handicapped. The initial appointment of the  
35 representative of the handicapped shall be used to fill the first vacancy  
36 among the public members of the code advisory board occurring on  
37 or after the effective date of this amendatory and supplementary act.  
38 Of the 13 members first appointed the commissioner shall designate  
39 the appointees' terms so that three shall be appointed for terms of 1  
40 year, three for terms of 2 years, three for terms of 3 years and four for  
41 terms of 4 years, and that the two additional members first appointed  
42 by the commissioner pursuant to this amendatory act shall be  
43 appointed for 2 years and 3 years respectively with such terms to be  
44 computed from February 4, 1976. Thereafter, members of the code  
45 advisory board shall be appointed for terms of 4 years.

46 b. Code advisory board members shall serve without compensation  
47 but shall be entitled to reimbursement for expenses incurred in  
48 performance of their duties. Vacancies on the advisory board shall be

1 filled for the unexpired term. Members may be removed by the  
2 commissioner for cause.

3 c. The code advisory board shall appoint a committee for each  
4 subcode and, should a subcode therefor not be adopted, for  
5 supplements to or revisions of the barrier free design provisions of  
6 any model code adopted pursuant to section 5 of this act. Each such  
7 committee shall consist of one member of the code advisory board,  
8 who shall be chairman, and at least four citizens who are experienced  
9 and knowledgeable in matters related to the particular subcode. Each  
10 committee shall advise and assist the code advisory board in the  
11 performance of its responsibilities under this act for the subcode in  
12 question. Committee members shall serve without compensation and  
13 at the pleasure of the code advisory board.

14 (cf: P.L.1981, c.35, s.7)

15

16 357. Section 11 of P.L.1975, c.217 (C.52:27D-129) is amended to  
17 read as follows:

18 11. State buildings and buildings of interstate agencies.

19 a. Notwithstanding any other provision of P.L.1975, c.217  
20 (C.52:27D-119 et seq.), the Department of Community and Urban  
21 Affairs shall have authority to administer and enforce the code in  
22 regard to buildings and structures owned by the State, and any of its  
23 departments, divisions, bureaus, boards, councils, authorities or other  
24 agencies; provided, however, that the Division of Building and  
25 Construction in the Department of the Treasury shall have authority  
26 to conduct field inspections for the purpose of enforcing the code in  
27 buildings built under its supervision. The Division of Building and  
28 Construction shall be authorized to review plans and undertake  
29 construction if the Department of Community and Urban Affairs  
30 cannot approve plans within the 20-day period provided for in  
31 P.L.1975, c.217. In an emergency or cost savings situation, the  
32 commissioner may delegate, by rule, the authority to conduct field  
33 inspections for the purpose of enforcing the code. The Division of  
34 Building and Construction and any public or private agency which  
35 receives such a delegation shall carry out any review or inspection  
36 responsibilities with persons certified by the Commissioner of  
37 Community and Urban Affairs pursuant to the provisions of P.L.1975,  
38 c.217. The Department of Community and Urban Affairs shall have  
39 ultimate responsibility for insuring that all buildings conform to the  
40 requirements of the code.

41 b. Construction, alteration, renovation, rehabilitation, repair,  
42 removal or demolition of any building or structure situated wholly  
43 within New Jersey by or for an agency created by an interstate  
44 compact to which the State of New Jersey is a party shall be subject  
45 to the provisions of the code; provided that such interstate agency  
46 shall have exclusive authority to administer and enforce the code in  
47 regard to such buildings and structures.

48 (cf: P.1991, c.87, s.1)

1       358. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to  
2 read as follows:

3       12. Except as otherwise provided by this act or in the code, before  
4 construction or alteration of any building or structure, the owner, or  
5 his agent, engineer or architect, shall submit an application in writing,  
6 including signed and sealed drawings and specifications, to the  
7 enforcing agency as defined in this act. The application shall be in  
8 accordance with regulations established by the commissioner and on  
9 a form prescribed by the commissioner and shall be accompanied by  
10 payment of the fee to be established by the municipal governing body  
11 by ordinance in accordance with standards established by the  
12 commissioner. The application for a construction permit shall be filed  
13 with the enforcing agency and shall be a public record; and no  
14 application for a construction permit shall be removed from the  
15 custody of the enforcing agency after a construction permit has been  
16 issued. Nothing contained in this paragraph shall be interpreted as  
17 preventing the imposition of requirements in the code, for additional  
18 permits for particular kinds of work, including but not limited to  
19 plumbing, electrical, elevator, fire prevention equipment or boiler  
20 installation or repair work, or in other defined situations.

21       No permit shall be issued for a public school facility unless the final  
22 plans and specifications have been first approved by the Bureau of  
23 Facility Planning Services in the Department of Education or a  
24 municipal code official who is appropriately licensed by the  
25 Commissioner of Community and Urban Affairs for the type and level  
26 of plans being reviewed. Approval by the Bureau of Facility Planning  
27 Services in the Department of Education shall only be required when  
28 a review for educational adequacy is necessary. Requirements  
29 determining when a review for educational adequacy is necessary shall  
30 be established jointly by the Department of Community and Urban  
31 Affairs and the Department of Education. The standards shall  
32 thereafter be adopted as part of the Uniform Construction Code  
33 regulations by the Department of Community and Urban Affairs. After  
34 the final plans and specifications have been approved for educational  
35 adequacy by the Bureau of Facility Planning Services in the  
36 Department of Education, a local board of education may submit the  
37 final plans and specifications for code approval to either the Bureau of  
38 Facility Planning Services in the Department of Education or a  
39 municipal code official who is appropriately licensed by the  
40 Commissioner of Community and Urban Affairs for the type and level  
41 of plans being reviewed. The Bureau of Facility Planning Services in  
42 the Department of Education when approving final plans and  
43 specifications shall be responsible for insuring that the final plans and  
44 specifications conform to the requirements of the code as well as for  
45 insuring that they provide for an educationally adequate facility. In  
46 carrying out its responsibility pursuant to the provisions of this section  
47 the Department of Education shall employ persons licensed by the  
48 Commissioner of Community and Urban Affairs for the type and level

1 of plans being reviewed.  
2 (cf: P.L.1990, c.23, s.3)

3

4 359. Section 1 of P.L.1985, c.85 (C.52:27D-130.2) is amended to  
5 read as follows:

6 1. No person shall be required to pay a municipal fee or charge in  
7 order to secure a construction permit for the installation or alteration  
8 of a solar energy heating or cooling system in any building or part  
9 thereof. As used in this act, "solar energy heating and cooling system"  
10 means a system which is certified as eligible for an exemption from  
11 property taxation by the Department of Community and Urban Affairs  
12 pursuant to P.L.1977, c. 256 (C. 54:4-3.113 et seq.).

13 (cf: P.L.1985, c.85, s.1)

14

15 360. Section 15 of P.L.1975, c.217 (C.52:27D-133) is amended to  
16 read as follows:

17 15. No building or structure hereafter constructed shall be used or  
18 occupied in whole or in part until a certificate of occupancy shall have  
19 been issued by the enforcing agency. No building or structure  
20 hereafter altered, in whole or in part, shall be used or occupied until  
21 such a certificate has been issued, except that any use or occupancy in  
22 an already existing building or structure that was not discontinued  
23 during its alteration may be continued in the preexisting structure for  
24 30 days after the completion of the alteration without the issuance of  
25 a certificate of occupancy. A certificate of occupancy shall be issued  
26 by the enforcing agency when all of the work covered by a  
27 construction permit shall have been completed in accordance with the  
28 permit, the code, and other applicable laws and ordinances. In the  
29 case of any new home subject to sales surcharge pursuant to P.L.1991,  
30 c.202 (C.46:3B-13 et al.) a certificate of occupancy shall not be issued  
31 except after presentation of a receipt, or verified duplicate thereof,  
32 from the Department of Community and Urban Affairs evidencing the  
33 payment of the surcharge. On request of a holder of a construction  
34 permit, the appropriate enforcing agency may issue a temporary  
35 certificate of occupancy for a building or structure, or part thereof,  
36 before the entire work covered by the construction permit has been  
37 completed, if the part or parts of the building or structure to be  
38 covered by the certificate may be occupied prior to completion of all  
39 work in accordance with the permit, the code, and other applicable  
40 laws and ordinances, without endangering the health and safety of the  
41 occupants or users. When a building or structure is entitled thereto,  
42 the enforcing agency shall issue a certificate of occupancy within 10  
43 business days after receipt of a written application therefor in  
44 accordance with regulations established by the commissioner on a form  
45 prescribed by the commissioner accompanied by payment of a fee to  
46 be established by the municipal governing body by ordinance in  
47 accordance with standards established by the commissioner. The  
48 certificate of occupancy shall certify that the building or structure has

1 been constructed in accordance with the provisions of the construction  
2 permit, the code, and other applicable laws and ordinances.  
3 (cf: P.L.1991, c.202, s.8)

4

5 361. Section 3 of P.L.1975, c.248 (C.52:27D-144) is amended to  
6 read as follows:

7 3. The Legislature hereby declares it to be the policy of the State  
8 to promote the health, safety, morals and welfare of the citizens  
9 thereof through the prevention and elimination of blighting influences  
10 and the restoration of neighborhoods threatened with or undergoing  
11 deterioration and decline. For this purpose, powers are granted by this  
12 act to the Department of Community and Urban Affairs to make  
13 grants to political subdivisions of the State so that they may undertake  
14 measures, including but not limited to housing rehabilitation, code  
15 enforcement, demolition, and the expansion and improvement of public  
16 services and public facilities, which will arrest the deterioration and  
17 preserve the threatened but still viable neighborhoods of the State.  
18 The enactment of the provisions hereinafter set forth is in the public  
19 interest and is hereby so declared to be such as a matter of express  
20 legislative determination.

21 (cf: P.L.1975, c.248, s.3)

22

23 362. Section 4 of P.L.1975, c.248 (C.52:27D-145) is amended to  
24 read as follows:

25 4. The following terms whenever used or referred to in this act  
26 shall have the following meanings, unless a different meaning clearly  
27 appears from the context:

28 a. "Commissioner" means the Commissioner of [the Department  
29 of] Community and Urban Affairs;

30 b. "Political subdivision" means any unit or agency of government  
31 deriving its authority directly or indirectly from the State of New  
32 Jersey.

33 (cf: P.L.1975, c.248, s.4)

34

35 363. Section 1 of P.L.1991, c.528 (C.52:27D-150.1) is amended  
36 to read as follows:

37 1. a. There is established in the Department of Community and  
38 Urban Affairs the Council on Community Restoration.

39 b. The council shall be composed of:

40 1) a director, to be appointed by and to serve at the pleasure of the  
41 Governor;

42 2) the Commissioner of Community and Urban Affairs, or his  
43 designee, ex officio;

44 3) the Commissioner of Human Services, or his designee, ex  
45 officio;

46 4) the Commissioner of Commerce, Energy and Economic  
47 Development, or his designee, ex officio;

48 5) the Commissioner of Labor, or his designee, ex officio;

- 1 6) the Attorney General, or his designee, ex officio;
- 2 7) the Commissioner of Transportation, or his designee, ex officio;
- 3 8) the Commissioner of Health, or his designee, ex officio;
- 4 9) the Commissioner of Education, or his designee, ex officio;
- 5 10) a representative from and designated by the Economic
- 6 Development Authority;
- 7 11) a representative from and designated by the Health Care
- 8 Finance Authority;
- 9 12) a representative from and designated by the Housing and
- 10 Mortgage Finance Authority; and
- 11 13) nine additional members, including five members from the
- 12 private sector representing nonprofit organizations and professional
- 13 service providers and four members of the general public, appointed
- 14 by the Governor, with the advice and consent of the Senate, to serve
- 15 staggered three-year terms. Of the members first to be appointed five
- 16 shall be appointed for a term of one year each, two for a term of two
- 17 years, and two for a term of three years. The successors of the
- 18 members first appointed shall be appointed for three-year terms.
- 19 Vacancies other than by expiration of terms shall be filled for the
- 20 unexpired term. Any member may be reappointed.

21 c. The director shall employ a person to serve as secretary to the

22 council. The secretary shall not be a member of the council.

23 d. All members of the council shall serve without compensation but

24 shall be reimbursed for their actual expenses in attending the meetings

25 of the council and in the performance of their other duties.

26 (cf: P.L.1991, c.528, s.1)

27

28 364. Section 3 of P.L.1991, c.528 (C.52:27D-150.3) is amended

29 to read as follows:

30 3. It shall be the responsibility of the Department of Community

31 and Urban Affairs to furnish such equipment and staff as are necessary

32 to implement the work of the council within the limits of

33 appropriations for the purpose.

34 (cf: P.L.1991, c.528, s.3)

35

36 365. Section 2 of P.L.1975, c.249 (C.52:27D-153) is amended to

37 read as follows:

38 2. The Legislature hereby finds and determines that there exists in

39 many municipalities of this State areas which are in varying stages of

40 decline, but which have not as yet reached the point of irreversible

41 decline; that these areas are a matter of serious concern, and represent

42 an expanding problem which threatens the public health, safety,

43 morals and welfare; that the neglect of these areas at the present time

44 will necessitate excessive and disproportionate expenditures of public

45 funds for the reconstruction and revitalization of these areas at a

46 future date; that to permit the continued decline of such areas into a

47 state of decay would ignore the lessons of decades of urban renewal

48 activities, would impair the sound growth of our municipalities, would

1 lay waste to essential housing resources and would result in an  
2 economic, environmental, and social liability which the State can no  
3 longer tolerate.

4 The Legislature further finds that these problems can best be  
5 addressed through the conjunctive and cooperative efforts of private  
6 enterprise, State Government, its political subdivisions, and other  
7 public, quasi-public, and nonprofit bodies acting pursuant to  
8 neighborhood preservation plans conceived and prepared in  
9 accordance with the purposes of this act and through its direction.

10 The Legislature further finds that the responsibilities of State and  
11 local governments with respect to the preservation of our  
12 municipalities and neighborhoods have been altered and magnified by  
13 actions of the Federal Government, which now permits states and  
14 localities to undertake directly a broader range of housing  
15 rehabilitation activities than previously possible under former Federal  
16 assistance programs; and that in order that the people of this State  
17 shall derive the maximum feasible benefit from this shift in Federal  
18 policy, it is necessary and appropriate to expand the power of  
19 municipal government and the administrative authority of the  
20 Department of Community and Urban Affairs.

21 The Legislature hereby declares it to be the policy of the State to  
22 promote the health, safety, and welfare of the citizens thereof through  
23 the preservation of existing neighborhoods and the maintenance of  
24 neighborhood viability. This policy is best effectuated by the  
25 reconstruction, remodeling, improvement, restoration, or repair of  
26 existing residential housing to sound condition. For this purpose,  
27 powers are hereby granted to municipalities and the Department of  
28 Community and Urban Affairs to offer financial assistance through  
29 loans or grants or both to agencies, public, quasi-public, or private  
30 nonprofit, which will finance rehabilitation of housing through a  
31 program of loans and grants in an area determined by the municipal  
32 governing body to be substandard, deteriorating, or in the process of  
33 falling into a cycle of disrepair. It is hereby declared that the  
34 undertaking of such housing rehabilitation is a public purpose for  
35 which monies may be expended, advanced, loaned or granted and the  
36 enactment of the provisions hereinafter set forth is in the public  
37 interest.

38 (cf: P.L.1975, c.249, s.2)

39

40 366. Section 3 of P.L.1975, c.249 (C.52:27D-154) is amended to  
41 read as follows:

42 3. The following terms whenever used or referred to in this act  
43 shall have the following respective meanings for the purposes of this  
44 act, except in those instances where the context clearly indicates  
45 otherwise:

46 a. "Act" shall mean this act and any amendments and supplements  
47 thereto, and any rules and regulations promulgated thereunder;

48 b. "Commissioner" shall mean the Commissioner of [the

- 1 Department of] Community and Urban Affairs, or his delegates as the  
2 commissioner shall determine;
- 3 c. "Department" shall mean the Department of Community and  
4 Urban Affairs;
- 5 d. "Neighborhood preservation area" shall mean any area within  
6 a municipality as determined pursuant to subsection 8a. of this act;
- 7 e. "Housing rehabilitation" shall mean the reconstruction,  
8 remodeling, improvement, restoration, or repair of residential housing  
9 to sound condition;
- 10 f. "Housing rehabilitation loan" shall mean an interest or  
11 noninterest bearing loan to finance housing rehabilitation;
- 12 g. "Rehabilitation lender" shall mean any bank or trust company,  
13 savings bank, mortgage company, mortgage banker, credit union,  
14 national banking association, savings and loan association, building  
15 and loan association, life insurance company, and any other financial  
16 institution authorized to transact business in the State; provided that  
17 to qualify as a rehabilitation lender within the meaning of this act a  
18 rehabilitation lender must be on a list of approved rehabilitation  
19 lenders to be prepared and maintained by the department;
- 20 h. "Neighborhood preservation agency" or "agency" shall mean  
21 the entity or organization designated by the municipality in  
22 accordance with the provisions of this act. Such agency may include  
23 the municipality, counties, any public, quasi-public or private  
24 non-profit agency or organization and any housing authority or  
25 redevelopment agency existing or formed under the laws of this State;
- 26 i. "Neighborhood preservation project" shall mean an undertaking  
27 or activity of a neighborhood preservation agency in a neighborhood  
28 preservation area, involving housing rehabilitation, and shall be in  
29 accordance with the plan therefor, as shall be required by the  
30 commissioner pursuant to section 8 of this act;
- 31 j. "Sound condition" shall mean a condition which meets  
32 substantially the requirements of local housing codes, or in the event  
33 there is no local housing code, the alternate standards established by  
34 the department;
- 35 k. "State fund" shall mean the Department of Community and  
36 Urban Affairs' Neighborhood Preservation Loan and Grant Fund as set  
37 forth in section 4 of this act;
- 38 l. "Local fund" shall mean the Neighborhood Preservation Loan  
39 and Grant Fund as may be established by a municipality pursuant to  
40 section 7 of this act.
- 41 (cf: P.L.1975, c.249, s.3)
- 42
- 43 367. Section 4 of P.L.1975, c.249 (C.52:27D-155) is amended to  
44 read as follows:
- 45 4. a. There is hereby created a special fund in the Department of  
46 Community and Urban Affairs which shall be entitled the Department  
47 of Community and Urban Affairs' Neighborhood Preservation Loan  
48 and Grant Fund and shall be administered by the department as a

1 revolving loan and grant fund for carrying out the purposes of this act.  
2 The department may designate separate accounts within the fund to be  
3 applicable for regional, municipal and intermunicipal needs as the  
4 department may deem necessary. The exercise by the department of  
5 all powers and duties conferred by this act shall constitute and be  
6 deemed and held to be an essential public and official governmental  
7 function of the State, acting by and through the department, in  
8 promoting the general health, safety, welfare and prosperity of the  
9 State, its municipalities, its neighborhoods and its citizens.

10 b. The State fund shall consist of:

11 1. All moneys appropriated and made available by the Legislature  
12 for inclusion therein;

13 2. Any other moneys made available to the Department from any  
14 source or sources, which the commissioner shall determine to use for  
15 the purposes authorized by this act, including community development  
16 funds from the United States Department of Housing and Urban  
17 Development;

18 3. Notwithstanding the provisions of any other act or part thereof,  
19 any moneys which the department shall receive in repayment of loans  
20 or advances from the State fund; and

21 4. All moneys earned through investment pursuant to subsection c.  
22 of this section.

23 c. Any moneys held in such fund not required or permitted to be  
24 disbursed immediately by this act may be invested and reinvested. All  
25 functions, powers and duties relating to the investment or reinvestment  
26 of funds within the jurisdiction of the agency, including the purchase,  
27 sale or exchange of any investments, or securities may, at the request  
28 of the agency, be exercised and performed by the Director of the  
29 Division of Investments, in accordance with the written directions of  
30 the commissioner.

31 d. Funds expended from the State fund pursuant to this act shall be  
32 used only for the purpose of making housing rehabilitation loans or  
33 grants for the costs incurred in the administration thereof.

34 (cf: P.L.1975, c.249, s.4)

35

36 368. Section 3 of P.L.1977, c.260 (C.52:27D-164) is amended to  
37 read as follows:

38 3. For the purposes of this act, unless the context clearly indicates  
39 otherwise:

40 "Director" means the Director of the Division of Local Government  
41 Services in the Department of Community and Urban Affairs.

42 "State average effective local tax rate" means the total tax levy on  
43 which the tax rate is computed divided by the net valuation on which  
44 county taxes are apportioned as shown in column 12D and column 11  
45 respectively of the county abstract of ratables for the year 1976.

46 "Effective tax rate for a municipality" means the general tax rate to  
47 apply per \$100.00 valuation multiplied by the average ratio of assessed  
48 to true value of real property as shown in column 7 and column 8

1 respectively of the county abstract of ratables for the year 1976.

2 "Equalized valuation" means equalized valuation as determined  
3 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.) and promulgated on  
4 or before October 1 of the year preceding the year in which  
5 distribution of aid under this act is to be made pursuant to section 6  
6 of this act, including any revision or correction thereof made not later  
7 than January 30 of the year in which such distribution is made.

8 "Ratables per capita" means for a municipality, its equalized  
9 valuation divided by its population; for a county, the sum of the  
10 equalized valuations of the municipalities therein divided by the  
11 population of the county.

12 "Population" means population according to the official population  
13 estimates issued by the Department of Labor and Industry next  
14 preceding October 1 of the year in which distribution of aid under this  
15 act is to be calculated pursuant to section 6 of this act.

16 "Population density" means the relation between the population and  
17 area of a municipality or group of municipalities, expressed in terms  
18 of inhabitants per square mile within such municipality or group of  
19 municipalities.

20 "Neighboring municipalities" means, with relation to any one  
21 municipality, all other municipalities of this State having boundaries  
22 contiguous at any point with its boundaries, whether running upon  
23 land or water.

24 "Adjusted population" means the product of the number of persons  
25 in the population multiplied by the quotient obtained by dividing the  
26 effective tax rate for a municipality by the State average effective local  
27 tax rate, to which product is added the number of persons within that  
28 population aged 65 and over living in households with household  
29 incomes under \$5,000.00.

30 (cf: P.L.1978, c.13, s.1)

31

32 369. Section 3 of P.L.1977, c.379 (C.52:27D-172) is amended to  
33 read as follows:

34 3. For the purposes of this act:

35 a. "Commissioner" means the Commissioner of [the Department  
36 of] Community and Urban Affairs.

37 b. "Handicapped persons" means persons who are mentally  
38 retarded, visually handicapped, auditorily handicapped, communication  
39 handicapped, neurologically or perceptually impaired, orthopedically  
40 handicapped, chronically ill, emotionally disturbed, socially  
41 maladjusted, multiply handicapped or developmentally disabled.

42 (cf: P.L.1977, c.379, s.3)

43

44 370. Section 1 of P.L.1978, c.14 (C.52:27D-178) is amended to  
45 read as follows:

46 1. For the purposes of this act, unless the context clearly indicates  
47 otherwise:

48 "Base year" means the second year preceding the annual

1 apportionment of State aid pursuant to this act.

2 "Director" means the Director of the Division of Local Government  
3 Services in the Department of Community and Urban Affairs.

4 "Net valuation taxable" means the total value of property on which  
5 the general tax rate is computed as expressed in column 6 of the Table  
6 of Aggregates pursuant to R.S.54:4-52 for the base year.

7 "Equalization ratio" means the ratio of assessed value to true value  
8 of real property as published in the Certification of Table of Equalized  
9 Valuations by the Director of the Division of Taxation for the base  
10 year pursuant to P.L.1954, c.86, s.1 (C.54:1-35.1).

11 "Equalized valuation" means net valuation taxable divided by the  
12 equalization ratio.

13 "Municipal equalized valuation per capita" means a municipality's  
14 equalized valuation divided by the population of the municipality.

15 "State equalized valuation per capita" means the sum of the  
16 equalized valuations of all the municipalities of the State divided by  
17 the population of the State.

18 "General tax rate" means the tax rate for local taxing purposes as  
19 defined in R.S. 54:4-52 and as expressed in column 7 of the Table of  
20 Aggregates for the base year.

21 "Equalized tax rate" means the general tax rate multiplied by the  
22 equalization ratio.

23 "State equalized tax rate" means the sum of the total levies on  
24 which the tax rates for all the municipalities of the State are computed  
25 divided by the sum of the equalized valuations of all the municipalities  
26 of the State for the base year.

27 "Population" means the official population count of the State of  
28 New Jersey for the base year as reported by the New Jersey  
29 Department of Labor, Office of Demographic and Economic Analysis.

30 "Ratio H" means the proportion that residential and apartment  
31 assessed valuation bears to the total assessed valuation of the real  
32 property of a municipality, as calculated by the Division of Taxation  
33 in the Treasury Department.

34 "Publicly financed housing" means any dwelling unit constructed  
35 and operated under any of the following Federal and State housing  
36 programs:

37 (a) Any dwelling unit constructed under grants or mortgage  
38 financing of the New Jersey Housing Finance Agency.

39 (b) Any dwelling unit constructed under the following sections of  
40 the National Housing Act (Public Law 73-479) as amended and  
41 supplemented: section 221(d)(3) as added to by the Housing Act of  
42 1961 (P.L.87-70) and as subsequently amended; section 236 as added  
43 to by the Housing and Urban Development Act of 1968 (P.L.90-448)  
44 and as subsequently amended; section 202, Housing Act of 1959  
45 (P.L.86-372) and as subsequently amended; section 221-H, as added  
46 by the Demonstration Cities and Metropolitan Development Act of  
47 1966 (P.L.89-754) and as subsequently amended.

48 (c) Any dwelling unit constructed or operated under the United

1 States Housing Act of 1937 (Public Law 75-412) and as subsequently  
2 added to and amended.

3 "ADC children" means the number of children between the ages of  
4 five and 17 years in the municipality enrolled in the Aid to Dependent  
5 Children Program, as made available by the Division of Public Welfare  
6 in the Department of Human Services for the base year in the  
7 publication "State of New Jersey, ADC Data Needed to Implement  
8 Public Law 89-10, the Elementary and Secondary Education Act of  
9 1965," provided, however that the director shall use the best available  
10 data comparable to the data provided for the allocation of funds in  
11 1975 pursuant to P.L.1975, c. 68.

12 "Qualifying municipality" means a municipality in which:

13 The number of ADC children exceeds 250, except when the  
14 municipality's population exceeds 20,000 with a density exceeding  
15 7,000 per square mile and the municipality's equalized valuation per  
16 capita is less than the State equalized valuation per capita by  
17 \$4,500.00 or more, and

18 There exists, in the case of a municipality with a population  
19 exceeding 15,000, publicly financed housing, and

20 The municipality's equalized tax rate exceeds the State equalized  
21 tax rate, or the municipality's equalized valuation per capita is less than  
22 the State equalized valuation per capita by \$2,000.00 or more and its  
23 population exceeds 25,000, and

24 The municipality's equalized valuation per capita is less than the  
25 State equalized valuation per capita or the municipality's equalized tax  
26 rate exceeds the State equalized tax rate by \$0.75 or more.

27 "Distribution factor" means for each qualifying municipality the  
28 following:

29

$$30 \quad DF = 0.6 (W/E W) + .04 (T/E T)$$

31

32 where, DF equals the Distribution Factor

33 W equals ADC children in the municipality

34 T equals  $P (V_s - V_m) (R_m - R_s) Z$

35 For the purposes of computing the distribution factor, when

36 T has a negative value, it shall be assigned a value of zero.

37 P equals Population

38  $V_s$  equals State Equalized Valuation Per Capita

39  $V_m$  equals Municipal Equalized Valuation Per Capita

40  $R_m$  equals Municipal Equalized Tax Rate

41  $R_s$  equals State equalized Tax Rate

42 Z equals Ratio H

43 (cf: P.L.1987, c.439, s.1)

44

45 371. Section 1 of P.L.1995, c.247 (C.52:27D-181.1) is amended  
46 to read as follows:

47 1. There shall be appropriated annually by the Legislature for each  
48 State fiscal year an amount not less than \$33,000,000 for the

1 Legislative Initiative Municipal Block Grant Program. The amount  
2 appropriated shall be distributed to municipalities on or before  
3 September 1 of the State fiscal year in proportion to the number of  
4 residents of each municipality as determined pursuant to the most  
5 recent federal decennial census. The payment of Legislative Initiative  
6 Municipal Block Grant Program aid shall be used solely and  
7 exclusively by each municipality for the purpose of reducing the  
8 amount the municipality is required to raise by local property tax levy  
9 for municipal purposes. If the amount of the payment exceeds the  
10 amount required to be raised by local property tax levy for municipal  
11 purposes, the balance of the payment shall be used to reduce the  
12 amount the municipality is required to collect for county purposes,  
13 notwithstanding the provisions of this or any other law to the contrary.  
14 The Director of the Division of Local Government Services in the  
15 Department of Community and Urban Affairs shall certify annually that  
16 each municipality has complied with the requirements set forth herein.  
17 (cf: P.L.1995, c.247, s.1)

18

19 372. Section 3 of P.L.1981, c.553 (C.52:27D-184) is amended to  
20 read as follows:

21 3. As used in this act:

22 a. "Commissioner" means the Commissioner of [the Department  
23 of] Community and Urban Affairs or his designee;

24 b. "Congregate housing facility" means that part of a residential  
25 housing facility which incorporates subsidized senior citizen housing  
26 consisting of individualized apartment units and supportive services  
27 needed by project residents who are functionally or socially impaired  
28 to enable them to maintain or to return to a semi-independent lifestyle  
29 and to avoid premature institutionalization;

30 c. "Department" means the Department of Community and Urban  
31 Affairs;

32 d. "Disabled person" means a person having an impairment which  
33 is expected to be of long-continued and indefinite duration and  
34 substantially impedes the person's ability to live independently unless  
35 the person receives supportive services;

36 e. "Eligible participant" refers to a project resident who is of low  
37 income or suffering economic hardship because of medical or personal  
38 reasons and is in need of supportive services but cannot afford the  
39 total cost of such services;

40 f. "Low income" shall be determined by the commissioner  
41 pursuant to regulations promulgated under this act, except that the  
42 commissioner shall take into account the Federal Department of  
43 Housing and Urban Development standards for low income for the  
44 various communities within this State;

45 g. "Project resident" means a disabled person or a person 62 years  
46 of age and over who resides in a congregate housing facility;

47 h. "Qualified housing agency" means any nonprofit or limited  
48 dividend housing sponsor, owner, entity, or individual, or any

1 municipality, county or public authority constructing, maintaining or  
2 operating a congregate housing facility under a federal low or  
3 moderate income housing program, under a New Jersey Housing  
4 Finance Agency program or under other programs for low and  
5 moderate income occupancy;

6 i. "Service subsidy" means the sum necessary to provide  
7 supportive services to an eligible participant in excess of that  
8 individual's ability to pay for services as determined by regulations  
9 promulgated by the commissioner;

10 j. "Supportive services" includes a meal program which shall  
11 include at least one hot meal a day providing at least one-third of the  
12 Recommended Daily Dietary Allowance as determined by the Nutrient  
13 Standard Method of menu planning, housekeeping assistance, personal  
14 care assistance, and other services conducive to the maintenance of  
15 independent living.

16 (cf: P.L.1981, c.553, s.3)

17

18 373. Section 4 of P.L.1981, c.553 (C.52:27D-185) is amended to  
19 read as follows:

20 4. The Commissioner of [the Department of] Community and  
21 Urban Affairs is authorized to enter into contracts with qualified  
22 housing agencies utilizing sums appropriated under this act to provide  
23 service subsidies to eligible participants and to establish congregate  
24 housing facilities.

25 The commissioner shall also take such actions as he deems  
26 necessary to implement this act including the provision of advisory and  
27 technical assistance, and training and education programs to assist  
28 housing agencies to develop supportive service programs and to  
29 qualify for financial assistance under this act.

30 (cf: P.L.1981, c.553, s.4)

31

32 374. Section 5 of P.L.1981, c.553 (C.52:27D-186) is amended to  
33 read as follows:

34 5. Whenever any qualified housing agency makes an application to  
35 the Commissioner of [the Department of] Community and Urban  
36 Affairs for assistance under this act, the agency shall include, as part  
37 of the application, a plan specifying the type and priorities of the  
38 supportive services it proposes to provide during the term of the  
39 contract. The plan, including fee schedules, shall be related to the  
40 needs and characteristics of the project residents eligible for assistance  
41 and other residents in need of supportive services.

42 Each application submitted by the housing agency for assistance  
43 under this act shall contain a statement affirming that the supportive  
44 services provided will not duplicate any services which are already  
45 accessible, affordable and sufficiently available to eligible project  
46 residents under programs administered by any federal, State or local  
47 agency or any public or private agency or organization and that fees

1 established for services provided under this act are reasonable.  
2 (cf: P.L.1981, c.553, s.5)

3

4 375. Section 10 of P.L.1981, c.553 (C.52:27D-191) is amended to  
5 read as follows:

6 10. The Commissioner of [the Department of] Community and  
7 Urban Affairs shall report annually to the Legislature an evaluation of  
8 the effectiveness of this act. The Legislature shall, upon receiving the  
9 report, issue as it may deem necessary and proper, recommendations  
10 for administrative or legislative changes affecting the implementation  
11 of this act and make appropriations as are necessary to implement this  
12 act.

13 (cf: P.L.1981, c.553, s.10)

14

15 376. Section 5 of P.L.1983, c.383 (C.52:27D-196) is amended to  
16 read as follows:

17 5. As used in this act:

18 a. "Commissioner" means the Commissioner of [the Department  
19 of] Community and Urban Affairs or his delegate.

20 b. "Department" means the Department of Community and Urban  
21 Affairs.

22 c. "Fire safety commission" means the fire safety commission  
23 created by section 5 of P.L.1983, c. 382 (C. 52:27D-25e).

24 d. "High-rise structure" means a building or structure having floors  
25 used for human occupancy located either more than six stories or more  
26 than 75 feet above the lowest level accessible to a fire department  
27 vehicle.

28 e. "Life hazard use" means a building or structure, or part thereof,  
29 classified in any of the following use groups in the 1981 edition of the  
30 Building Officials and Code Administrators International (BOCA)  
31 Basic Building Code: A-1, A-2, A-3, A-5, and I, a covered mall  
32 subject to section 630.0 of the 1981 edition of the BOCA Basic  
33 Building Code, and any other use which the commissioner defines by  
34 regulation as a life hazard.

35 f. "Dwelling unit" means a room, suite, or apartment which is  
36 occupied or intended to be occupied for dwelling purposes by one or  
37 more persons living independently of persons in similar dwelling units.

38 g. "Enforcing agency" means the department, a municipal or  
39 county department or agency, or a fire district which has been  
40 authorized by municipal ordinance to enforce this act.

41 h. "Protective equipment" mean any equipment, device, system or  
42 apparatus permitted or required by the commissioner to be constructed  
43 or installed in or upon a building, structure or premises for the purpose  
44 of protecting the occupants or intended occupants thereof, fire fighters  
45 or the public generally from fire or other products of combustion.

46 i. "Owner" means a person who owns, purports to own, manages,

1 rents, leases or exercises control over a building, structure or  
2 premises.

3 (cf: P.L.1983, c.383, s.5)

4

5 377. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to  
6 read as follows:

7 2. a. In any case where a change of occupancy of any building  
8 subject to the requirements of section 1 of this act is subject to a  
9 municipal ordinance requiring the issuance of a certificate of  
10 occupancy, certificate of inspection or other documentary certification  
11 of compliance with laws and regulations relating to safety,  
12 healthfulness and upkeep of the premises, no such certificate shall  
13 issue until the municipal officer or agency responsible for its issuance  
14 has determined that the building is equipped with an alarm device or  
15 devices as required by section 1 of this act.

16 b. In the case of change of occupancy of any building subject to the  
17 requirements of section 1 of this act to which the provisions of  
18 subsection a. of this section do not apply, no owner shall sell, lease or  
19 otherwise permit occupancy for residential purposes of that building  
20 without first obtaining from the relevant enforcement agency under the  
21 "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a  
22 certificate evidencing compliance with the requirements of this act.  
23 The local governing body having jurisdiction over the said enforcing  
24 agency or, where the Bureau of Fire Safety is the enforcing agency,  
25 the Commissioner of Community and Urban Affairs shall establish a  
26 fee which covers the cost of inspection and of issuance of the  
27 certificate.

28 (cf: P.L.1991, c.92, s.2)

29

30 378. Section 1 of P.L.1991, c.188 (C.52:27D-198.4) is amended  
31 to read as follows:

32 1. a. The Commissioner of Community and Urban Affairs shall,  
33 pursuant to the authority under the "Uniform Fire Safety Act,"  
34 P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and  
35 regulations to require that an identifying emblem be affixed to the  
36 front of structures with truss construction.

37 The emblem shall be of a bright and reflective color, or made of  
38 reflective material. The shape of the emblem shall be an isosceles  
39 triangle and the size shall be 12 inches horizontally by 6 inches  
40 vertically. The following letters, of a size and color to make them  
41 conspicuous, shall be printed on the emblem: "F" to signify a floor  
42 with truss construction; "R" to signify a roof with truss construction;  
43 or "F/R" to signify both a floor and roof with truss construction.

44 The emblem shall be permanently affixed to the left of the main  
45 entrance door at a height between four to six feet above the ground  
46 and shall be installed and maintained by the owner of the building.

47 The act shall be enforced in accordance with enforcement  
48 procedures set forth in P.L.1983, c.383 (C.52:27D-192 et seq.).

1       b. Detached one and two family residential structures with truss  
2 construction which are not part of a planned real estate development  
3 shall be exempt from the provisions of this act; however, the  
4 governing body of a municipality may require by ordinance that  
5 emblems be affixed on structures with truss construction.

6       Individual structures and dwelling units with truss construction  
7 which are part of a planned real estate development as defined in  
8 section 3 of P.L.1977, c.419 (C.45:22A-23) shall not be required to  
9 have an identifying emblem if there is an emblem affixed at each  
10 entranceway to the development.

11 (cf: P.L.1991, c.188, s.1)

12  
13       379. Section 2 of P.L.1991, c.489 (C.52:27D-198.5) is amended  
14 to read as follows:

15       2. The Commissioner of Community and Urban Affairs, after  
16 consulting with the fire safety commission, shall promulgate  
17 regulations in accordance with the powers granted by P.L.1983, c.383  
18 (C.52:27D-192 et seq.) to list violations of the uniform fire safety code  
19 as promulgated pursuant to section 7 of P.L.1983, c.383  
20 (C.52:27D-198), designate the period of time within which each such  
21 violation is to be corrected by the owner pursuant to a written order  
22 issued and served by an enforcing agency, and establish a range of  
23 monetary penalties which may be imposed for violations pursuant to  
24 paragraph (2) of subsection b. of section 19 of P.L.1983, c.383  
25 (C.52:27D-210). In addition, the regulations shall specify those  
26 violations which by their nature constitute an imminent hazard to the  
27 health, safety or welfare of the occupants, intended occupants,  
28 firefighters, or the general public and require the building, structure or  
29 premises to be vacated, closed or removed pursuant to section 17 of  
30 P.L.1983, c.383 (C.52:27D-208).

31       These regulations shall be adopted by the commissioner within 180  
32 days after the effective date of P.L.1991, c.489 (C.52:27D-210 et al.).  
33 (cf: P.L.1991, c.489, s.2)

34  
35       380. Section 22 of P.L.1983, c.383 (C.52:27D-213) is amended to  
36 read as follows:

37       22. a. This act shall not be construed as authorizing the adoption  
38 of a regulation or the enactment of an ordinance requiring that a  
39 building conforming in all respects to the requirements of the "State  
40 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et  
41 seq.) be made to conform to more restrictive standards.

42       b. Buildings, structures and premises owned or operated by the  
43 State, its agencies, departments, or instrumentalities or an interstate  
44 agency shall be inspected exclusively by the Department of Community  
45 and Urban Affairs, and shall conform to this act in the same manner as  
46 all other buildings, structures and premises of similar construction and  
47 use classification; but no fees or penalties shall be charged to or  
48 assessed against the State, its agency, department or instrumentality,

1 or an interstate agency. For purposes of this section, a unit of local  
2 government, whether county, inter-local or municipal, or a local,  
3 county, regional or consolidated school district, shall not be deemed  
4 to be an instrumentality of the State.

5 c. Buildings, structures and premises subject to inspection for fire  
6 safety by an agency of the State shall be inspected by the agency in  
7 accordance with the standards established pursuant to this act. Any  
8 State fire safety standard for buildings, structures or premises  
9 established by or pursuant to any statute other than this act shall  
10 continue in effect until such time as that standard is superseded by  
11 appropriate regulations promulgated under this act. An agency of the  
12 State that enforced fire standards prior to the effective date of this act  
13 shall be entitled to petition the commissioner to establish a regulation  
14 establishing the standards it considers to be necessary and appropriate  
15 for buildings, structures and premises subject to its inspection.  
16 (cf: P.L.1991, c.222, s.1)

17

18 381. Section 1 of P.L.1984, c.31 (C.52:27D-214) is amended to  
19 read as follows:

20 1. As used in this act:

21 a. "Attended terminal" means a terminal where an individual  
22 knowledgeable in the aboveground liquid storage tank filling operation  
23 is physically in attendance and control during the entire delivery of a  
24 flammable liquid and has as his responsibility supervision of the  
25 storage tank filling operation.

26 b. "Commissioner" means the Commissioner of Community and  
27 Urban Affairs.

28 c. "Flammable liquid" means a liquid having a flash point below  
29 100 degrees Fahrenheit and having a vapor pressure not exceeding 40  
30 psi at 100 degrees Fahrenheit.

31 d. "Pipeline" means a pipeline used to convey a flammable liquid  
32 from a crude petroleum wellhead collection site to a refinery or  
33 terminal or from a refinery to a terminal or from a marine vessel to a  
34 terminal. Pipeline does [notmean] not mean gathering lines from the  
35 wellhead to a crude petroleum collection tank.

36 e. "Terminal" means a facility at which one or more aboveground  
37 liquid storage tanks for the containment of flammable liquids are  
38 located.

39 f. "Unattended terminal" means a terminal where an individual  
40 knowledgeable in the aboveground liquid storage tank filling operation  
41 is in attendance only during a portion of the time when a flammable  
42 liquid is being delivered or has as his responsibility a function other  
43 than the supervision [ofthe] of the storage tank filling operation, or  
44 any terminal other than an attended terminal.

45 (cf: P.L.1984, c.31, s.1)

46

47 382. Section 2 of P.L.1984, c.31 (C.52:27D-215) is amended to  
48 read as follows:

- 1       2. a. Each terminal at which a tank filled by pipeline is located  
2 shall comply with the following requirements:
- 3       (1) It shall be equipped with a high level alarm system.
- 4       (2) The high level alarm system shall be set to activate at a  
5 predetermined level in each tank filled by pipeline at the terminal to  
6 allow sufficient time for the flow of the flammable liquid to be shut  
7 down before the tank overfills. The level shall be determined by the  
8 maximum filling rate and the time required for terminal personnel to  
9 take appropriate action to stop the flow of the flammable liquid.
- 10       (3) The high level alarm system shall be maintained in accordance  
11 with its manufacturer's recommendations.
- 12       (4) The high level alarm system shall be tested every three months  
13 by the owner of the terminal and a record of the test shall be  
14 maintained.
- 15       b. Prior to installation of a new system, the components of the high  
16 level alarm system shall be tested for their intended use by a nationally  
17 recognized testing laboratory as determined by the commissioner.
- 18       c. Plans and specifications for a new high level alarm system shall  
19 be submitted by the owner of the terminal to the commissioner for  
20 approval before the installation of the system.
- 21       d. Upon the completion of the installation of a new high level alarm  
22 system, the commissioner shall be notified and a final inspection shall  
23 be made by the Department of Community and Urban Affairs to  
24 determine if the installation is in compliance with this section.
- 25       e. Existing high level alarm systems installed prior to the effective  
26 date of this act will be deemed to meet the requirements of the act if  
27 they can be shown to operate as outlined in paragraph (2) of  
28 subsection a. of section 2 of this act, and if they are maintained and  
29 tested as outlined in paragraphs (3) and (4) of subsection a. of section  
30 2 of this act. The commissioner shall be notified of the existence of  
31 such a system by its owner, and an inspection shall be made by the  
32 Department of Community and Urban Affairs to determine if the  
33 installation is in compliance with this section.
- 34       f. The owner shall develop a fire and emergency plan for the  
35 terminal and file a copy with the fire department having jurisdiction  
36 over the terminal.
- 37 (cf: P.L.1984, c.31, s.2)
- 38

39       383. Section 2 of P.L.1986, c.142 (C.52:27D-223) is amended to  
40 read as follows:

- 41       2. a. The Department of Environmental Protection, in consultation  
42 with the Department of Community and Urban Affairs, shall develop  
43 a list of substances and their quantities (1) which are not normally  
44 hazardous to the health and safety of a person in their common  
45 chemical state but which become unusually hazardous to firefighters  
46 and the surrounding community in the event of the exposure of the  
47 substance to a fire and (2) which are not already covered by the  
48 Emergency Services Information Survey which is developed and

1 distributed pursuant to the "Worker and Community Right to Know  
2 Act" (P.L.1983, c.315; C.34:5A-1 et seq.).

3 b. The department shall develop a fact sheet for each substance  
4 contained on the list. The fact sheet shall describe (1) the unusually  
5 hazardous nature of a substance to firefighters or the surrounding  
6 community, or both, in the event of the exposure of the substance to  
7 a fire, and (2) the steps necessary to neutralize the hazard.

8 c. The department shall include the list of unusually hazardous  
9 substances, using their common names, on the Emergency Services  
10 Information Survey. The purpose of including this list on the survey  
11 is to require business entities to report the manufacture, distribution,  
12 storage or warehousing of objects comprised of substances identified  
13 by the department as unusually hazardous to firefighters or the  
14 surrounding community in the event of the exposure of the substance  
15 to fire. It is not the intent of this act to require the reporting of  
16 materials that are commonly used in the normal conduct of business,  
17 including, but not limited to, desks, paneling, flooring, piping and  
18 rugs.

19 d. The department shall adopt the list and fact sheet developed  
20 under this section no later than three months prior to the effective date  
21 of this act.

22 (cf: P.L.1986, c.142, s.2)

23

24 384. Section 6 of P.L.1986, c.142 (C.52:27D-227) is amended to  
25 read as follows:

26 6. No later than 30 days after the effective date of this act, the  
27 Department of Community and Urban Affairs shall transmit, after a  
28 public hearing pursuant to the "Administrative Procedure Act,"  
29 P.L.1968, c.410 (C.52:14B-1 et seq.), a copy of the fact sheet  
30 developed under section 2 of this act to each county fire marshal or  
31 appropriate county official, municipal fire department and fire district  
32 in this State. The county fire marshals or appropriate county officials,  
33 municipal fire departments and fire districts shall maintain a record of  
34 the fact sheet.

35 (cf: P.L.1986, c.142, s.6)

36

37 385. Section 7 of P.L.1986, c.142 (C.52:27D-228) is amended to  
38 read as follows:

39 7. The Department of Environmental Protection, in consultation  
40 with the Department of Community and Urban Affairs, shall revise the  
41 list and fact sheets developed under section 2 of this act in accordance  
42 with further scientific information concerning substances which are  
43 included or should be included thereon.

44 (cf: P.L.1986, c.142, s.7)

45

46 386. Section 2 of P.L.1984, c.180 (C.52:27D-281) is amended to  
47 read as follows:

48 2. a. It is the long-standing policy of this State that no person

1 should suffer unnecessarily from cold or hunger, or be deprived of  
2 shelter.

3 b. At the present time, many persons have been rendered homeless  
4 as a result of economic adversity, a severe shortage of affordable  
5 housing, and increased stress due to the complexity of daily living.

6 c. It is both more economical and more socially desirable to place  
7 homeless people in suitable apartments, or to enable people to retain  
8 possession of their houses or apartments and thereby avoid  
9 homelessness than to house them in hotel rooms or in other facilities  
10 intended for short-term occupancy.

11 d. The Department of Community and Urban Affairs has had  
12 extensive experience in the administration of the federal section 8  
13 existing housing and moderate rehabilitation rental assistance  
14 programs and is therefore the most appropriate agency to administer  
15 a program providing temporary rental or other housing assistance to  
16 persons who are homeless or in imminent danger of homelessness by  
17 reason of [inability] inability to pay rent or other housing costs.

18 (cf: P.L.1984, c.180, s.2)

19

20 387. Section 4 of P.L.1984, c.180 (C.52:27D-282) is amended to  
21 read as follows:

22 4. The Department of Community and Urban Affairs may establish  
23 priorities of eligibility for temporary rental or other housing assistance  
24 among the various categories of persons needing assistance in  
25 obtaining or retaining housing, including, without limitation, persons  
26 subject to immediate eviction for nonpayment of rent, or foreclosure  
27 for nonpayment of mortgage installments or property taxes, when  
28 nonpayment is attributable to illness, unemployment, underemployment  
29 or any other failure of resources beyond the person's control.

30 (cf: P.L.1984, c.180, s.4)

31

32 388. Section 7 of P.L.1984, c.180 (C.52:27D-285) is amended to  
33 read as follows:

34 7. The Department of Community and Urban Affairs shall establish  
35 standards of habitability applicable to any housing unit the rental for  
36 which is paid, in whole or in part, by temporary rental assistance  
37 payments from the authority.

38 (cf: P.L.1984, c.180, s.7)

39

40 389. Section 8 of P.L.1984, c.180 (C.52:27D-286) is amended to  
41 read as follows:

42 8. There is appropriated to the Department of Community and  
43 Urban Affairs \$1,650,000.00 to establish a fund for the purpose of  
44 providing temporary rental and other housing assistance to persons  
45 who are homeless or in imminent danger of losing housing, providing  
46 interest subsidies to encourage increased availability of affordable  
47 housing pursuant to subsection g. of section 24 of P.L.1944, c.85  
48 (C.52:27C-24) and paying the administrative cost of the temporary

1 rental and other housing assistance and interest subsidy programs.  
2 Loans made from this fund shall be repaid to the Department of  
3 Community and Urban Affairs for redeposit in the fund. In addition,  
4 the Department of Community and Urban Affairs is authorized to  
5 apply up to \$500,000.00 of Housing Demonstration Fund moneys for  
6 the purpose of providing loans and grants for the acquisition,  
7 construction, repair or rehabilitation of structures which are to be  
8 operated as shelters for homeless persons by one or more agencies  
9 designated for that purpose pursuant to P.L.1983, c.343, when it  
10 appears to the Commissioner of [the Department of] Community and  
11 Urban Affairs that assistance is necessary in order to permit an agency  
12 to provide sufficient accommodations for persons likely to be in need  
13 of shelter.

14 (cf: P.L.1984, c.180, s.8)

15

16 390. Section 9 of P.L.1984, c.180 (C.52:27D-287) is amended to  
17 read as follows:

18 9. The Department of Community and Urban Affairs shall establish  
19 maximum lengths of terms of eligibility for temporary rental assistance  
20 and other temporary housing assistance, and varying levels of  
21 assistance, and shall be empowered to convert loans into grants when  
22 necessary to carry out the purposes of this act.

23 (cf: P.L.1984, c.180, s.9)

24

25 391. Section 3 of P.L.1985, c.189 (C.52:27D-290) is amended to  
26 read as follows:

27 3. As used in this act:

28 a. "Commissioner" means the Commissioner of [the Department  
29 of] Community and Urban Affairs;

30 b. "Division" means the Division on Women within the Department  
31 of Community and Urban Affairs;

32 c. "Director" means the Director of the Division on Women;

33 d. "Training and resource center" means that center established  
34 pursuant to section 4 of this act, in order to enhance the employability  
35 of women who are:

36 (1) Receiving public assistance and wish to attain or upgrade job  
37 skills in order to become independent of government support; or

38 (2) Unemployed or underemployed and are experiencing difficulty  
39 in obtaining or upgrading employment.

40 (cf: P.L.1985, c.189, s.3)

41

42 392. Section 5 of P.L.1985, c.222 (C.52:27D-305) is amended to  
43 read as follows:

44 5. a. There is established in, but not of, the Department of  
45 Community and Urban Affairs a Council on Affordable Housing to  
46 consist of 11 members appointed by the Governor with the advice and  
47 consent of the Senate, of whom four shall be elected officials  
48 representing the interests of local government, at least one of whom

1 shall be representative of an urban municipality having a population in  
2 excess of 40,000 persons and a population density in excess of 3,000  
3 persons per square mile, at least one of whom shall be representative  
4 of a municipality having a population of 40,000 persons or less and a  
5 population density of 3,000 persons per square mile or less, and no  
6 more than one of whom may be a representative of the interests of  
7 county government; three shall represent the interests of households  
8 in need of low and moderate housing, one of whom shall represent the  
9 interests of the nonprofit builders of low and moderate income  
10 housing, and shall have an expertise in land use practices and housing  
11 issues, one of whom shall be the Commissioner of Community and  
12 Urban Affairs, ex officio, or his or her designee, who shall serve as  
13 chairperson and one of whom shall be the executive director of the  
14 agency, serving ex officio; one shall represent the interests of the  
15 for-profit builders of market rate homes, and shall have an expertise  
16 in land use practices and housing issues; and three shall represent the  
17 public interest. Not more than six of the 11 shall be members of the  
18 same political party. The membership shall be balanced to the greatest  
19 extent practicable among the various housing regions of the State.

20 b. The members shall serve for terms of six years, except that of  
21 the members first appointed, two shall serve for terms of four years,  
22 three for terms of five years, and three for terms of six years. All  
23 members shall serve until their respective successors are appointed and  
24 shall have qualified. Notwithstanding the above, a member appointed  
25 to represent the interests of local government shall serve only such  
26 length of the term for which appointed as the member continues to  
27 hold elected local office, except that the term of a member so  
28 appointed shall not become vacant until 60 days after the member  
29 ceases to hold that elected office. Vacancies shall be filled in the same  
30 manner as the original appointments, but for the remainders of the  
31 unexpired terms only.

32 c. The members, excluding the executive director of the agency and  
33 the Commissioner of Community and Urban Affairs, shall be  
34 compensated at the rate of \$150.00 for each six-hour day, or prorated  
35 portion thereof for more or less than six hours, spent in attendance at  
36 meetings and consultations and all members shall be eligible for  
37 reimbursement for necessary expenses incurred in connection with the  
38 discharge of their duties.

39 d. The Governor shall nominate the members within 30 days of the  
40 effective date of this act and shall designate a member to serve as  
41 chairman throughout the member's term of office and until his  
42 successor shall have been appointed and qualified.

43 e. Any member may be removed from office for misconduct in  
44 office, willful neglect of duty, or other conduct evidencing unfitness  
45 for the office, or for incompetence. A proceeding for removal may be  
46 instituted by the Attorney General in the Superior Court. A member  
47 or employee of the council shall automatically forfeit his office or  
48 employment upon conviction of any crime. Any member or employee

1 of the council shall be subject to the duty to appear and testify and to  
2 removal from his office or employment in accordance with the  
3 provisions of P.L.1970, c.72 (C.2A:81-17.2a et seq.).

4 (cf: P.L.1995, c.83, s.1)

5

6 393. Section 1 of P.L.1991, c.479 (C.52:27D-307.1) is amended  
7 to read as follows:

8 1. As used in this act:

9 "Agency" means the Housing and Mortgage Finance Agency  
10 established pursuant to section 4 of the "New Jersey Housing and  
11 Mortgage Finance Agency Law of 1983," P.L.1983, c.530  
12 (C.55:14K-4).

13 "Commissioner" means the Commissioner of Community and Urban  
14 Affairs.

15 "Council" means the Council on Affordable Housing created by the  
16 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.)

17 "Department" means the Department of Community and Urban  
18 Affairs.

19 "Housing region" means a housing region as determined by the  
20 Council on Affordable Housing pursuant to section 7 of P.L.1985,  
21 c.222 (C.52:27D-307).

22 "Project" or "housing project" means any specific work or  
23 undertaking for the purpose of providing housing accommodations,  
24 whether by new construction or by rehabilitation or adaptation of  
25 existing structures, that shall be affordable to persons and families of  
26 low or moderate income within the meaning of the "Fair Housing Act,"  
27 P.L.1985, c.222 (C.52:27D-301 et al.). Such work or undertaking may  
28 include the acquisition, construction or rehabilitation of lands,  
29 buildings and improvements, and such stores, offices, and social,  
30 recreational, communal or other facilities as may be incidental or  
31 appurtenant to the housing accommodations that are to be provided.

32 "Register" means the Register of Housing Projects directed by  
33 section 2 of this act to be established and maintained by the  
34 commissioner.

35 (cf: P.L.1991, c.479, s.1)

36

37 394. Section 12 of P.L.1985, c.222 (C.52:27D-312) is amended  
38 to read as follows:

39 12. a. A municipality may propose the transfer of up to 50% of its  
40 fair share to another municipality within its housing region by means  
41 of a contractual agreement into which two municipalities voluntarily  
42 enter. A municipality may also propose a transfer by contracting with  
43 the agency or another governmental entity designated by the council  
44 if the council determines that the municipality has exhausted all  
45 possibilities within its housing region. A municipality proposing to  
46 transfer to another municipality, whether directly or by means of a  
47 contract with the agency or another governmental entity designated by  
48 the council, shall provide the council with the housing element and

1 statement required under subsection c. of section 11 of P.L.1985,  
2 c.222 (C.52:27D-311), and shall request the council to determine a  
3 match with a municipality filing a statement of intent pursuant to  
4 subsection e. of this section. Except as provided in subsection b. of  
5 this section, the agreement may be entered into upon obtaining  
6 substantive certification under section 14 of P.L.1985, c.222  
7 (C.52:27D-314), or anytime thereafter. The regional contribution  
8 agreement entered into shall specify how the housing shall be provided  
9 by the second municipality, hereinafter the receiving municipality, and  
10 the amount of contributions to be made by the first municipality,  
11 hereinafter the sending municipality.

12 b. A municipality which is a defendant in an exclusionary zoning  
13 suit and which has not obtained substantive certification pursuant to  
14 this act may request the court to be permitted to fulfill a portion of its  
15 fair share by entering into a regional contribution agreement. If the  
16 court believes the request to be reasonable, the court shall request the  
17 council to review the proposed agreement and to determine a match  
18 with a receiving municipality or municipalities pursuant to this section.  
19 The court may establish time limitations for the council's review, and  
20 shall retain jurisdiction over the matter during the period of council  
21 review. If the court determines that the agreement provides a realistic  
22 opportunity for the provision of low and moderate income housing  
23 within the housing region, it shall provide the sending municipality a  
24 credit against its fair share for housing to be provided through the  
25 agreement in the manner provided in this section.

26 The agreement shall be entered into prior to the entry of a final  
27 judgment in the litigation. In cases in which a final judgment was  
28 entered prior to the date this act takes effect and in which an appeal is  
29 pending, a municipality may request consideration of a regional  
30 contribution agreement; provided that it is entered into within 120  
31 days after this act takes effect. In a case in which a final judgment has  
32 been entered, the court shall consider whether or not the agreement  
33 constitutes an expeditious means of providing part of the fair share.

34 c. Regional contribution agreements shall be approved by the  
35 council, after review by the county planning board or agency of the  
36 county in which the receiving municipality is located. The council  
37 shall determine whether or not the agreement provides a realistic  
38 opportunity for the provision of low and moderate income housing  
39 within convenient access to employment opportunities. The council  
40 shall refer the agreement to the county planning board or agency which  
41 shall review whether or not the transfer agreement is in accordance  
42 with sound, comprehensive regional planning. In its review, the  
43 county planning board or agency shall consider the master plan and  
44 zoning ordinance of the sending and receiving municipalities, its own  
45 county master plan, and the State development and redevelopment  
46 plan. In the event that there is no county planning board or agency in  
47 the county in which the receiving municipality is located, the council  
48 shall also determine whether or not the agreement is in accordance

1 with sound, comprehensive regional planning. After it has been  
2 determined that the agreement provides a realistic opportunity for low  
3 and moderate income housing within convenient access to employment  
4 opportunities, and that the agreement is consistent with sound,  
5 comprehensive regional planning, the council shall approve the  
6 regional contribution agreement by resolution. All determinations of  
7 a county planning board or agency shall be in writing and shall be  
8 made within such time limits as the council may prescribe, beyond  
9 which the council shall make those determinations and no fee shall be  
10 paid to the county planning board or agency pursuant to this  
11 subsection.

12 d. In approving a regional contribution agreement, the council shall  
13 set forth in its resolution a schedule of the contributions to be  
14 appropriated annually by the sending municipality. A copy of the  
15 adopted resolution shall be filed promptly with the Director of the  
16 Division of Local Government Services in the Department of  
17 Community and Urban Affairs, and the director shall thereafter not  
18 approve an annual budget of a sending municipality if it does not  
19 include appropriations necessary to meet the terms of the resolution.  
20 Amounts appropriated by a sending municipality for a regional  
21 contribution agreement pursuant to this section are exempt from the  
22 limitations or increases in final appropriations imposed under  
23 P.L.1976, c.68 (C.40A:4-45.1 et seq.).

24 e. The council shall maintain current lists of municipalities which  
25 have stated an intent to enter into regional contribution agreements as  
26 receiving municipalities, and shall establish procedures for filing  
27 statements of intent with the council. No receiving municipality shall  
28 be required to accept a greater number of low and moderate income  
29 units through an agreement than it has expressed a willingness to  
30 accept in its statement, but the number stated shall not be less than a  
31 reasonable minimum number of units, not to exceed 100, as established  
32 by the council. The council shall require a project plan from a  
33 receiving municipality prior to the entering into of the agreement, and  
34 shall submit the project plan to the agency for its review as to the  
35 feasibility of the plan prior to the council's approval of the agreement.  
36 The agency may recommend and the council may approve as part of  
37 the project plan a provision that the time limitations for contractual  
38 guarantees or resale controls for low and moderate income units  
39 included in the project shall be less than 30 years, if it is determined  
40 that modification is necessary to assure the economic viability of the  
41 project.

42 f. The council shall establish guidelines for the duration and  
43 amount of contributions in regional contribution agreements. In doing  
44 so, the council shall give substantial consideration to the average of:  
45 (1) the median amount required to rehabilitate a low and moderate  
46 income unit up to code enforcement standards; (2) the average internal  
47 subsidization required for a developer to provide a low income  
48 housing unit in an inclusionary development; (3) the average internal

1 subsidization required for a developer to provide a moderate income  
2 housing unit in an inclusionary development. Contributions may be  
3 prorated in municipal appropriations occurring over a period not to  
4 exceed six years and may include an amount agreed upon to  
5 compensate or partially compensate the receiving municipality for  
6 infrastructure or other costs generated to the receiving municipality by  
7 the development. Appropriations shall be made and paid directly to  
8 the receiving municipality or municipalities or to the agency or other  
9 governmental entity designated by the council, as the case may be.

10 g. The council shall require receiving municipalities to file annual  
11 reports with the agency setting forth the progress in implementing a  
12 project funded under a regional contribution agreement, and the  
13 agency shall provide the council with its evaluation of each report.  
14 The council shall take such actions as may be necessary to enforce a  
15 regional contribution agreement with respect to the timely  
16 implementation of the project by the receiving municipality.

17 (cf: P.L.1995, c.83, s.2)

18

19 395. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended  
20 to read as follows:

21 20. The Neighborhood Preservation Program within the  
22 Department of Community and Urban Affairs' Division of Housing and  
23 Development, established pursuant to the Commissioner of [the  
24 Department of] Community and Urban Affairs' authority under section  
25 8 of P.L.1975, c.248 (C.52:27D-149), shall establish a separate  
26 Neighborhood Preservation Nonlapsing Revolving Fund for monies  
27 appropriated by section 33 of this act.

28 a. The commissioner shall award grants or loans from this fund for  
29 housing projects and programs in municipalities whose housing  
30 elements have received substantive certification from the council, in  
31 municipalities receiving State aid pursuant to P.L.1978, c.14  
32 (C.52:27D-178 et seq.), in municipalities subject to builder's remedy  
33 as defined in section 28 of P.L.1985, c.222 (C.52:27D-328) or in  
34 receiving municipalities in cases where the council has approved a  
35 regional contribution agreement and a project plan developed by the  
36 receiving municipality. Programs and projects in any municipality shall  
37 be funded only after receipt by the commissioner of a written  
38 statement in support of the program or project from the municipal  
39 governing body.

40 b. The commissioner shall establish rules and regulations governing  
41 the qualifications of applicants, the application procedures, and the  
42 criteria for awarding grants and loans and the standards for  
43 establishing the amount, terms and conditions of each grant or loan.

44 c. During the first 12 months from the effective date of this act and  
45 for any additional period which the council may approve, the  
46 commissioner may assist affordable housing programs which are not  
47 located in municipalities whose housing elements have been granted  
48 substantive certification or which are not in furtherance of a regional

1 contribution agreement; provided that the affordable housing program  
2 will meet all or part of a municipal low and moderate income housing  
3 obligation.

4 d. Amounts deposited in the Neighborhood Preservation Fund shall  
5 be targeted to regions based on the region's percentage of the State's  
6 low and moderate income housing need as determined by the council.  
7 Amounts in the fund shall be applied for the following purposes in  
8 designated neighborhoods:

9 (1) Rehabilitation of substandard housing units occupied or to be  
10 occupied by low and moderate income households;

11 (2) Creation of accessory apartments to be occupied by low and  
12 moderate income households;

13 (3) Conversion of nonresidential space to residential purposes;  
14 provided a substantial percentage of the resulting housing units are to  
15 be occupied by low and moderate income households;

16 (4) Acquisition of real property, demolition and removal of  
17 buildings, or construction of new housing that will be occupied by low  
18 and moderate income households, or any combination thereof;

19 (5) Grants of assistance to eligible municipalities for costs of  
20 necessary studies, surveys, plans and permits; engineering,  
21 architectural and other technical services; costs of land acquisition and  
22 any buildings thereon; and costs of site preparation, demolition and  
23 infrastructure development for projects undertaken pursuant to an  
24 approved regional contribution agreement;

25 (6) Assistance to a local housing authority, nonprofit or limited  
26 dividend housing corporation or association for rehabilitation or  
27 restoration of housing units which it administers which: (a) are  
28 unusable or in a serious state of disrepair; (b) can be restored in an  
29 economically feasible and sound manner; and (c) can be retained in a  
30 safe, decent and sanitary manner, upon completion of rehabilitation or  
31 restoration; and

32 (7) Other housing programs for low and moderate income housing,  
33 including, without limitation, (a) infrastructure projects directly  
34 facilitating the construction of low and moderate income housing not  
35 to exceed a reasonable percentage of the construction costs of the low  
36 and moderate income housing to be provided and (b) alteration of  
37 dwelling units occupied or to be occupied by households of low or  
38 moderate income and the common areas of the premises in which they  
39 are located in order to make them accessible to handicapped persons.

40 e. Any grant or loan agreement entered into pursuant to this  
41 section shall incorporate contractual guarantees and procedures by  
42 which the division will ensure that any unit of housing provided for  
43 low and moderate income households shall continue to be occupied by  
44 low and moderate income households for at least 20 years following  
45 the award of the loan or grant, except that the division may approve  
46 a guarantee for a period of less than 20 years where necessary to  
47 ensure project feasibility.

48 (cf: P.L.1995, c.83, s.3)

1       396. Section 2 of P.L.1986, c.103 (C.52:27D-331) is amended to  
2 read as follows:

3       2. The Legislature finds and declares that: continuing care  
4 retirement communities are becoming an important and increasingly  
5 preferred alternative for the long-term residential, social and health  
6 care needs of New Jersey's senior citizens; because senior citizens  
7 often expend a significant portion of their savings in order to purchase  
8 care in the retirement community and thereby expect to receive care  
9 at the retirement community for the rest of their lives, tragic  
10 consequences can result to senior citizens when a continuing care  
11 provider becomes insolvent or unable to provide responsible care; and  
12 there is a need for full disclosure concerning the terms of agreements  
13 made between prospective residents and the continuing care providers  
14 and the operations of the providers; therefore, it is the policy of this  
15 State that providers of continuing care shall register with and be  
16 monitored by the State Department of Community and Urban Affairs  
17 and that a Continuing Care Advisory Council be established to advise  
18 and assist the Commissioner of Community and Urban Affairs in the  
19 monitoring of these providers and the regulation of continuing care  
20 retirement facilities.

21 (cf: P.L.1986, c.103, s.2)

22

23       397. Section 3 of P.L.1986, c.103 (C.52:27D-332) is amended to  
24 read as follows:

25       3. As used in this act:

26       a. "Application fee" means the fee an individual is charged, in  
27 addition to an entrance fee or any other fee, to cover the provider's  
28 reasonable cost for processing the individual's application to become  
29 a resident at the facility. A reasonable application fee shall be  
30 established pursuant to regulations adopted by the department.

31       b. "Commissioner" means the Commissioner of [the Department  
32 of] Community and Urban Affairs.

33       c. "Continuing care" means the provision of lodging and nursing,  
34 medical or other health related services at the same or another location  
35 to an individual pursuant to an agreement effective for the life of the  
36 individual or for a period greater than one year, including mutually  
37 terminable contracts, and in consideration of the payment of an  
38 entrance fee with or without other periodic charges. An individual  
39 who is provided continuing care is not related by consanguinity or  
40 affinity to the person who provides the care.

41       d. "Department" means the State Department of Community and  
42 Urban Affairs.

43       e. "Entrance fee" means a transfer to a provider of a sum of money  
44 or other property made or promised to be made as full or partial  
45 consideration for acceptance of a specified person as a resident in a  
46 facility and includes a fee which is refundable upon the death,  
47 departure or option of the resident.

48       A fee which is less than the sum of the regular periodic charges for

1 one year of residency is not considered an entrance fee for the  
2 purposes of this act. A transfer of a sum of money or other property,  
3 by or on behalf of a resident, to a trust account which is managed by  
4 the facility or an independent trustee for the benefit of the resident is  
5 not considered an entrance fee for the purposes of this act if the  
6 transfer is not a condition of admission or of continued stay and the  
7 principal amount and any interest thereon are the exclusive and sole  
8 property of the resident or the individual acting on behalf of the  
9 resident.

10 f. "Facility" means the place or places in which a person  
11 undertakes to provide continuing care to an individual.

12 g. "Living unit" means a room, apartment, cottage or other area  
13 within a facility set aside for the exclusive use or control of one or  
14 more persons.

15 h. "Operator or administrator" means a person who operates or  
16 manages a facility for the provider.

17 i. "Provider" means a person who undertakes to provide  
18 continuing care in a facility.

19 j. "Resident" means a person entitled to receive continuing care in  
20 a facility.

21 (cf: P.L.1986, c.103, s 3)

22

23 398. Section 28 of P.L.1986, c.103 (C.52:27D-357) is amended to  
24 read as follows:

25 28. a. There is created a Continuing Care Advisory Council  
26 which consists of 17 members as follows: the Commissioners of [the  
27 Departments of] Community and Urban Affairs, Health and Banking  
28 and Insurance, or their designees, who shall serve ex officio and shall  
29 be non-voting members; 10 public members appointed by the  
30 Governor, with the advice and consent of the Senate, who are  
31 residents of the State and two of whom are administrators of  
32 continuing care facilities in this State, one of whom is a representative  
33 of the business community and knowledgeable in the area of  
34 management, one of whom is a certified public accountant, one of  
35 whom is an attorney licensed to practice in this State, three of whom  
36 are residents of continuing care retirement communities in this State,  
37 one of whom is a trustee or director of a continuing care retirement  
38 community in this State and one of whom is a representative of the  
39 New Jersey Association of Non-Profit Homes for the Aging; two  
40 members of the Senate appointed by the President thereof; and two  
41 members of the General Assembly appointed by the Speaker thereof.

42 b. The term of office for each public member is three years, or  
43 until the member's successor has been appointed; except that of the  
44 public members first appointed, two shall be appointed for a term of  
45 one year, two for a term of two years and three for a term of three  
46 years. The legislative members shall be appointed for their legislative  
47 terms of office.

48 A vacancy in the membership of the council shall be filled in the

1 same manner as the original appointment, but for the unexpired term.

2 A member of the council is eligible for reappointment.

3 The members of the council shall serve without compensation, but  
4 the council shall reimburse the members for the reasonable expenses  
5 incurred in the performance of their duties.

6 c. The council shall hold an organizational meeting within 30 days  
7 after the appointment of its members. The members of the council  
8 shall elect from among them a chairman, who shall be the chief  
9 executive officer of the council, and the members shall elect a  
10 secretary, who need not be a member of the council.

11 d. The council shall meet at least four times a year but may meet  
12 more frequently at the discretion of the chairman or the commissioner.

13 e. The council may call to its assistance and avail itself of the  
14 services and assistance of any officials and employees of the  
15 Department of Community and Urban Affairs or other State agency  
16 and political subdivisions and their departments, boards, bureaus,  
17 commissions and agencies as it requires and as is available to it for this  
18 purpose and may expend any funds that are appropriated or otherwise  
19 made available to it pursuant to this act.

20 f. The council shall:

21 (1) Advise and provide information to the commissioner on matters  
22 pertaining to the operation and regulation of continuing care  
23 retirement facilities, upon request of the commissioner;

24 (2) Review and comment upon, as appropriate, any proposed rules  
25 and regulations and legislation pertaining to continuing care retirement  
26 facilities;

27 (3) Make recommendations to the commissioner about any needed  
28 changes in rules and regulations and State and federal laws pertaining  
29 to continuing care retirement facilities; and

30 (4) Assist in the rehabilitation of a continuing care retirement  
31 facility, upon request of the commissioner.

32 g. The commissioner shall report annually to the Governor and the  
33 Legislature, the commissioner's and the council's findings and  
34 recommendations concerning continuing care retirement communities  
35 and the implementation of this act.

36 (cf: P.L.1986, c.103, s.28)

37

38 399. Section 31 of P.L.1986, c.103 (C.52:27D-360) is amended to  
39 read as follows:

40 31. Nothing in this act shall be construed to limit the authority of  
41 the Department of Community and Urban Affairs to enforce any  
42 otherwise applicable statute, code, or regulation in a facility subject to  
43 this act.

44 (cf: P.L.1986, c.103, s.31)

45

46 400. Section 2 of P.L.1987, s.8 (C.52:27D-362) is amended to

1 read as follows:

2 2. As used in this act:

3 a. "Department" means the Department of Community and Urban  
4 Affairs.

5 b. "Emergency equipment" means fire fighting, ambulance and  
6 rescue equipment used for fire fighting or emergency purposes,  
7 including communications and protective equipment.

8 c. "Emergency facilities" means buildings used to house  
9 emergency equipment and vehicles, including real property, but shall  
10 not include meeting halls, social rooms or other facilities not directly  
11 related to fire fighting or emergency purposes.

12 d. "Emergency vehicles" means trucks, ambulances and other  
13 rescue vehicles used for fire fighting and emergency purposes.

14 e. "Volunteer emergency service organization" means any  
15 non-profit corporation, association or organization located in this  
16 State which is regularly engaged in providing emergency medical care,  
17 rescue services, the transport of patients, or fire protection services,  
18 including part-paid fire departments and fire districts.

19 f. "Volunteer Emergency Service Organizations Loan Fund"  
20 means the fund established under this act.

21 (cf: P.L.1987, c.8, s.2)

22

23 401. Section 5 of P.L.1987, c.8 (C.52:27D-365) is amended to  
24 read as follows:

25 5. The Commissioner of [the Department of] Community and  
26 Urban Affairs shall adopt rules and regulations pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
28 to further specify the loan criteria in subsection b. of section 3 of this  
29 act and to implement the other provisions of this act.

30 (cf: P.L.1987, c.8, s.5)

31

32 402. Section 4 of P.L.1987, c.50 (C.52:27D-369) is amended to  
33 read as follows:

34 4. As used in this act:

35 a. "Commissioner" means the Commissioner of [the Department  
36 of] Community and Urban Affairs;

37 b. "Corporation" means a neighborhood housing services  
38 corporation or umbrella corporation, as defined hereinafter, unless the  
39 context indicates otherwise;

40 c. "Department" means the Department of Community and Urban  
41 Affairs;

42 d. "Fund" means the Neighborhood Housing Services Grant Fund  
43 established pursuant to section 5 of this act;

44 e. "Housing rehabilitation loan" means any loan made by a  
45 neighborhood housing services corporation or umbrella corporation to  
46 a homeowner pursuant to section 7 of this act;

47 f. "Neighborhood housing services corporation" means a private,

1 nonprofit, community-based corporation organized under Title 15A of  
2 the New Jersey Statutes to develop and administer a local  
3 neighborhood housing services program, established in connection  
4 with the National Neighborhood Reinvestment Corporation or  
5 recognized by the commissioner as substantially the equivalent of a  
6 corporation so established;

7 g. "Neighborhood housing services program" means a program  
8 which is established and supervised by a neighborhood housing  
9 services corporation for the purpose of administering the corporation's  
10 goals and services within a specific neighborhood;

11 h. "Residential borrower" means any homeowner who has entered  
12 into a contract for a loan with a neighborhood housing services  
13 corporation or umbrella corporation as provided in section 7 of this  
14 act; and

15 i. "Umbrella corporation" means a neighborhood housing services  
16 corporation which establishes and supervises two or more  
17 neighborhood housing services corporations.

18 (cf: P.L.1987, c.50, s.4)

19  
20 403. Section 5 of P.L.1987, c.50 (C.52:27D-370) is amended to  
21 read as follows:

22 5. There is established a Neighborhood Housing Services Grant  
23 Fund to be administered by the Department of Community and Urban  
24 Affairs. The fund shall be maintained by the Department of the  
25 Treasury and may be invested by the Division of Investment in the  
26 Department of the Treasury in investments in which other State funds  
27 may be invested. There shall be deposited in the fund all moneys  
28 appropriated thereto by the Legislature and any other moneys made  
29 available for the purposes for which the fund is established. The goals  
30 which the fund are designed to realize are set forth in section 3 of this  
31 act, and the means by which the corporation will realize these goals  
32 must be set forth in a plan which the corporation is required to submit  
33 to the commissioner pursuant to subsection c. of section 8 of this act.

34 (cf: P.L.1987, c.50, s.5)

35  
36 404. Section 1 of P.L.1987, c.214 (C.52:27D-381) is amended to  
37 read as follows:

38 1. The Commissioner of [the Department of] Community and  
39 Urban Affairs shall establish and administer a program which shall be  
40 known as the "Local Government Education Program."

41 (cf: P.L.1987, c.214, s.1)

42  
43 405. Section 3 of P.L.1987, c.214 (C.52:27D-383) is amended to  
44 read as follows:

45 3. The Commissioner of [the Department of] Community and  
46 Urban Affairs shall:

47 a. Establish procedures for county colleges to apply for funds  
48 under the Local Government Education Program;

1       b. Establish standards for the courses, workshops and seminars  
2 offered under the Local Government Education Program;

3       c. Coordinate activities offered under the Local Government  
4 Education Program with similar activities offered by other agencies  
5 and institutions;

6       d. Conduct a continuous review of the program; and

7       e. Prescribe any other rules and regulations necessary to effectuate  
8 the purposes of this act.

9 (cf: P.L.1987, c.214, s.3)

10

11       406. Section 7 of P.L.1990, c.85 (C.52:27D-390) is amended to  
12 read as follows:

13       7. The State Treasurer shall annually, on or before November 1,  
14 make a determination of the qualifying municipalities and determine  
15 the amount of funds to be apportioned to each qualifying municipality  
16 for the next succeeding local budget year. The State Treasurer shall  
17 thereupon notify the Director of the Division of Local Government  
18 Services in the Department of Community and Urban Affairs and the  
19 chief financial officer of each qualifying municipality of the amount so  
20 determined.

21 (cf: P.L.1990, c.85, s.7)

22

23       407. Section 3 of P.L.1991, c.51 (C.52:27D-397) is amended to  
24 read as follows:

25       3. As used in this act:

26       a. "Commissioner" means the Commissioner of Community and  
27 Urban Affairs;

28       b. "Community" means a municipality, county or any part or  
29 combination thereof which represents a reasonable geographic area  
30 and sufficient population for community action programs;

31       c. "Community action agency" means any public, or private  
32 nonprofit, agency or organization which was officially designated as  
33 a community action agency or a community action program under the  
34 provisions of section 210 of the "Economic Opportunity Act of 1964,"  
35 Pub.L.88-452 (42 U.S.C. s.2790; repealed, section 683(a),  
36 Pub.L.97-35 (42 U.S.C. s.9912(a))) for federal fiscal year 1981, or  
37 which came into existence during federal fiscal year 1982 as a direct  
38 successor in interest to such a community action agency or community  
39 action program, and meets all the requirements under section  
40 675(c)(3) of the Community Services Block Grant Act (42 U.S.C.  
41 s.9904(c)(3)), unless such community action agency or community  
42 action program lost its designation under section 210 of the  
43 "Economic Opportunity Act of 1964," (42 U.S.C. s.9912(a)) as a  
44 result of a failure to comply with the provisions of that act.  
45 "Community action agency" also means an agency designated by the  
46 State in accordance with section 675(c)(4) of the Community Services  
47 Block Grant Act (42 U.S.C. s.9904(c)(4));

48

      d. "Community action program" means any program or project

1 conducted by an agency or organization as described in subsection c.  
2 of this section which uses funds: (1) to provide a range of services  
3 and activities having a measurable and potentially major impact on  
4 causes of poverty in the community or those areas of the community  
5 where poverty is a particularly acute problem;

6 (2) to provide activities designed to assist participating low-income  
7 persons, including the elderly poor, to secure and retain meaningful  
8 employment, to attain an adequate education, to make better use of  
9 available income, to obtain and maintain adequate housing in a suitable  
10 living environment, to obtain emergency assistance through loans or  
11 grants to meet immediate and urgent individual and family needs  
12 (including the need for health service, nutritious food, housing and  
13 employment-related assistance), to remove obstacles and solve  
14 problems which block the achievement of self-sufficiency, to achieve  
15 greater participation in the affairs of the community, and to make more  
16 effective use of other programs related to the needs of low-income  
17 persons;

18 (3) to provide on an emergency basis for the provision of such  
19 supplies and services, nutritious foodstuffs, and related services, as  
20 may be necessary to counteract conditions of starvation and  
21 malnutrition among the poor;

22 (4) to coordinate and establish linkages between governmental and  
23 other social services programs to assure the effective delivery of such  
24 services to low-income individuals; and

25 (5) to encourage the use of entities in the private sector of the  
26 community and efforts to ameliorate poverty in the community;

27 e. "Low-income persons" means any individual or family whose  
28 gross annual income is at or below the official poverty line as  
29 determined by the Director of the federal Office of Management and  
30 Budget;

31 f. "Federal Office of Community Services" means the federal office  
32 within the Federal Department of Health and Human Services which  
33 distributes Community Services Block Grant Act funds to states; and

34 g. "Community Services Block Grant Act" means section 671 et  
35 seq., subchapter B of chapter 8 of the "Omnibus Budget Reconciliation  
36 Act of 1981," Pub.L.97-35 (42 U.S.C. s.9901 et seq.), as amended.  
37 (cf: P.L.1991, c.51, s.3)

38

39 408. Section 8 of P.L.1991, c.51 (C.52:27D-402) is amended to  
40 read as follows:

41 8. a. Consistent with the Community Services Block Grant Act  
42 the State shall provide assurances that any eligible entity which  
43 received funding in the previous fiscal year under this act will not have  
44 its present or future funding terminated under this act or reduced  
45 below the proportional share of funding it received in the previous  
46 fiscal year unless after notice, and opportunity for hearing on the  
47 record, the State determines that cause existed for such termination or  
48 such reduction subject to review by the commissioner as provided in

1 the Community Services Block Grant Act.

2 For the purpose of making a determination with respect to a  
3 funding reduction, the term "cause" includes:

4 (1) a Statewide redistribution of funds under the Community  
5 Services Block Grant Act to respond to:

6 (a) the results of the most recently available census or other  
7 appropriate data;

8 (b) the establishment of a new eligible entity;

9 (c) severe economic dislocation; and

10 (2) corrective measures to bring such agency or organization into  
11 compliance with the terms of its agreement to provide services under  
12 the Community Services Block Grant Act.

13 b. An agency's funds will only be withheld in the event that a  
14 corrective action plan's requirements for compliance are not  
15 accomplished within the specified compliance date.

16 c. An aggrieved community action agency shall be entitled to an  
17 administrative hearing in accordance with the "Administrative  
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and the  
19 Uniform Administrative Procedure Rules, N.J.A.C. 1:1. In accordance  
20 with the "Administrative Procedure Act," the commissioner or his  
21 designee shall issue the final decision in all cases. The request for a  
22 hearing shall be filed with the commissioner within 15 days of the  
23 receipt of the Department of Community and Urban Affairs' decision.

24 If requested by the community action agency, the commissioner's  
25 decision regarding the termination or reduction of funding shall be  
26 subject to the review of the Secretary of the U.S. Department of  
27 Health and Human Services consistent with the Community Services  
28 Block Grant Act.

29 d. The Governor of the State of New Jersey may, at the Governor's  
30 discretion, determine to provide services with Community Services  
31 Block Grant Act funds in an area in which services have not previously  
32 been provided by a community action agency or delegate thereof. In  
33 the event the Governor so decides to serve an area, the Governor may  
34 initially request any community action agency which services any  
35 contiguous area to provide the services the Governor has decided to  
36 direct to that area or, if no community action agency accepts that  
37 request or there is no community action agency providing services  
38 contiguous to the area, the Governor may request any community  
39 action agencies nearby to the unserved area to provide services in the  
40 area. If no contiguous or nearby community action agency, upon  
41 request of the Governor, agrees to provide services in the area, the  
42 Governor may then select another entity at the Governor's discretion  
43 to provide those services.

44 (cf: P.L.1991, c.51, s.8)

45

46 409. Section 2 of P.L.1993, c.249 (C.52:27D-407) is amended to  
47 read as follows:

48 2. As used in this act:

1 "Abuse" means the willful infliction of physical pain, injury or  
2 mental anguish, unreasonable confinement, or the willful deprivation  
3 of services which are necessary to maintain a person's physical and  
4 mental health.

5 "Caretaker" means a person who has assumed the responsibility for  
6 the care of a vulnerable adult as a result of family relationship or who  
7 has assumed responsibility for the care of a vulnerable adult  
8 voluntarily, by contract, or by order of a court of competent  
9 jurisdiction, whether or not they reside together.

10 "Commissioner" means the Commissioner of Community and  
11 Urban Affairs.

12 "Community setting" means a private residence or any  
13 noninstitutional setting in which a person may reside alone or with  
14 others, but shall not include residential health care facilities, rooming  
15 houses or boarding homes or any other facility or living arrangement  
16 subject to licensure by, operated by, or under contract with, a State  
17 department or agency.

18 "County adult protective services provider" means a county Board  
19 of Social Services or other public or nonprofit agency with experience  
20 as a New Jersey provider of protective services for adults, designated  
21 by the county and approved by the commissioner. The county adult  
22 protective services provider receives reports made pursuant to this act,  
23 maintains pertinent records and provides, arranges, or recommends  
24 protective services.

25 "County director" means the director of a county adult protective  
26 services provider.

27 "Department" means the Department of Community and Urban  
28 Affairs.

29 "Exploitation" means the act or process of illegally or improperly  
30 using a person or his resources for another person's profit or  
31 advantage.

32 "Neglect" means an act or failure to act by a vulnerable adult or his  
33 caretaker which results in the inadequate provision of care or services  
34 necessary to maintain the physical and mental health of the vulnerable  
35 adult, and which places the vulnerable adult in a situation which can  
36 result in serious injury or which is life-threatening.

37 "Protective services" means voluntary or court-ordered social,  
38 legal, financial, medical or psychiatric services necessary to safeguard  
39 a vulnerable adult's rights and resources, and to protect a vulnerable  
40 adult from abuse, neglect or exploitation. Protective services include,  
41 but are not limited to: evaluating the need for services, providing or  
42 arranging for appropriate services, obtaining financial benefits to  
43 which a person is entitled, and arranging for guardianship and other  
44 legal actions.

45 "Vulnerable adult" means a person 18 years of age or older who  
46 resides in a community setting and who, because of a physical or  
47 mental illness, disability or deficiency, lacks sufficient understanding  
48 or capacity to make, communicate, or carry out decisions concerning

1 his well-being and is the subject of abuse, neglect or exploitation. A  
2 person shall not be deemed to be the subject of abuse, neglect or  
3 exploitation or in need of protective services for the sole reason that  
4 the person is being furnished nonmedical remedial treatment by  
5 spiritual means through prayer alone or in accordance with a  
6 recognized religious method of healing in lieu of medical treatment,  
7 and in accordance with the tenets and practices of the person's  
8 established religious tradition.

9 (cf: P.L.1993, c.249, s.2)

10

11 410. Section 3 of P.L.1993, c.249 (C.52:27D-408) is amended to  
12 read as follows:

13 3. a. The commissioner shall establish a comprehensive public  
14 awareness program to inform the general public and social service  
15 agencies as to the nature of abuse, neglect and exploitation, the  
16 method for their reporting, and information about the protective  
17 services available for vulnerable adults who need them. This  
18 comprehensive public awareness program shall be a collaborative  
19 effort with existing public awareness and training efforts, including but  
20 not limited to, those mandated pursuant to the "Prevention of  
21 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.),  
22 the Safe Housing and Transportation program and the "Older  
23 Americans Act of 1965," Pub. L. 89-73 (42 U.S.C. s.3001 et seq.).

24 b. A task force shall be established in the department to facilitate  
25 the collaboration required for the public awareness program. The task  
26 force shall meet at least quarterly to develop initiatives. The task  
27 force shall include a representative from each of the following: the  
28 Department of Human Services, the Department of Community and  
29 Urban Affairs, the Administrative Office of the Courts, an agency  
30 funded to administer training initiatives under this act, an agency  
31 funded to administer training initiatives under the "Older Americans  
32 Act of 1965," an agency that delivers protective services and the New  
33 Jersey Association of Area Agencies on Aging.

34 (cf: P.L.1993, c.249, s.3)

35

36 411. Section 21 of P.L.1993, c.249 (C.52:27D-426) is amended to  
37 read as follows:

38 21. a. All funding, programs and positions created to provide adult  
39 protective services by the Division of Youth and Family Services in the  
40 Department of Human Services are continued and shall be transferred  
41 to the Department of Community and Urban Affairs, however, for  
42 federal funding and reporting purposes, the Department of Human  
43 Services shall remain the designated agency for such programs. The  
44 Department of Community and Urban Affairs shall provide the  
45 Department of Human Services with such information as the  
46 Department of Human Services requires to fulfill its reporting  
47 requirements.

48

b. The transfers directed by this act shall be made in accordance

1 with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1  
2 et seq.).

3 (cf: P.L.1993, c.249, s.21)

4

5 412. Section 14 of P.L.1993, c.288 (C.52:27D-427) is amended to  
6 read as follows:

7 14. As used in sections 14 through 24 of P.L.1993, c.288  
8 (C.52:27D-427 through C.52:27D-437):

9 "Business firm" means and includes any corporation, company,  
10 association, society, firm, partnership or joint stock company, or any  
11 sole proprietor, engaged in, advertising, or holding itself out to be in  
12 the business of lead evaluation or lead abatement.

13 "Commissioner" means the Commissioner of Community and Urban  
14 Affairs.

15 "Department" means the Department of Community and Urban  
16 Affairs.

17 "Lead abatement" means a process designed either to mitigate or to  
18 eliminate permanently lead-based paint hazards on a premises and  
19 includes, but is not limited to: the removal of lead-based paint and  
20 lead-contaminated dust; the containment or encapsulation of  
21 lead-based paint; the replacement of lead-painted surfaces or fixtures;  
22 the removal or covering of lead-contaminated soil; and all preparation,  
23 cleanup, disposal and post-abatement clearance testing activities  
24 associated with such measures.

25 "Lead evaluation" means a surface-by-surface investigation to  
26 determine the presence of lead-based paint and the provision of a  
27 report explaining the results of the investigation.

28 "Lead-based paint" means paint or other surface coating material  
29 that contains lead in excess of 1.0 milligrams per centimeter squared  
30 or in excess of 0.5% by weight, or such other level as may be  
31 established by federal law.

32 "Lead-based paint hazard" means any condition that causes  
33 exposure to lead from lead-contaminated dust or soil or  
34 lead-contaminated paint that is deteriorated or present in surfaces, that  
35 would result in adverse human health effects.

36 "Surface" means an area such as an interior or exterior wall, ceiling,  
37 floor, door, door frame, window sill, window frame, porch, stair,  
38 handrail and spindle, or other abradable surface, soil, furniture, a  
39 carpet, a radiator or a water pipe.

40 (cf: P.L.1993, c.288, s.14)

41

42 413. Section 24 of P.L.1993, c.288 (C.52:27D-437) is amended to  
43 read as follows:

44 24. The department shall delegate, by rule or by interagency  
45 agreement pursuant to R.S.52:14-4, to the Department of Labor, its  
46 administrative and enforcement duties and functions pursuant to the  
47 provisions of sections 14 through 24 of P.L.1993, c.288  
48 (C.52:27D-427 through C.52:27D-437) relating to the certification of

1 business firms to perform lead evaluation or abatement work on public  
2 buildings, commercial buildings, bridges or any other buildings or  
3 structures that do not contain dwelling units. When the Department  
4 of Labor receives such a delegation, the Department of Labor shall be  
5 reimbursed by the department in an amount that is sufficient to cover  
6 the costs incurred by the Department of Labor in administering and  
7 enforcing the provisions of sections 14 through 24 of P.L.1993, c.288  
8 (C.52:27D-427 through C.52:27D-437). The costs incurred by the  
9 Department of Labor in administering and enforcing this act shall be  
10 annually certified by the Director of the Office of Management and  
11 Budget in the Department of the Treasury. The Department of  
12 Community and Urban Affairs shall have ultimate responsibility for  
13 ensuring that lead evaluation and abatement work on all buildings and  
14 structures conforms to the requirements of sections 14 through 24 of  
15 P.L.1993, c.288 (C.52:27D-427 through C.52:27D-437).  
16 (cf: P.L.1993, c.288, s.24)

17  
18 414. Section 3 of P.L.1977, c.239 (C.52:27G-3) is amended to  
19 read as follows:

20 3. There is hereby established in the Executive Branch of the State  
21 Government the Office of the Ombudsman for the Institutionalized  
22 Elderly. For the purposes of complying with the provisions of Article  
23 V, Section IV, paragraph 1 of the New Jersey Constitution, the Office  
24 of the Ombudsman for the Institutionalized Elderly is hereby allocated  
25 to the Department of Community and Urban Affairs, but,  
26 notwithstanding said allocation, the said office shall be independent  
27 of any supervision or control by the department or by any board or  
28 officer thereof.

29 (cf: P.L.1977, c.239, s. 3)

30

31 415. Section 4 of P.L.1985, c.298 (C.52:27G-23) is amended to  
32 read as follows:

33 4. There is created in the Executive Branch of the State  
34 Government the Office of the Public Guardian for Elderly Adults. For  
35 the purpose of complying with the provisions of Article V, Section IV,  
36 paragraph 1 of the New Jersey Constitution, the Office of the Public  
37 Guardian for Elderly Adults is allocated to the Department of  
38 Community and Urban Affairs, but notwithstanding this allocation, the  
39 office shall be independent of any supervision or control by the  
40 department or any board or officer thereof.

41 (cf: P.L.1985, c.298, s 4)

42

43 416. Section 4 of P.L.1987, c.55 (C.52:27H-21.10) is amended to  
44 read as follows:

45 4. a. The division shall establish three offices for business  
46 assistance for eligible businesses. One office shall be established for  
47 business assistance to women, one office shall be established for  
48 business assistance to minorities and one office shall be established for

1 small businesses.

2 b. There is created a Small Business Advisory Council, a Women's  
3 Business Advisory Council and a Minority Business Advisory Council.

4 (1) The Small Business Advisory Council shall consist of nine  
5 members, who shall be appointed by the Governor with the advice and  
6 consent of the Senate, five of whom shall be persons who own or are  
7 affiliated with small businesses. Of the four remaining members, one  
8 shall represent local government.

9 (2) The Minority Business Advisory Council shall consist of nine  
10 members, who shall be appointed by the Governor with the advice and  
11 consent of the Senate, six of whom shall be minorities, one of whom  
12 shall have expertise in marketing, and one of whom shall have  
13 expertise in capital formation and small business finance.

14 (3) The Women's Business Advisory Council shall consist of nine  
15 members, who shall be appointed by the Governor with the advice and  
16 consent of the Senate, six of whom shall be women, one of whom shall  
17 have expertise in marketing or advertising, one of whom shall have  
18 expertise in capital formation or finance, and one of whom shall  
19 represent the Division on Women in the Department of Community  
20 and Urban Affairs.

21 c. Members of the Small Business Advisory Council, the Minority  
22 Business Advisory Council, and the Women's Business Advisory  
23 Council shall serve without compensation but shall be reimbursed for  
24 necessary expenses incurred in the performance of their duties. The  
25 Governor shall designate from among each council's members a person  
26 to serve as chairman. Members of each council shall serve for a term  
27 of three years; provided, however, that of the members first appointed,  
28 three shall be appointed for a one-year term, three shall be appointed  
29 for a two-year term, and three shall be appointed for a three-year term.  
30 Each advisory council established pursuant to this section shall meet  
31 at least six times each year.

32 d. The Small Business Advisory Council shall assist the division  
33 in the establishment of a financial and technical assistance policy for  
34 the division's small business program. The policy shall describe the  
35 proposed allocation of the resources of the division, establish  
36 standards for eligibility for assistance and participation in the program  
37 established and operated by the division, and establish a means of  
38 coordinating the programs of the division with the authority. To the  
39 extent possible, the programs established by the division in  
40 consultation with the advisory council shall be consonant with, and  
41 complementary to, the program established by the authority.

42 e. The Minority Business Advisory Council shall assist the division  
43 in the establishment of a financial and technical assistance policy for  
44 the division's program for minority businesses. The policy shall  
45 describe the proposed allocation of the resources of the division,  
46 establish standards for eligibility for assistance and participation in the  
47 program established and operated by the division, and establish a  
48 means of coordinating the programs of the division with the authority.

1 To the extent possible, the program for minority businesses established  
2 by the division in consultation with the advisory council shall be  
3 consonant with, and complementary to, the program established by the  
4 authority.

5 f. The Women's Business Advisory Council shall assist the division  
6 in the establishment of a financial and technical assistance policy for  
7 the division's program for women's businesses. The policy shall  
8 describe the proposed allocation of the resources of the division,  
9 establish standards for eligibility for assistance and participation in the  
10 program established and operated by the division, and establish a  
11 means of coordinating the programs of the division with the authority.  
12 To the extent possible, the program for women's businesses established  
13 by the division in consultation with the advisory council shall be  
14 consonant with, and complementary to, the program established by the  
15 authority.

16 (cf: P.L.1987, c.55, s.4)

17

18 417. Section 4 of P.L.1983, c.303 (C.52:27H-63) is amended to  
19 read as follows:

20 4. a. There is created the New Jersey Urban Enterprise Zone  
21 Authority, which shall consist of:

22 (1) The Commissioner of [the Department of] Commerce, Energy  
23 and Economic Development, who shall be chairman of the authority;

24 (2) The Commissioner of [the Department of] Community and  
25 Urban Affairs;

26 (3) The Commissioner of [the Department of] Labor;

27 (4) The State Treasurer; and

28 (5) Five public members not holding any other office, position or  
29 employment in the State Government, nor any local elective office,  
30 who shall be appointed by the Governor with the advice and consent  
31 of the Senate, and who shall be qualified for their appointments by  
32 training and experience in the areas of local government finance,  
33 economic development and redevelopment, or volunteer civic service  
34 and community organization. No more than three public members shall  
35 be of the same political party.

36 b. The public members of the authority shall serve for terms of five  
37 years, except that of the members first appointed, one shall serve for  
38 a term of one year, one shall serve for a term of two years, one shall  
39 serve for a term of three years, one shall serve for a term of four years,  
40 and one shall serve for a term of five years. Vacancies in the public  
41 membership shall be filled in the manner of the original appointments  
42 but for the unexpired terms.

43 c. An ex officio member of the authority may, from time to time,  
44 designate in writing to the authority an official within his respective  
45 department to attend and represent the department at the meetings of  
46 the authority from which the ex officio member is absent, and that  
47 designated representative shall be entitled to vote and otherwise act

1 for the ex officio member at those meetings.

2 (cf: P.L.1988, c.93, s.2)

3

4 418. Section 1 of P.L.1983, c.468 (C.52:31-23) is amended to read  
5 as follows:

6 1. There is established in the Department of the Treasury the  
7 Residential Housing Management Board. The board shall consist of  
8 the State Treasurer, as chairman, the President of the Civil Service  
9 Commission, the Commissioner of Corrections, the Commissioner of  
10 Environmental Protection, the Chancellor of Higher Education, the  
11 Commissioner of Education, the Commissioner of Human Services and  
12 the Commissioner of Community and Urban Affairs, or such designee  
13 as each member may appoint. The State Treasurer shall assign such  
14 employees of the Department of the Treasury to assist the board as he  
15 shall deem necessary.

16 (cf: P.L.1983, c.468, s.1)

17

18 419. Section 3 of P.L.1967, c.79 (C.52:31B-3) is amended to read  
19 as follows:

20 3. The following terms whenever used or referred to in this act  
21 shall have the following respective meanings for the purposes of this  
22 act, unless the context clearly indicates otherwise:

23 (a) The term "act" shall mean this act, any amendments or  
24 supplements thereto, and any rules and regulations promulgated  
25 thereunder.

26 (b) The term "business concern" means any person, association,  
27 corporation or nonprofit organization not engaged in the business of  
28 acquiring, retaining and selling property for the production of income.

29 (c) The term "commissioner" shall mean the Commissioner of [the  
30 Department of] Community and Urban Affairs.

31 (d) The term "department" shall mean the Department of  
32 Community and Urban Affairs.

33 (e) The term "displaced" shall mean required to vacate any real  
34 property, or any tenancy therein, pursuant to any lawful order or  
35 notice of any State agency or unit of local government on account of  
36 the acquisition of any real property for a public use, or on account of  
37 a program of law enforcement, or on account of a program or project  
38 for the voluntary rehabilitation of dwelling units.

39 (f) The term "farm operation" shall mean any activity conducted,  
40 whether in whole or in part, for the production of one or more  
41 agricultural products or commodities for sale or home use, and  
42 customarily producing such products or commodities in sufficient  
43 quantity to contribute materially to the support of the person,  
44 association or corporation so conducting such activity.

45 (g) The term "nonprofit organization" shall mean any association  
46 or corporation organized not for profit pursuant to the provisions of  
47 Title 15 of the Revised Statutes, Corporations and Associations Not  
48 for Profit.

1 (h) The term "person" shall mean any individual or family or  
2 owner of a business concern or farm operation.

3 (i) The term "real property or any tenancy therein" shall mean any  
4 real property, and any building, structures, or fixtures appurtenant  
5 thereto, and any housing, dwelling or working space therein.

6 (j) The term "State agency" shall mean any department, division,  
7 office, agency or bureau of this State, or any authority of  
8 instrumentality created or chartered thereby.

9 (k) The term "unit of local government" shall mean any political  
10 subdivision of this State, or any 2 or more such political subdivisions  
11 acting jointly pursuant to law, and any department, division, office,  
12 agency or bureau thereof or any authority or instrumentality created  
13 or chartered thereby.

14 (cf: P.L.1967, c.79, s.3)

15

16 420. Section 2 of P.L.1971, c.269 (C.52:32-5) is amended to read  
17 as follows:

18 2. The Department of Community and Urban Affairs shall  
19 promulgate regulations which shall prescribe the kinds, types and  
20 quality of such facilities for the physically handicapped. The  
21 regulations shall differentiate between small buildings, defined as those  
22 with a total gross enclosed floor area of less than 10,000 square feet,  
23 and large buildings defined as those with a total gross enclosed floor  
24 area of 10,000 square feet or more. Small buildings shall be required  
25 to have accessible entrances servicing the first or ground floor areas  
26 and facilities for the physically handicapped on all accessible floors,  
27 however, the provisions for small buildings shall not apply to the  
28 conversion of a small building to another use or to renovations or  
29 modifications of a small building if there is insufficient space between  
30 the building and its lot lines or between the building and the public  
31 way to allow for the installation of an entrance ramp which meets the  
32 criteria of the "State Uniform Construction Code" adopted pursuant  
33 to the "State Uniform Construction Code Act," P.L.1975, c.217  
34 (C.52:27D-119 et seq.). Large buildings shall be required to have  
35 accessible entrances, facilities for the physically handicapped on all  
36 accessible floors, and elevators or other means of access for the  
37 physically handicapped between floors, except floors which contain  
38 only mechanical equipment or floors which contain less than 3,000  
39 square feet of total floor area.

40 (cf: P.L.1987, c.246, s.1)

41

42 421. Section 7 of P.L.1993, c.101 (C.54:1-35.45) is amended to  
43 read as follows:

44 7. a. As soon as the tax duplicate is delivered to the collector of  
45 the municipality, the collector shall proceed with the work of  
46 preparing, completing, mailing or otherwise delivering tax bills to the  
47 individuals assessed pursuant to R.S.54:4-64 and R.S.54:4-66.

48 b. The tax bill shall be in a form prescribed by the Director of the

1 Division of Local Government Services in the Department of  
2 Community and Urban Affairs, after consultation with the director,  
3 and shall include, in addition to such other information as may be  
4 required by law, rule or regulation, notification that the local municipal  
5 purposes tax rate for the municipality includes a rate to support the  
6 revaluation phase-in program. The bill shall also indicate the amount  
7 of the revaluation relief credit the taxpayer received for his eligible  
8 property.

9 (cf: P.L.1993, c.101, s.7)

10

11 422. Section 8 of P.L.1993, c.101 (C.54:1-35.46) is amended to  
12 read as follows:

13 8. The provisions of R.S.54:4-66 and R.S.54:4-67 to the contrary  
14 notwithstanding, for a municipality which has implemented a  
15 revaluation phase-in program pursuant to this act, the Director of the  
16 Division of Local Government Services in the Department of  
17 Community and Urban Affairs may order that the third installment of  
18 taxes shall be payable in the revaluation year on a date other than that  
19 set forth in those statutes and shall not be deemed delinquent until the  
20 tenth calendar day following the new date.

21 (cf: P.L.1993, c.101, s.8)

22

23 423. Section 16 of P.L.1983, c.551 (C.54:1-83) is amended to read  
24 as follows:

25 16. Notwithstanding the provisions of the "Local Budget Law"  
26 (N.J.S.40A:4-1 et seq.), a municipality which qualifies for an  
27 entitlement pursuant to section 7 of this act may anticipate the amount  
28 of the entitlement in its annual budget for the year in which the  
29 entitlement is made. The Director of the Division of Local  
30 Government Services in the Department of Community and Urban  
31 Affairs shall, pursuant to the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.) establish rules and regulations  
33 necessary to effectuate the provisions of this section.

34 (cf: P.L.1983, c.551, s.16)

35

36 424. Section 3 of P.L.1983, c.400 (C.54:4-1.4) is amended to read  
37 as follows:

38 3. As used in this act:

39 a. "Commissioner" means the Commissioner of [the Department  
40 of] Community and Urban Affairs;

41 b. "Cooperative" means a housing corporation or association  
42 which entitles the holder of a share or membership interest thereof to  
43 possess and occupy for dwelling purposes a house, apartment,  
44 manufactured home or other unit of housing owned by the corporation  
45 or association, or to purchase a unit of housing constructed or erected  
46 by the corporation or association;

47 c. "Grade" means a reference plane consisting of the average  
48 finished ground level adjacent to a structure, building, or facility at all

1 visible exterior walls;

2 d. "Manufactured home" means a unit of housing which:

3 (1) Consists of one or more transportable sections which are  
4 substantially constructed off site and, if more than one section, are  
5 joined together on site;

6 (2) Is built on a permanent chassis;

7 (3) Is designed to be used, when connected to utilities, as a  
8 dwelling on a permanent or nonpermanent foundation; and

9 (4) Is manufactured in accordance with the standards promulgated  
10 for a manufactured home by the secretary pursuant to the "National  
11 Manufactured Housing Construction and Safety Standards Act of  
12 1974," Pub.L. 93-383 (42 U.S.C. s. 5401 et seq.) and the standards  
13 promulgated for a manufactured or mobile home by the commissioner  
14 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
15 c.217 (C.52:27D-119 et seq.);

16 "Manufactured home" also means and includes any unit of housing  
17 manufactured before the effective date of the standards promulgated  
18 by the secretary or, as appropriate, by the commissioner, but which  
19 otherwise meets the criteria set forth in this subsection;

20 e. "Mobile home park" means a parcel of land, or two or more  
21 contiguous parcels of land, containing no fewer than 10 sites equipped  
22 for the installation of manufactured homes, where these sites are under  
23 common ownership and control, other than as a cooperative, for the  
24 purpose of leasing each site to the owner of a manufactured home for  
25 the installation thereof, and where the owner or owners provide  
26 services, which are provided by the municipality in which the park is  
27 located for property owners outside the park, which services may  
28 include but shall not be limited to:

29 (1) The construction and maintenance of streets;

30 (2) Lighting of streets and other common areas;

31 (3) Garbage removal;

32 (4) Snow removal; and

33 (5) Provisions for the drainage of surface water from home sites  
34 and common areas.

35 A parcel, or any contiguous parcels, of land which contain, on the  
36 effective date of this act, no fewer than three sites equipped for the  
37 installation of manufactured homes, and which otherwise conform to  
38 the provisions of this subsection, shall qualify as a mobile home park  
39 for the purposes of this act;

40 f. "Municipal service fee" means a fee imposed on manufactured  
41 homes installed in a mobile home park for the purpose of reasonable  
42 payment for services rendered the owners of the manufactured homes  
43 by the municipality or any other local taxing authority established  
44 pursuant to an ordinance of the municipal governing body, and for the  
45 reimbursement of the municipality for payments made thereby to the  
46 school district in which the mobile home park is located for  
47 educational costs occasioned by pupils residing in that park;

48 g. "Nonpermanent foundation" means any foundation consisting

1 of nonmortared blocks, wheels, a concrete slab, runners, or any  
2 combination thereof, or any other system approved by the  
3 commissioner for the installation and anchorage of a manufactured  
4 home on other than a permanent foundation;

5 h. "Off site construction of a manufactured home or section  
6 thereof" means the construction of that home or section at a location  
7 other than the location at which the home is to be installed;

8 i. "On site joining of sections of a manufactured home" means the  
9 joining of those sections at the location at which the home is to be  
10 installed;

11 j. "Permanent foundation" means a system of support installed  
12 either partially or entirely below grade, which is:

13 (1) Capable of transferring all design loads imposed by or upon the  
14 structure into soil or bedrock without failure;

15 (2) Placed at an adequate depth below grade to prevent frost  
16 damage; and

17 (3) Constructed of any material approved by the commissioner;

18 k. "Runners" means a system of support consisting of poured  
19 concrete strips running the length of the chassis of a manufactured  
20 home under the lengthwise walls of that home;

21 l. "Secretary" means the Secretary of the United States  
22 Department of Housing and Urban Development; and

23 m. "Trailer" means a recreational vehicle, travel trailer, camper or  
24 other transportable, temporary dwelling unit, with or without its own  
25 motor power, designed and constructed for travel and recreational  
26 purposes to be installed on a nonpermanent foundation if installation  
27 is required.

28 (cf: P.L.1983, c.400, s.3)

29

30 425. Section 3 of P.L.1975, c.283 (C.54:4-3.79) is amended to  
31 read as follows:

32 3. The Commissioner of [the Department of] Community and  
33 Urban Affairs is authorized to determine standards and guidelines and  
34 to promulgate rules and regulations to effectuate the purposes of this  
35 act.

36 (cf: P.L.1977, c.284, s 6)

37

38 426. Section 1 of P.L.1977, c.256 (C.54:4-3.113) is amended to  
39 read as follows:

40 1. As used in this act:

41 a. "Solar energy" means energy which has recently originated in  
42 the sun, including direct and indirect solar radiation and intermediate  
43 solar energy from such as wind and sea thermal gradients;

44 b. "Solar energy system" means any system which uses solar  
45 energy to provide all or a portion of the heating, cooling, or general  
46 energy needs of a building through, but not limited to, such means as  
47 nocturnal heat radiation, evaporation cooling towers, flat plate or  
48 focusing solar collectors, photovoltaic solar cells or windmills;

1 c. "Commissioner" means the State Commissioner of Community  
2 and Urban Affairs;

3 d. "Enforcing agency" means the enforcing agency in any  
4 municipality provided for under the State Uniform Construction Code  
5 Act, P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations  
6 promulgated thereunder;

7 e. "Board of appeals" means the municipal or county board  
8 provided for under the State Uniform Construction Code Act and  
9 regulations promulgated thereunder.

10 (cf: P.L.1983, c.44, s.2)

11

12 427. Section 1 of P.L.1983, c.309 (C.54:4-3.130) is amended to  
13 read as follows:

14 1. As used in this act:

15 a. "Automatic fire suppression system" means a mechanical  
16 system designed and equipped to detect a fire, activate an alarm, and  
17 suppress or control a fire without the necessity of human intervention  
18 and activated as a result of a predetermined temperature rise, rate of  
19 rise of temperature, or increase in the level of combustion products.

20 b. "Commissioner" means the Commissioner of [the Department  
21 of] Community and Urban Affairs.

22 c. "Enforcing agency" means the enforcing agency in any  
23 municipality provided for under the "State Uniform Construction  
24 Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations  
25 promulgated thereunder.

26 d. "Board of appeals" means the municipal or county board  
27 provided for under the "State Uniform Construction Code Act,"  
28 P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations promulgated  
29 thereunder.

30 (cf: P.L.1983, c.309, s.1)

31

32 428. Section 3 of P.L.1989, c.207 (C.54:4-3.141) is amended to  
33 read as follows:

34 3. The governing body of a qualified municipality may, by  
35 ordinance, determine that one or more areas within the municipality  
36 are in need of rehabilitation, and that one or more buildings or  
37 structures in any such area could be advantageously converted to  
38 qualified residential property or that vacant land in any such area could  
39 be advantageously used for the construction of qualified residential  
40 property. Any such determination shall be made in keeping with  
41 regulations which shall be promulgated by the Commissioner of  
42 Community and Urban Affairs pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which shall  
44 take into consideration the following: existence of blighted areas in the  
45 municipality; deterioration of housing stock; age of housing stock;  
46 supply of and demand for housing in the municipality; and arrearage  
47 in real property taxes due on residential properties.

48 (cf: P.L.1989, c.207, s.3)

1       429. Section 6 of P.L.1995, c.413 (C.54:4-3.155) is amended to  
2 read as follows:

3       6. No exemption shall be granted pursuant to P.L.1995, c.413  
4 (C.54:4-3.150 et seq.) except upon written application filed with the  
5 assessor of the taxing district wherein the environmental opportunity  
6 zone is located and is approved by the governing body by resolution  
7 or ordinance, as required by the enabling ordinance. Every application  
8 shall be on a form prescribed by the Director of the Division of  
9 Taxation, in the Department of the Treasury, and provided for the use  
10 of claimants by the governing body of the municipality constituting the  
11 taxing district. Every application for an exemption may be approved  
12 and allowed by the governing body to the degree that the application  
13 is consistent with the provisions of the enabling ordinance. The  
14 exemption shall not be granted by the governing body until the owner  
15 of the property enters into a memorandum of agreement or  
16 administrative consent order with the Department of Environmental  
17 Protection for the remediation. An exemption that is granted shall  
18 take effect upon the approval by the governing body and it shall be  
19 recorded and made a permanent part of the official tax records of the  
20 taxing district, which record shall contain a notice of the termination  
21 date of the exemption. The owner of the property shall deliver a copy  
22 of the approved exemption application to the Division of Local  
23 Government Services in the Department of Community and Urban  
24 Affairs.

25 (cf: P.L.1995, c.413, s.6)

26

27       430. R.S.54:4-52 is amended to read as follows:

28       54:4-52. The county board of taxation shall, on or before May 20,  
29 fill out a table of aggregates copied from the duplicates of the several  
30 assessors and the certifications of the Director of the Division of  
31 Taxation relating to second-class railroad property, and enumerating  
32 the following items:

33       (1) The total number of acres and lots assessed;

34       (2) The value of the land assessed;

35       (3) The value of the improvements thereon assessed;

36       (4) The total value of the land and improvements assessed,  
37 including:

38       a. Second-class railroad property;

39       b. All other real property.

40       (5) The value of the personal property assessed, stating in separate  
41 columns:

42       a. Value of household goods and chattels assessed;

43       b. Value of farm stock and machinery assessed;

44       c. Value of stocks in trade, materials used in manufacture and  
45 other personal property assessed under section 54:4-11;

46       d. Value of all other tangible personal property used in business  
47 assessed.

48       (6) Deductions allowed, stated in separate columns:

- 1 a. Household goods and other exemptions under the provisions of
- 2 section 54:4-3.16 of this Title;
- 3 b. Property exempted under section 54:4-3.12 of this Title.
- 4 (7) The net valuation taxable;
- 5 (8) Amounts deducted under the provisions of sections 54:4-49
- 6 and 54:4-53 of this Title or any other similar law (adjustments
- 7 resulting from prior appeals);
- 8 (9) Amounts added under any of the laws mentioned in subdivision
- 9 8 of this section (like adjustments);
- 10 (10) Amounts added for equalization under the provisions of
- 11 sections 54:3-17 to 54:3-19 of this Title;
- 12 (11) Amounts deducted for equalization under the provisions of
- 13 sections 54:3-17 to 54:3-19 of this Title;
- 14 (12) Net valuation on which county, State and State school taxes
- 15 are apportioned;
- 16 (13) The number of polls assessed;
- 17 (14) The amount of dog taxes assessed;
- 18 (15) The property exempt from taxation under the following
- 19 special classifications:
- 20 a. Public school property;
- 21 b. Other school property;
- 22 c. Public property;
- 23 d. Church and charitable property;
- 24 e. Cemeteries and graveyards;
- 25 f. Other exemptions not included in foregoing classifications
- 26 subdivided showing exemptions of real property and exemptions of
- 27 personal property;
- 28 g. The total amount of exempt property.
- 29 (16) State road tax;
- 30 (17) State school tax;
- 31 (18) County taxes apportioned, exclusive of bank stock taxes;
- 32 (19) Local taxes to be raised, exclusive of bank stock taxes,
- 33 subdivided as follows:
- 34 a. District school tax;
- 35 b. Other local taxes.
- 36 (20) Total amount of miscellaneous revenues, including surplus
- 37 revenue appropriated, for the support of the taxing district budget,
- 38 which, for a municipality operating under the State fiscal year, shall be
- 39 the amounts for the fiscal year ending June 30 of the year in which the
- 40 table is prepared;
- 41 (21) District court taxes;
- 42 (22) Library tax;
- 43 (23) Bank stock taxes due taxing district;
- 44 (24) Tax rate for local taxing purposes to be known as general tax
- 45 rate to apply per \$100.00 of valuation, which general tax rate shall be
- 46 rounded up to the nearest one-half penny after receipt in any year of
- 47 a municipal resolution submitted to the county tax board on or before
- 48 April 1 of that tax year requesting that the general tax rate be rounded

1 up to the nearest one-half penny.

2 For municipalities operating under the State fiscal year, the amount  
3 for local municipal purposes shall be the amount as certified pursuant  
4 to section 16 of P.L.1994, c.72 (C.40A:4-12.1). The table shall also  
5 include a footnote showing the amount raised by taxation for  
6 municipal purposes as shown in the State fiscal year budget ending  
7 June 30 of the year the table is prepared.

8 In addition to the above such other matters may be added, or such  
9 changes in the foregoing items may be made, as may from time to time  
10 be directed by the Director of the Division of Taxation. The forms for  
11 filling out tables of aggregates shall be prescribed by the director and  
12 sent by him to the county treasurers of the several counties to be by  
13 them transmitted to the county board of taxation. Such table of  
14 aggregates shall be correctly added by columns and shall be signed by  
15 the members of the county board of taxation and shall within three  
16 days thereafter be transmitted to the county treasurer who shall file the  
17 same and forthwith cause it to be printed in its entirety and shall  
18 transmit certified copy of same to the Director of the Division of  
19 Taxation, the State Auditor, the Director of the Division of Local  
20 Government Services in the Department of Community and Urban  
21 Affairs, the clerk of the board of freeholders, and the clerk of each  
22 municipality in the county.

23 (cf: P.L.1995, c.345, s.1)

24

25 431. R.S.54:4-64 is amended to read as follows:

26 54:4-64. a. As soon as the tax duplicate is delivered to the  
27 collector of the taxing district, as provided in R.S.54:4-55, he shall at  
28 once begin the work of preparing, completing, mailing or otherwise  
29 delivering tax bills to the individuals assessed, and shall complete that  
30 work on or before June 14. He shall also, at least two months before  
31 the first installment of taxes for the calendar year falls due, prepare  
32 and mail, or otherwise deliver to the individuals assessed, a tax bill for  
33 such following first and second installments, computed as provided in  
34 R.S.54:4-66. When any individual assessed has authorized the  
35 collector to mail or otherwise deliver his tax bill to a mortgagee or any  
36 other agent, the collector shall, at the same time, mail or otherwise  
37 deliver a duplicate tax bill to the individual assessed and shall print  
38 across the face of such duplicate tax bill the following inscription:  
39 "This is not a bill -- for advice only." The validity of any tax or  
40 assessment, or the time at which it shall be payable, shall not be  
41 affected by the failure of a taxpayer to receive a tax bill, but every  
42 taxpayer is put on notice to ascertain from the proper official of the  
43 taxing district the amount which may be due for taxes or assessments  
44 against him or his property.

45 b. As provided in subsection a. of this section, a mortgagor as the  
46 individual assessed for property taxes or other municipal charges with  
47 respect to the property securing a mortgage loan, may authorize the  
48 tax collector to mail or otherwise deliver his tax bill to a mortgagee or

1 servicing organization. This tax authorization form shall be assignable  
2 in the event the mortgagee or servicing organization sells, assigns or  
3 transfers the servicing of the mortgage loan to another mortgagee or  
4 servicing organization.

5 c. The tax collector of the taxing district shall, upon receipt of a  
6 written request from a mortgagee or servicing organization on a form  
7 approved by the commissioner, mail or otherwise deliver a mortgagor's  
8 tax bill to a property tax processing organization. The commissioner  
9 shall provide by regulation for a procedure by which the tax collector  
10 of a taxing district may request the Director of the Division of Local  
11 Government Services in the Department of Community and Urban  
12 Affairs to review the appropriateness of the request to mail or  
13 otherwise deliver a mortgagor's tax bill to a property tax processing  
14 organization.

15 d. If a mortgagee, servicing organization, or property tax  
16 processing organization requests a duplicate copy of a tax bill, the tax  
17 collector of a taxing district shall issue a duplicate copy and may  
18 charge a maximum of \$5 for the first duplicate copy and a maximum  
19 of \$25 for each subsequent duplicate copy of the same tax bill in the  
20 same fiscal year, the actual charge being set by municipal ordinance.  
21 The commissioner shall promulgate regulations to effectuate the  
22 provisions of this subsection d. which regulations shall include a  
23 procedure by which a mortgagee, servicing organization, or property  
24 tax processing organization may appeal and be reimbursed for the  
25 amount it has paid for a duplicate copy of a tax bill, or any part  
26 thereof.

27 e. As used in subsections a., b., c., and d. of this section,  
28 "mortgagee," "mortgagor," "mortgage loan," "servicing organization"  
29 and "property tax processing organization" shall have the same  
30 meaning as the terms have pursuant to section 1 of P.L.1990, c.69  
31 (C.17:16F-15).

32 (cf: P.L.1994, c.32, s.1)

33

34 432. R.S.54:4-65 is amended to read as follows:

35 54:4-65. a. The Director of the Division of Local Government  
36 Services in the Department of Community and Urban Affairs shall  
37 approve the form and content of property tax bills.

38 b. Each tax bill shall have printed thereon a brief tabulation  
39 showing the distribution of the amount raised by taxation in the taxing  
40 district, in such form as to disclose the rate per \$100.00 of assessed  
41 valuation or the number of cents in each dollar paid by the taxpayer  
42 which is to be used for the payment of State school taxes, other State  
43 taxes, county taxes, local school expenditures and other local  
44 expenditures. The last named item may be further subdivided so as to  
45 show the amount for each of the several departments of the municipal  
46 government. In lieu of printing such information on the tax bill, any  
47 municipality may furnish the tabulation required hereunder and any  
48 other pertinent information in a statement accompanying the mailing

1 or delivery of the tax bill.

2 c. The appropriate tax bill or form mailed with the tax bill shall  
3 also contain a statement reporting amounts of State aid and assistance  
4 received by the municipality, school districts, special districts and  
5 county governments used to offset local tax levies. The director shall  
6 provide each tax collector with a certification of the amounts of said  
7 State aid and assistance for inclusion in the tax bill.

8 d. The tax bill or form mailed with the tax bill shall include  
9 thereon the date upon which each installment is due.

10 (cf: P.L.1994, c.32, s.2)

11

12 433. Section 2 of P.L.1981, c.194 (C.54:5-34.2) is amended to  
13 read as follows:

14 2. Any municipality may, upon written notification to the Director  
15 of the Division of Local Government Services in the Department of  
16 Community and Urban Affairs, delivered on or before the submission  
17 of the annual municipal budget to the director, that the municipality  
18 shall conduct in the current local budget year a tax sale of real  
19 property qualifying for State purchase under section 1 of this act,  
20 anticipate in its budget the revenues from the proceeds of the sale to  
21 be conducted.

22 (cf: P.L.1981, c.194, s.2)

23

24 434. Section 2 of P.L.1993, c.113 (C.54:5-113.1) is amended to  
25 read as follows:

26 2. In connection with a sale of one or more certificates of tax sale  
27 pursuant to R.S.54:5-113, the governing body of a municipality, either  
28 on its own or jointly with other municipalities, may accept, as partial  
29 consideration for the sale of such certificate or certificates, which may  
30 be sold separately or in bulk with other such certificates as determined  
31 by resolution of the governing body or bodies, a bond, note or other  
32 obligation of the purchaser on the terms and conditions set forth in the  
33 resolution of the governing body; provided, however, that  
34 notwithstanding any other provision of R.S.54:5-113 to the contrary,  
35 the sale of such certificate or certificates pursuant to this section shall  
36 be approved by the Local Finance Board of the Division of Local  
37 Government Services in the Department of Community and Urban  
38 Affairs and shall be publicly advertised and publicly bid; and provided  
39 further that any bond, note or other obligation shall:

40 a. mature within 20 years from the date of the sale;

41 b. have a principal amount at maturity of not more than 75% of  
42 the total amount of the liens charged against the real estate, and the  
43 principal amount, when added to the value of the other consideration  
44 received by the municipality at the time of the sale, shall not be less  
45 than 70% of the total amount of the liens charged against the real  
46 estate;

47 c. bear interest at a fixed rate at least equal to 2% in excess of the  
48 discount rate in effect at the Federal Reserve Bank of New York on

1 the date of the sale; and

2 d. be secured by and payable from a tax sale certificate and the  
3 proceeds thereof in such manner and on such terms and conditions as  
4 shall be agreed upon by the governing body.

5 (cf: P.L.1993, c.325, s.1)

6

7 435. Section 3 of P.L.1967, c.76 (C.55:13A-3) is amended to read  
8 as follows:

9 3. The following terms whenever used or referred to in this act  
10 shall have the following respective meanings for the purposes of this  
11 act, except in those instances where the context clearly indicates  
12 otherwise:

13 (a) The term "act" shall mean this act, any amendments or  
14 supplements thereto, and any rules and regulations promulgated  
15 thereunder.

16 (b) The term "accessory building" shall mean any building which is  
17 used in conjunction with the main building of a hotel, whether separate  
18 therefrom or adjoining thereto.

19 (c) The term "board" shall mean the Hotel and Multiple Dwelling  
20 Health and Safety Board created by subsection (a) of section 5 of this  
21 act in the Division of Housing and Development of the Department of  
22 Community and Urban Affairs.

23 (d) The term "bureau" shall mean the Bureau of Housing  
24 Inspection in the Division of Housing and Development of the  
25 Department of Community and Urban Affairs.

26 (e) (Deleted by amendment.)

27 (f) The term "commissioner" shall mean the Commissioner of [the  
28 Department of] Community and Urban Affairs.

29 (g) The term "department" shall mean the Department of  
30 Community and Urban Affairs.

31 (h) The term "unit of dwelling space" or the term "dwelling unit"  
32 shall mean any room or rooms, or suite or apartment thereof, whether  
33 furnished or unfurnished, which is occupied, or intended, arranged or  
34 designed to be occupied, for sleeping or dwelling purposes by one or  
35 more persons, including but not limited to the owner thereof, or any  
36 of his servants, agents or employees, and shall include all privileges,  
37 services, furnishings, furniture, equipment, facilities and improvements  
38 connected with the use or occupancy thereof.

39 (i) The term "protective equipment" shall mean any equipment,  
40 device, system or apparatus, whether manual, mechanical, electrical or  
41 otherwise, permitted or required by the commissioner to be  
42 constructed or installed in any hotel or multiple dwelling for the  
43 protection of the occupants or intended occupants thereof, or of the  
44 public generally.

45 (j) The term "hotel" shall mean any building, including but not  
46 limited to any related structure, accessory building, and land  
47 appurtenant thereto, and any part thereof, which contains 10 or more  
48 units of dwelling space or has sleeping facilities for 25 or more persons

1 and is kept, used, maintained, advertised as, or held out to be, a place  
2 where sleeping or dwelling accommodations are available to transient  
3 or permanent guests.

4 This definition shall also mean and include any hotel, motor hotel,  
5 motel, or established guesthouse, which is commonly regarded as a  
6 hotel, motor hotel, motel, or established guesthouse, as the case may  
7 be, in the community in which it is located; provided, that this  
8 definition shall not be construed to include any building or structure  
9 defined as a multiple dwelling in this act, registered as a multiple  
10 dwelling with the Commissioner of Community and Urban Affairs as  
11 hereinafter provided, and occupied or intended to be occupied as such  
12 nor shall this definition be construed to include a rooming house or a  
13 boarding house as defined in the "Rooming and Boarding House Act  
14 of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise  
15 set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,  
16 55:13A-13.2), any retreat lodging facility, as defined in this section.

17 (k) The term "multiple dwelling" shall mean any building or  
18 structure of one or more stories and any land appurtenant thereto, and  
19 any portion thereof, in which three or more units of dwelling space are  
20 occupied, or are intended to be occupied by three or more persons  
21 who live independently of each other. This definition shall also mean  
22 any group of ten or more buildings on a single parcel of land or on  
23 contiguous parcels under common ownership, in each of which two  
24 units of dwelling space are occupied or intended to be occupied by  
25 two persons or households living independently of each other, and any  
26 land appurtenant thereto, and any portion thereof. This definition shall  
27 not be construed to include any building or structure defined as a hotel  
28 in this act, or registered as a hotel with the Commissioner of  
29 Community and Urban Affairs as hereinafter provided, or occupied or  
30 intended to be occupied exclusively as such; nor shall this definition be  
31 construed to include any building section containing not more than  
32 two dwelling units held under a condominium or cooperative form of  
33 ownership, or by a mutual housing corporation, where all the dwelling  
34 units in the section are occupied by their owners, if a condominium, or  
35 by shareholders in the cooperative or mutual housing corporation, and  
36 where such building section has at least two exterior walls unattached  
37 to any adjoining building section and is attached to any adjoining  
38 building sections exclusively by walls of such fire-resistant rating as  
39 shall be established by the bureau in conformity with recognized  
40 standards; nor any building of three stories or less, owned or  
41 controlled by a nonprofit corporation organized under any law of this  
42 State for the primary purpose to provide for its shareholders or  
43 members housing in a retirement community as same is defined under  
44 the provisions of the "Retirement Community Full Disclosure Act,"  
45 P.L.1969, c.215 (C.45:22A-1 et seq.), provided that the corporation  
46 meets the requirements of section 2 of this amendatory and  
47 supplementary act.

48 (l) The term "owner" shall mean the person who owns, purports to

1 own, or exercises control of any hotel or multiple dwelling.

2 (m) The term "person" shall mean any individual, corporation,  
3 association, or other entity, as defined in R.S.1:1-2.

4 (n) The term "continuing violation" shall mean any violation of this  
5 act or any regulation promulgated thereunder, where notice is served  
6 within two years of the date of service of a previous notice and where  
7 violation, premise and person cited in both notices are substantially  
8 identical.

9 (o) The term "project" shall mean a group of buildings subject to  
10 the provisions of this act, which are or are represented to be under  
11 common or substantially common ownership and which stand on a  
12 single parcel of land or parcels of land which are contiguous and which  
13 group of buildings is named, designated or advertised as a common  
14 entity. The contiguity of such parcels shall not be adversely affected  
15 by public rights-of-way incidental to such buildings.

16 (p) The term "mutual housing corporation" means a corporation  
17 not-for-profit incorporated under the laws of New Jersey on a mutual  
18 or cooperative basis within the scope of Title VI, s. 607 of the  
19 "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C. s. 1501  
20 et seq., as amended, which acquired a National Defense Housing  
21 Project pursuant to said act.

22 (q) "Condominium" means the form of ownership so defined in the  
23 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

24 (r) "Cooperative" means a housing corporation or association  
25 which entitles the holder of a share or membership interest thereof to  
26 possess and occupy for dwelling purposes a house, apartment or other  
27 structure owned or leased by said corporation or association, or to  
28 lease or purchase a dwelling constructed or to be constructed by said  
29 corporation or association.

30 (s) "Retreat lodging facility" means a building or structure,  
31 including but not limited to any related structure, accessory building,  
32 and land appurtenant thereto, and any part thereof, owned by a  
33 nonprofit corporation or association which has tax-exempt charitable  
34 status under the federal Internal Revenue Code and which has sleeping  
35 facilities used exclusively on a transient basis by persons participating  
36 in programs of a religious, cultural or educational nature, conducted  
37 under the sole auspices of one or more corporations or associations  
38 having tax-exempt charitable status under the federal Internal Revenue  
39 Code, which are made available without any mandatory charge to such  
40 participants.

41 (cf: P.L.1987, c.270, s.1)

42

43 436. Section 5 of P.L.1967, c.76 (C.55:13A-5) is amended to read  
44 as follows:

45 5. (a) The Board of Housing Inspection heretofore constituted in  
46 the Division of Housing and Urban Renewal in the Department of  
47 Community Affairs by section 23 of chapter 293 of the laws of 1966  
48 is hereby abolished, except that the powers, functions and duties of

1 said Board of Housing Inspection are hereby transferred to and vested  
2 in the commissioner. In its stead, there is hereby created in the  
3 Division of Housing and Urban Renewal of the Department of  
4 Community and Urban Affairs a Hotel and Multiple Dwelling Health  
5 and Safety Board. Said board shall consist of 10 members, each of  
6 whom shall be a resident of this State, to be appointed by the  
7 Governor with the advice and consent of the Senate for terms of 5  
8 years. Of the members appointed by the Governor, 6 shall be  
9 residents of this State representing the general public, 2 shall be  
10 representatives of the hotel and motel industry by reason of experience  
11 in the construction or operation of hotels or motels, and 2 shall be  
12 representatives of the real estate industry by reason of experience in  
13 the construction, operation or sales of multiple dwellings. Each  
14 member shall serve for the term of his appointment and until his  
15 successor shall have been appointed and qualified. Any vacancy in the  
16 membership of the board shall be filled by appointment for the  
17 unexpired term only. Any member of the board may be removed by  
18 the Governor at any time, for cause, upon notice and opportunity to  
19 be heard. The members of the board shall serve without  
20 compensation, but shall be entitled to reimbursement for all necessary  
21 expenses incurred in the discharge of their duties.

22 The board shall consult with and advise the commissioner with  
23 respect to rules and regulations proposed to be promulgated pursuant  
24 to this act and advise the commissioner on matters concerning hotel  
25 and multiple dwelling health and safety generally. The board shall  
26 meet at the call of the commissioner, the time and place of such  
27 meeting to be fixed by the commissioner. The board shall annually  
28 elect one of its members as the chairman thereof, and such other  
29 officers as it may deem appropriate. The persons in office on the  
30 effective date of this act as members of the Board of Housing  
31 Inspection hereby abolished shall continue in office as members of the  
32 Hotel and Multiple Dwelling Health and Safety Board created herein,  
33 for the periods of their respective terms as members of said Board of  
34 Housing Inspection which remain unexpired on the effective date of  
35 this act, and until their respective successors are appointed by the  
36 Governor and have qualified.

37 (b) The office of supervisor of hotel fire safety heretofore  
38 constituted in the Bureau of Housing Inspection of the Division of  
39 Housing and Urban Renewal in the Department of Community Affairs  
40 by section 24 of chapter 293 of the laws of 1966 is hereby abolished,  
41 except that the powers, functions and duties of said office of  
42 supervisor of hotel fire safety are hereby transferred to and vested in  
43 the commissioner.

44 (cf: P.L.1967, c.76, s.5)

45

46 437. Section 1 of P.L.1979, c.419 (C.55:13A-7.1) is amended to  
47 read as follows:

48 1. Every hotel and multiple dwelling shall be equipped with smoke

1 detectors or smoke alarms or both in conformance with rules and  
2 regulations promulgated by the Commissioner of [the Department of]  
3 Community and Urban Affairs. Such rules and regulations shall  
4 specify the number, location, specifications, maintenance and periodic  
5 testing of smoke detectors and smoke alarms based upon the  
6 construction, size and design of such building, and any other rules and  
7 regulations which the commissioner considers necessary for the  
8 administration of this supplemental act.

9 (cf: P.L.1979, c.419, s.1)

10

11 438. Section 1 of P.L.1991, c.218 (C.55:13A-7.7) is amended to  
12 read as follows:

13 1. a. The owner of a hotel shall post, in a prominent place in each  
14 dwelling unit, a notice that states:

15 (1) The location of the nearest exits and fire alarms;

16 (2) The procedures to be followed when a smoke or fire alarm  
17 sounds;

18 (3) The procedures to be followed in the event of fire or smoke.

19 b. The Commissioner of [the Department of] Community and  
20 Urban Affairs shall adopt regulations pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to implement  
22 the provisions of this act.

23 (cf: P.L.1991, c.218, s.1)

24

25 439. Section 3 of P.L.1991, c.453 (C.55:13A-7.10) is amended to  
26 read as follows:

27 3. The Commissioner of Community and Urban Affairs shall adopt  
28 and promulgate, in accordance with the provisions of the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.), all rules and regulations necessary or expedient to effectuate the  
31 provisions and purposes of this act.

32 (cf: P.L.1991, c.453, s.3)

33

34 440. Section 2 of P.L.1975, c.191 (C.55:13A-20.2) is amended to  
35 read as follows:

36 2. Whenever the Attorney General files an action in the Superior  
37 Court, on behalf of the Commissioner of Community and Urban  
38 Affairs, pursuant to section 6 (C.55:13A-6) of the "Hotel and  
39 Multiple Dwelling Law" P.L.1967, c.76 or the Penalty Enforcement  
40 Law (N.J.S.2A:58-1 et seq.) following the failure of an owner of a  
41 building subject to the Hotel and Multiple Dwelling Law to abate  
42 violations of the regulations promulgated pursuant to the law after  
43 receipt of notices and orders to terminate violations as required by the  
44 law or the failure of the owner to pay a civil penalty assessed pursuant  
45 to the laws after receipt of notice and order to pay penalty the  
46 Commissioner of Community and Urban Affairs shall cause to be  
47 forwarded, by regular first class mail, to any mortgage holder of  
48 record a notice of filing of the action and copies of any notices and

1 orders which provide the cause for said action. The mortgage holder  
2 of record shall be any holder of record as filed with the municipal  
3 clerk pursuant to P.L.1974, c.50 (C.46:8-27 et seq.).

4 (cf: P.L.1975, c.191, s.2)

5

6 441. Section 3 of P.L.1991, c.179 (C.55:13A-26.2) is amended to  
7 read as follows:

8 3. In the fiscal year beginning July 1, 1993, and in each fiscal year  
9 thereafter, there shall be appropriated to the Revolving Housing  
10 Development and Demonstration Grant Fund established by section 5  
11 of P.L.1967, c.82 (C.52:27D-63) an amount not less than the amount  
12 by which hotel and multiple dwelling inspection program costs during  
13 the next preceding fiscal year exceeded inspection fee revenue under  
14 the program received by the Department of Community and Urban  
15 Affairs during Fiscal Year 1991.

16 (cf: P.L.1991, c.179, s.3)

17

18 442. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to  
19 read as follows:

20 3. As used in this act:

21 a. "Boarding house" means any building, together with any related  
22 structure, accessory building, any land appurtenant thereto, and any  
23 part thereof, which contains two or more units of dwelling space  
24 arranged or intended for single room occupancy, exclusive of any such  
25 unit occupied by an owner or operator, and wherein personal or  
26 financial services are provided to the residents, including any  
27 residential hotel or congregate living arrangement, but excluding any  
28 hotel, motel or established guest house wherein a minimum of 85% of  
29 the units of dwelling space are offered for limited tenure only, any  
30 foster home as defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1),  
31 any community residence for the developmentally disabled and any  
32 community residence for the mentally ill as defined in section 2 of  
33 P.L.1977, c.448 (C.30:11B-2), any dormitory owned or operated on  
34 behalf of any nonprofit institution of primary, secondary or higher  
35 education for the use of its students, any building arranged for single  
36 room occupancy wherein the units of dwelling space are occupied  
37 exclusively by students enrolled in a full-time course of study at an  
38 institution of higher education approved by the Department of Higher  
39 Education, any facility or living arrangement operated by, or under  
40 contract with, any State department or agency, upon the written  
41 authorization of the commissioner, and any owner-occupied,  
42 one-family residential dwelling made available for occupancy by not  
43 more than six guests, where the primary purpose of the occupancy is  
44 to provide charitable assistance to the guests and where the owner  
45 derives no income from the occupancy. A dwelling shall be deemed  
46 "owner-occupied" within the meaning of this section if it is owned or  
47 operated by a nonprofit religious or charitable association or  
48 corporation and is used as the principal residence of a minister or

1 employee of that corporation or association. For any such dwelling,  
2 however, fire detectors shall be required as determined by the  
3 Department of Community and Urban Affairs.

4 b. "Commissioner" means the Commissioner of [the Department  
5 of] Community and Urban Affairs.

6 c. "Financial services" means any assistance permitted or required  
7 by the commissioner to be furnished by an owner or operator to a  
8 resident in the management of personal financial matters, including,  
9 but not limited to, the cashing of checks, holding of personal funds for  
10 safekeeping in any manner or assistance in the purchase of goods or  
11 services with a resident's personal funds.

12 d. "Limited tenure" means residence at a rooming or boarding  
13 house on a temporary basis, for a period lasting no more than 90 days,  
14 when a resident either maintains a primary residence at a location other  
15 than the rooming or boarding house or intends to establish a primary  
16 residence at such a location and does so within 90 days after taking up  
17 original residence at the rooming or boarding house.

18 e. "Operator" means any individual who is responsible for the daily  
19 operation of a rooming or boarding house.

20 f. "Owner" means any person who owns, purports to own, or  
21 exercises control of any rooming or boarding house.

22 g. "Personal services" means any services permitted or required to  
23 be furnished by an owner or operator to a resident, other than shelter,  
24 including, but not limited to, meals or other food services, and  
25 assistance in dressing, bathing or attending to other personal needs.

26 h. "Rooming house" means a boarding house wherein no personal  
27 or financial services are provided to the residents.

28 i. "Single room occupancy" means an arrangement of dwelling  
29 space which does not provide a private, secure dwelling space  
30 arranged for independent living, which contains both the sanitary and  
31 cooking facilities required in dwelling spaces pursuant to the "Hotel  
32 and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), and  
33 which is not used for limited tenure occupancy in a hotel, motel or  
34 established guest house, regardless of the number of individuals  
35 occupying any room or rooms.

36 j. "Unit of dwelling space" means any room, rooms, suite, or  
37 portion thereof, whether furnished or unfurnished, which is occupied  
38 or intended, arranged or designed to be occupied for sleeping or  
39 dwelling purposes by one or more persons.

40 (cf: P.L.1987, c.112, s.8)

41

42 443. Section 2 of P.L.1985, c.413 (C.55:13B-11.1) is amended to  
43 read as follows:

44 2. The penalties contained in this section are in addition to any  
45 other penalties which may be imposed for a violation of P.L.1979,  
46 c.496 (C.55:13B-1 et seq.).

47 a. A person who knowingly owns or operates a boarding or  
48 rooming house without a valid license issued pursuant to section 7 of

1 P.L.1979, c.496 (C.55:13B-7) commits a disorderly persons offense.

2 b. An owner or operator of a boarding or rooming house who  
3 knowingly fails to correct or abate any violation within the time period  
4 specified in a notice or report of violation or any order of the  
5 Commissioner of Community and Urban Affairs rendered as a result  
6 of an inspection conducted by the Department of Community and  
7 Urban Affairs or any duly authorized municipal or county inspector  
8 commits a disorderly persons offense.

9 c. An owner or operator of a boarding or rooming house who  
10 knowingly fails to comply with an order of the commissioner issued  
11 after a finding of imminent hazard pursuant to section 11 of P.L.1979,  
12 c.496 (C.55:13B-11) commits a crime of the fourth degree.

13 d. Where a corporation is the owner or operator of a boarding or  
14 rooming house, the corporate officers, as well as the corporation, are  
15 liable for violations of subsections a., b. and c. of this section.

16 e. It is no defense to a violation of this section that the owner or  
17 operator of the rooming or boarding house has not collected rent, or  
18 has been unable to collect rent, from the residents of the premises.  
19 (cf: P.L.1985, c.413, s.2)

20

21 444. Section 1 of P.L.1985, c.48 (C.55:13C-1) is amended to read  
22 as follows:

23 1. The Legislature finds and determines:

24 a. Recent high levels of unemployment and low levels of housing  
25 production, particularly of housing affordable to low income persons,  
26 have combined to increase the number of people lacking housing,  
27 beyond the capacity of existing facilities.

28 b. There is an ever present need for the emergency shelter for  
29 victims of fire, natural disasters, domestic violence and other causes  
30 of homelessness.

31 c. It is a matter of urgent public concern that safe and habitable  
32 shelter be available at all times to all residents of this State, and that  
33 governmental procedures be expedited if this shelter is to be provided.

34 d. The Department of Community and Urban Affairs is the agency  
35 of State government responsible for enforcing the "State Uniform  
36 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), the  
37 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
38 seq.), and the "Rooming and Boarding House Act of 1979," P.L.1979,  
39 c.496 (C.55:13B-1 et al. ), and it, therefore, has the staff and the  
40 expertise needed to establish uniform regulations concerning  
41 emergency shelters for the homeless; and the Departments of Human  
42 Services and Health are required to work together with the  
43 Department of Community and Urban Affairs in the implementation of  
44 the "Rooming and Boarding House Act of 1979."

45 (cf: P.L.1985, c.48, s.1)

46

47 445. Section 3 of P.L.1985, c.48 (C.55:13C-3) is amended to read  
48 as follows:

1 3. Notwithstanding any provision of any other statute or any  
2 municipal ordinance other than a zoning ordinance, or regulation to  
3 the contrary, the licensing, regulation and inspection of emergency  
4 shelters for the homeless in all municipalities of this State and the  
5 issuance of all necessary permits, approvals and certificates of  
6 occupancy shall be conducted by a public officer designated by the  
7 municipality in accordance with the regulations promulgated by the  
8 Commissioner of [the Department of] Community and Urban Affairs  
9 pursuant to section 5 of this act.

10 (cf: P.L.1985, c.48, s.3)

11  
12 446. Section 4 of P.L.1985, c.48 (C.55:13C-4) is amended to read  
13 as follows:

14 4. Until the promulgation of permanent rules pursuant to section  
15 5 of this act, the Department of Community and Urban Affairs shall  
16 encourage operators and prospective operators of emergency shelters  
17 for the homeless to apply for all applicable municipal licenses, permits,  
18 approvals and certificates of occupancy, and provide technical  
19 assistance to the operators and prospective operators in order to  
20 enable them to qualify for approval of their applications.

21 (cf: P.L.1985, c.48, s.4)

22  
23 447. Section 5 of P.L.1985, c.48 (C.55:13C-5) is amended to read  
24 as follows:

25 5. Within one year of the effective date of this act, the  
26 Commissioner of [the Department of] Community and Urban Affairs  
27 shall, after consultation with the Commissioners of [the Departments  
28 of] Health and Human Services, promulgate administrative rules  
29 establishing standards for the licensing of emergency shelters for the  
30 homeless and for the issuance of permits, approvals and certificates of  
31 occupancy, pursuant to the "Administrative Procedure Act," P.L.1968,  
32 c.410 (C.52:14B-1 et seq.). The standards shall not include any  
33 provision intended to supersede municipal zoning.

34 (cf: P.L.1985, c.48, s.5)

35  
36 448. Section 1 of P.L.1976, c.133 (C.55:14J-41) is amended to  
37 read as follows:

38 1. Except as the context may otherwise require:

39 a. "Department" means the Department of Community and Urban  
40 Affairs.

41 b. "Commissioner" means the Commissioner of [the Department  
42 of] Community and Urban Affairs.

43 c. "Commission" means the New Jersey Commission on Capital  
44 Budgeting and Planning.

45 d. "Act" means this act, and any amendments and supplements  
46 thereto, and any rules and regulations promulgated thereunder.

47 e. "Low income," and "moderate income" shall be determined by  
48 the commissioner pursuant to regulations promulgated under this act,

1 provided however, that the commissioner, in his determination, shall  
2 consider the Federal standards for low and moderate income for the  
3 various communities within the State of New Jersey.

4 f. "Qualified mortgagor" means any nonprofit or limited dividend  
5 housing sponsor, owner entity or individual, or any municipality,  
6 county or public authority, constructing, rehabilitating, maintaining or  
7 operating housing in New Jersey under a Federal low or moderate  
8 income housing program, the New Jersey Housing Finance Agency  
9 program, or other programs for low or moderate income occupancy.

10 g. "Qualified housing development" means any housing project  
11 built or rehabilitated or to be built or rehabilitated and operated by a  
12 qualified mortgagor.

13 h. "Senior citizen" means a person of low or moderate income, 62  
14 years of age or older, or families of low or moderate income which  
15 consist of two or more persons and the head of which, or his spouse,  
16 is 62 years of age or older.

17 (cf: P.L.1976, c.133, s.1)

18

19 449. Section 3 of P.L.1976, c.133 (C.55:14J-43) is amended to  
20 read as follows:

21 3. The Commissioner of [the Department of] Community and  
22 Urban Affairs is authorized to pay from the mortgage assistance  
23 account to the New Jersey Housing Finance Agency \$6,000,000.00  
24 for deposit in one or more reserve funds to assist the New Jersey  
25 Housing Finance Agency to provide permanent financing for  
26 developments financed or to be financed by it.

27 (cf: P.L.1976, c.133, s.3)

28

29 450. Section 9 of P.L.1976, c.133 (C.55:14J-49) is amended to  
30 read as follows:

31 9. The State Treasurer is hereby authorized, empowered, and  
32 directed and it shall be his duty to set up and maintain the  
33 aforementioned appropriations in the Mortgage Assistance Fund,  
34 established heretofore pursuant to the act to which this act is a  
35 supplement. The funds herein appropriated may be requisitioned by  
36 the Department of Community and Urban Affairs for the uses and  
37 purposes specified herein, subject to the same restrictions and control  
38 as are exercised over all other appropriated State funds, but not  
39 inconsistent with the provisions of said act.

40 (cf: P.L.1976, c.133, s.9)

41

42 451. Section 10 of P.L.1976, c.133 (C.55:14J-50) is amended to  
43 read as follows:

44 10. The commissioner is hereby empowered to enter into  
45 negotiations with the Federal Government for the purpose of securing  
46 any available financial grants and to receive any such grants and  
47 thereafter the State Treasurer may cause them to be established and  
48 maintained in the aforementioned Mortgage Assistance Fund. Any

1 such funds so established and maintained may be requisitioned by the  
2 Department of Community and Urban Affairs for the uses and  
3 purposes specified herein, subject to the same restrictions and control  
4 as are exercised over all other appropriated State funds, but not  
5 inconsistent with the provisions of the act hereinabove mentioned.  
6 (cf: P.L.1976, c.133, s.10)

7

8 452. Section 3 of P.L.1983, c.530 (C.55:14K-3) is amended to  
9 read as follows:

10 3. As used in this act:

11 a. "Agency" means the New Jersey Housing and Mortgage Finance  
12 Agency as consolidated by section 4 of P.L.1983, c.530 (C.55:14K-4),  
13 or, if that agency shall be abolished by law, the person, board, body or  
14 commission succeeding to the powers and duties thereof or to whom  
15 its powers and duties shall be given by law.

16 b. "Boarding house" means any building, together with any related  
17 structure, accessory building, any land appurtenant thereto, and any  
18 part thereof, which contains two or more units of dwelling space  
19 arranged or intended for single room occupancy, exclusive of any such  
20 unit occupied by an owner or operator, including:

21 (1) any residential hotel or congregate living arrangement, but  
22 excluding any hotel, motel or established guesthouse wherein a  
23 minimum of 85% of the units of dwelling space are offered for limited  
24 tenure only; (2) a residential health care facility as defined in section  
25 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971,  
26 c.136 (C.26:2H-1 et seq.); (3) any foster home as defined in section 1  
27 of P.L.1962, c.137 (C.30:4C-26.1); (4) any community residence for  
28 the developmentally disabled as defined in section 2 of P.L.1977,  
29 c.448 (C.30:11B-2); (5) any dormitory owned or operated on behalf  
30 of any nonprofit institution of primary, secondary or higher education  
31 for the use of its students; (6) any building arranged for single room  
32 occupancy wherein the units of dwelling space are occupied  
33 exclusively by students enrolled in a full-time course of study at an  
34 institution of higher education approved by the Department of Higher  
35 Education; and (7) any facility or living arrangement operated by, or  
36 under contract with, any State department or agency.

37 c. "Bonds" mean any bonds, notes, bond anticipation notes,  
38 debentures or other evidences of financial indebtedness issued by the  
39 agency pursuant to this act.

40 d. "Continuing-care retirement community" means any work or  
41 undertaking, whether new construction, improvement or rehabilitation,  
42 which may be financed in part or in whole by the agency and which is  
43 designed to complement fully independent residential units with social  
44 and health care services (usually including nursing and medical  
45 services) for retirement families and which is intended to provide  
46 continuing care for the term of a contract in return for an entrance fee  
47 or periodic payments, or both, and which may include such  
48 appurtenances and facilities as the agency deems to be necessary,

1 convenient or desirable.

2 e. "Eligible loan" means a loan, secured or unsecured, made for  
3 the purpose of financing the operation, maintenance, construction,  
4 acquisition, rehabilitation or improvement of property, or the  
5 acquisition of a direct or indirect interest in property, located in the  
6 State, which is or shall be: (1) primarily residential in character or (2)  
7 used or to be used to provide services to the residents of an area or  
8 project which is primarily residential in character. The agency shall  
9 adopt regulations defining the term "primarily residential in character,"  
10 which may include single-family, multi-family and congregate or other  
11 single room occupancy housing, continuing-care retirement  
12 communities, mobile homes and nonhousing properties and facilities  
13 which enhance the livability of the residential property or area; and  
14 specifying the types of residential services and facilities for which  
15 eligible loans may be made, which may include, but shall not be limited  
16 to, parking facilities, streets, sewers, utilities, and administrative,  
17 community, educational, welfare and recreational facilities, food,  
18 laundry, health and other services and commercial establishments and  
19 professional offices providing supplies and services enhancing the area.  
20 The term "loan" includes an obligation the return on which may vary  
21 with any appreciation in value of the property or interest in property  
22 financed with the proceeds of the loan, or a co-ventured instrument by  
23 which an institutional lender or the agency assumes an equity position  
24 in the property. Any undivided interest in an eligible loan shall qualify  
25 as an eligible loan.

26 f. "Family" means two or more persons who live or expect to live  
27 together as a single household in the same dwelling unit; but any  
28 individual who (1) has attained retirement age as defined in section  
29 216a of the federal Social Security Act, or (2) is under a disability as  
30 defined in section 223 of that act, or (3) such other individuals as the  
31 agency by rule or regulation shall include, shall be considered as a  
32 family for the purpose of this act; and the surviving member of a family  
33 whose other members died during occupancy of a housing project shall  
34 be considered as a family for the purposes of permitting continued  
35 occupancy of the dwelling unit occupied by such family.

36 g. "Gross aggregate family income" means the total annual income  
37 of all members of a family, from whatever source derived, including  
38 but not limited to, pension, annuity, retirement and social security  
39 benefits; except that there may be excluded from income (1) such  
40 reasonable allowances for dependents, (2) such reasonable allowances  
41 for medical expenses, (3) all or any proportionate part of the earnings  
42 of gainfully employed minors, or (4) such income as is not received  
43 regularly, as the agency by rule or regulation may determine.

44 h. "Housing project" or "project" means any work or undertaking,  
45 other than a continuing-care community, whether new construction,  
46 improvement, rehabilitation, or acquisition of existing buildings or  
47 units which is designed for the primary purpose of providing  
48 multi-family rental housing or acquisition of sites for future

- 1 multi-family rental housing.
- 2 i. "Housing sponsor" means any person, partnership, corporation  
3 or association , whether organized as for profit or not for profit, to  
4 which the agency has made or proposes to make a loan, either directly  
5 or through an institutional lender, for a housing project.
- 6 j. "Institutional lender" means any bank or trust company, savings  
7 bank, national banking association, savings and loan association, or  
8 building and loan association maintaining an office in the State, or any  
9 insurance company or any mortgage banking firm or mortgage banking  
10 corporation authorized to transact business in the State.
- 11 k. "Life safety improvement" means any addition, modification or  
12 repair to a boarding house which is necessary to improve the life safety  
13 of the residents of the boarding house, as certified by the Department  
14 of Community and Urban Affairs.
- 15 l. "Life safety improvement loan" means an eligible loan the  
16 proceeds of which are to be used to finance, in whole or in part, the  
17 construction, acquisition or rendering of life safety improvements at  
18 or to boarding houses.
- 19 m. "Loan originator" means any bank or trust company, savings  
20 bank, national banking association, savings and loan association, or  
21 building and loan association maintaining an office in the State, or any  
22 insurance company or any mortgage banking firm or mortgage banking  
23 corporation authorized to transact business in the State, or any agency  
24 or instrumentality of the United States or the State or a political  
25 subdivision of the State, which is authorized to make eligible loans.
- 26 n. "Municipality" means any city of any class or any town,  
27 township, village or borough.
- 28 o. "Mutual housing" means a housing project operated or to be  
29 operated upon completion of construction, improvement or  
30 rehabilitation exclusively for the benefit of the families who are  
31 entitled to occupancy by reason of ownership of stock in the housing  
32 sponsor, or by reason of co-ownership of premises in a horizontal  
33 property regime pursuant to P.L.1963, c.168; but the agency may  
34 adopt rules and regulations permitting a reasonable percentage of  
35 space in such project to be rented for residential or for commercial  
36 use.
- 37 p. "Persons and families of low and moderate income" mean  
38 persons and families, irrespective of race, creed, national origin or sex,  
39 determined by the agency to require assistance on account of personal  
40 or family income being not sufficient to afford adequate housing. In  
41 making such determination the agency shall take into account the  
42 following:
- 43 (1) the amount of the total income of such persons and families  
44 available for housing needs, (2) the size of the family, (3) the cost and  
45 condition of housing facilities available and (4) the eligibility of such  
46 persons and families to compete successfully in the normal housing  
47 market and to pay the amounts at which private enterprise is providing  
48 sanitary, decent and safe housing. In the case of projects with respect

1 to which income limits have been established by any agency of the  
2 federal government having jurisdiction thereover for the purpose of  
3 defining eligibility of low and moderate income families, the agency  
4 may determine that the limits so established shall govern. In all other  
5 cases income limits for the purpose of defining low or moderate  
6 income persons shall be established by the agency in its rules and  
7 regulations.

8 q. "Project cost" means the sum total of all costs incurred in the  
9 acquisition, development, construction, improvement or rehabilitation  
10 of a housing project, which are approved by the agency as reasonable  
11 or necessary, which costs shall include, but are not necessarily limited  
12 to, (1) cost of land acquisition and any buildings thereon, (2) cost of  
13 site preparation, demolition and development, (3) architect, engineer,  
14 legal, agency and other fees paid or payable in connection with the  
15 planning, execution and financing of the project, (4) cost of necessary  
16 studies, surveys, plans and permits, (5) insurance, interest, financing,  
17 tax and assessment costs and other operating and carrying costs during  
18 construction, (6) cost of construction, reconstruction, fixtures, and  
19 equipment related to the real property, (7) cost of land improvements,  
20 (8) necessary expenses in connection with initial occupancy of the  
21 project, (9) a reasonable profit or fee to the builder and developer,  
22 (10) an allowance established by the agency for working capital and  
23 contingency reserves, and reserves for any operating deficits, (11)  
24 costs of guarantees, insurance or other additional financial security for  
25 the project and (12) the cost of such other items, including tenant  
26 relocation, as the agency shall determine to be reasonable and  
27 necessary for the development of the project, less any and all net rents  
28 and other net revenues received from the operation of the real and  
29 personal property on the project site during construction, improvement  
30 or rehabilitation.

31 All costs shall be subject to approval and audit by the agency. The  
32 agency may adopt rules and regulations specifying in detail the types  
33 and categories of cost which shall be allowable if actually incurred in  
34 the development, acquisition, construction, improvement or  
35 rehabilitation of a housing project.

36 r. "Retirement family" means one or more persons related by  
37 blood, marriage or adoption who live or expect to live together as a  
38 single household in the same dwelling unit, provided that at least one  
39 of the persons is an individual who (1) has attained retirement age as  
40 defined in section 216a of the Federal Social Security Act, or (2) is  
41 under a disability as defined in section 223 of that act, or (3) such  
42 individuals as the agency by rule or regulation shall include; and  
43 provided further, that the surviving member of a retirement family  
44 whose other members died during occupancy of a continuing-care  
45 retirement community shall be considered as a retirement family for  
46 purposes of permitting continued occupancy of the dwelling unit

1 occupied by such retirement family.

2 (cf: P.L.1995, c.359, s.9)

3

4 453. Section 4 of P.L.1983, c.530 (C.55:14K-4) is amended to  
5 read as follows:

6 4. a. The New Jersey Housing Finance Agency, created by section  
7 4 of P.L.1967, c. 81 (C.55:14J-4) and the New Jersey Mortgage  
8 Finance Agency created by section 4 of P.L.1970, c.38 (C.17:1B-7)  
9 are hereby consolidated into a single agency which shall be known as  
10 the New Jersey Housing and Mortgage Finance Agency, which shall  
11 be a continuance of the corporate existence of those agencies.

12 b. In this section, the words "original agencies" refer to the  
13 agencies which are consolidated pursuant to subsection a. of this  
14 section before their consolidation, and the word "agency" refers to  
15 the single agency resulting from that consolidation.

16 c. All property, rights and powers of each of the original agencies  
17 are hereby vested in and shall be exercised by the agency, subject,  
18 however, to all pledges, covenants, agreements and trusts made or  
19 created by the original agencies, respectively.

20 d. All debts, liabilities, obligations, agreements and covenants of  
21 the original agencies are hereby imposed upon the agency. Any  
22 property of the original agencies in which a mortgage or security  
23 interest has been granted to any bondholders or other creditors of  
24 either of the original agencies shall continue to be subject to that  
25 mortgage or security interest until the mortgage or security interest  
26 is defeased or terminated in accordance with its terms. All  
27 bondholders and other creditors of the original agencies and persons  
28 having claims against or contracts with the original agencies of any  
29 kind or character may enforce those debts, claims and contracts  
30 against the agency in the same manner as they might have against the  
31 original agencies respectively, and the rights and remedies of those  
32 bondholders, creditors and persons having claims or contracts shall  
33 not be limited or restricted in any manner by this act.

34 e. In continuing the functions and carrying out the contracts,  
35 obligations and duties of the original agencies, the agency is hereby  
36 authorized to act in its own name or in the name of either of the  
37 original agencies as may be convenient or advisable.

38 f. Any references to either of the original agencies in any other law  
39 or regulation shall be deemed to refer to and apply to the agency.

40 g. All regulations of the original agencies shall continue to be in  
41 effect as the regulations of the agency until amended, supplemented  
42 or rescinded by the agency in accordance with law.

43 h. All employees of the original agencies shall become employees  
44 of the agency. Nothing in this title shall affect the civil service status,  
45 if any, of those employees or their rights, privileges, obligations or  
46 status with respect to any pension or retirement system.

47 i. The agency is hereby established in, but not of, the Department  
48 of Community and Urban Affairs and constituted a body politic and

1 corporate and an instrumentality exercising public and essential  
2 governmental functions, and the exercise by the agency of the powers  
3 conferred by this act shall be deemed and held to be an essential  
4 governmental function of the State.

5 j. The agency shall consist of the Commissioner of [the Department  
6 of] Community and Urban Affairs, the State Treasurer, the Attorney  
7 General and the Commissioner of Banking, who shall be members ex  
8 officio, and three members appointed by the Governor with the advice  
9 and consent of the Senate for terms of three years. The three members  
10 appointed by the Governor shall be residents of the State and shall  
11 have knowledge in the areas of housing design, construction or  
12 operation; finance; urban redevelopment; or community relations.  
13 The members first appointed by the Governor shall serve for terms of  
14 one year, two years and three years respectively. Each member shall  
15 hold office for the term of his appointment and until his successor  
16 shall have been appointed and qualified. A member of the agency  
17 shall be eligible for reappointment.

18 k. Each ex officio member of the agency may designate an officer  
19 or employee of his department or agency to represent him at meetings  
20 of the agency, and each designee may lawfully vote and otherwise act  
21 on behalf of the member for whom he constitutes the designee. Any  
22 designation shall be in writing, delivered to the agency and shall  
23 continue in effect until revoked or amended by writing, delivered to  
24 the agency.

25 l. Each member of the agency may be removed from office by the  
26 Governor, for cause, after a public hearing and may be suspended by  
27 the Governor pending the completion of such a hearing. Each member  
28 of the agency before entering upon his duties shall take and subscribe  
29 an oath to perform the duties of the office faithfully, impartially and  
30 justly to the best of his ability. A record of these oaths shall be filed  
31 in the office of the Secretary of State.

32 m. Any vacancies in the membership of the agency occurring other  
33 than by expiration of term shall be filled in the same manner as the  
34 original appointment, but for the unexpired term only.

35 n. The Commissioner of [the Department of] Community and  
36 Urban Affairs shall be the chairman of the agency and the members  
37 shall elect one of their number as vice-chairman thereof. The agency  
38 shall elect a secretary and a treasurer who need not be members; but  
39 the same person may be elected to serve both as secretary and  
40 treasurer. The powers of the agency shall be vested in the members  
41 thereof in office from time to time and four members (which shall  
42 include at least two ex officio members) of the agency shall constitute  
43 a quorum at any meeting thereof. Action may be taken and motions  
44 and resolutions adopted by the agency at any meeting thereof by the  
45 affirmative vote of at least four members of the agency, which shall  
46 include at least two ex officio members. No vacancy in the  
47 membership of the agency shall impair the right of a quorum to  
48 exercise all the powers and perform all the duties of the agency.

1 o. A true copy of the minutes of every meeting of the agency shall  
2 be forthwith delivered by and under the certification of the secretary  
3 thereof to the Governor. No action taken at such meeting by the  
4 agency shall have force or effect until 10 days, Saturdays, Sundays,  
5 and public holidays excepted, after such copy of the minutes shall have  
6 been so delivered unless during such 10-day period the Governor shall  
7 approve the same in which case such action shall become effective  
8 upon such approval. If, in said 10-day period, the Governor returns  
9 such copy of the minutes with veto of any action taken by the agency  
10 or any member thereof at such meeting, such action shall be null and  
11 void and of no effect. The Governor may approve all or part of the  
12 action taken at such meeting prior to the expiration of the said 10-day  
13 period.

14 p. The members of the agency shall serve without compensation,  
15 but the agency shall reimburse its members for actual expenses  
16 necessarily incurred in the discharge of their duties.

17 q. Notwithstanding the provisions of any other law, no officer or  
18 employee of the State shall be deemed to have forfeited or shall forfeit  
19 his office or employment or any benefits or emoluments thereof by  
20 reason of acceptance of the office of member of the agency or his  
21 services in such office.

22 r. The agency may be dissolved by act of the Legislature on  
23 condition that the agency has no debts or obligations outstanding or  
24 provision has been made for the payment or retirement of its debts or  
25 obligations. Upon dissolution of the agency all property, funds and  
26 assets thereof shall be vested in the State.

27 (cf: P.L.1983, c.530, s4)

28

29 454. Section 13 of P.L.1983, c.530 (C.55:14K-13) is amended to  
30 read as follows:

31 13. a. In order to encourage the construction, acquisition and  
32 rendering of life safety improvements at or to boarding houses, the  
33 agency is hereby authorized to finance by life safety improvement  
34 loans the construction, acquisition and rendering of life safety  
35 improvements at or to boarding houses.

36 b. To carry out the purposes of this section, the agency may accept  
37 from boarding house owners applications for life safety improvement  
38 loans and enter into agreements with boarding house owners with  
39 respect thereto. In considering applications for life safety improvement  
40 loans, the agency shall give consideration to:

41 (1) the degree of need for the life safety improvement at the  
42 boarding house with respect to which the application is made;

43 (2) factors affecting the tax-exempt status of interest on the bonds  
44 issued by the agency to raise the money necessary to make the life  
45 safety improvement loan, including the location and ownership of  
46 boarding houses with respect to which applications have been and are  
47 being made;

48 (3) the extent of the benefit which, in the agency's opinion, can be

1 expected to be achieved from the life safety improvement intended to  
2 be financed with the life safety improvement loan for which the  
3 application is made, giving effect to, among other things, the cost of  
4 such life safety improvement;

5 (4) the applicant's ability to obtain alternate financing; and

6 (5) the extent of the applicant's compliance with the "Rooming and  
7 Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et seq.).  
8 This determination shall be accomplished through an inspection of the  
9 boarding house by either the New Jersey Department of Community  
10 and Urban Affairs or the New Jersey Department of Health.  
11 Deficiencies which are to be corrected through life safety  
12 improvement loans are not to be used as a basis for disapproving a  
13 loan under this section.

14 c. Life safety improvement loans made by the agency shall not be  
15 subject to the terms and conditions set forth in sections 6 through 10  
16 of this act but shall be subject to the following terms and conditions:

17 (1) the amount of the loan shall not exceed 100% of the cost of the  
18 life safety improvement to be constructed, acquired or rendered, as  
19 determined by the agency.

20 (2) the interest rate on the loan shall be established by the agency  
21 at the lowest level consistent with the agency's cost of operation but  
22 not lower than the effective cost of the agency of the obligations of  
23 the agency sold to raise the money used to make the loan.

24 (3) the loan shall be evidenced by a promissory note which shall  
25 contain terms and provisions and be in a form approved by the agency,  
26 and the terms and provisions shall include, but not be limited to,  
27 agency requirements that: (a) the boarding house owner remit to the  
28 agency the entire unpaid balance of all life safety improvement loans  
29 made by the agency to the boarding house owner as of the time when  
30 the facility ceases to be a boarding house, and the money shall be used  
31 for making new boarding house life safety improvement loans or any  
32 other lawful purpose; (b) the boarding house owner remit to the  
33 agency, for payment to the Department of Community and Urban  
34 Affairs for deposit in the "Boarding House Rental Assistance Fund,"  
35 established under section 14 of this act, an amount equal to the rental  
36 assistance payments made to or on behalf of the residents of a  
37 boarding house, pursuant to this section, prior to the point in time  
38 when the facility ceases to be a boarding house, but the inclusion of  
39 this second requirement in the promissory note and the remittance of  
40 that amount shall be required if and to the extent that the agency  
41 determines it to be feasible and practicable; and (c) in the event of  
42 any sale which occurs during the period when the life safety  
43 improvement loan is being repaid to a purchaser who will maintain the  
44 facility as a boarding house, the boarding house owner shall either  
45 remit the entire unpaid balance of all life safety improvement loans  
46 made by the agency to the boarding house owner or require the  
47 purchaser to assume the loan.

48 (4) as a condition of the loan, the agency shall have the power at all

1 times during the construction, acquisition or rendering of a life safety  
2 improvement at or to a boarding house and for a reasonable period of  
3 time subsequent thereto to enter without prior notice the boarding  
4 house with respect to which the loan is made in order to inspect the  
5 construction, acquisition or rendering of the life safety improvement  
6 being financed with the loan.

7 (cf: P.L.1983, c.530, s.13)

8

9 455. Section 14 of P.L.1983, c.530 (C.55:14K-14) is amended to  
10 read as follows:

11 14. There is hereby established in the Department of Community  
12 and Urban Affairs a fund to be known as the "Boarding House Rental  
13 Assistance Fund." The fund shall be under the control of the  
14 Commissioner of [the Department of] Community and Urban Affairs.

15 The fund shall be maintained by the Department of the Treasury and  
16 may be invested by the Division of Investment in the Department of  
17 the Treasury in investments in which other State funds may be  
18 invested. There shall be deposited in the fund all moneys  
19 appropriated thereto by the Legislature and any other moneys made  
20 available for the purposes for which the fund is established. The fund  
21 is established for the purposes of (i) providing rental assistance to  
22 residents of boarding houses in need of assistance to meet the rental  
23 payments at the boarding houses in which they reside necessitated by  
24 the construction, acquisition or rendering of life safety improvements  
25 at or to the boarding houses with the proceeds of the life safety  
26 improvement loans made by the agency, (ii) providing a source of  
27 repayment for such life safety improvement loans, and (iii) subject to  
28 the approval of the treasurer, paying the cost to the Department of  
29 Community and Urban Affairs of discharging its obligations under  
30 sections 13 through 17 of this act. If needed to meet on a timely basis  
31 that part of the rental obligations of residents of boarding houses  
32 attributable to debt service (including fees and charges payable to the  
33 agency) on life safety improvement loans made by the agency to  
34 finance the construction, acquisition or rendering of life safety  
35 improvements at said boarding houses, the commissioner shall disburse  
36 from the fund to or on behalf of the residents of the boarding houses  
37 the amount of money which, together with amounts already disbursed  
38 and to be disbursed, will be sufficient to meet on a timely basis that  
39 part of the rental obligations of the residents of the boarding houses.  
40 If for any reason rental assistance payments made on behalf of  
41 residents are not sufficient to meet the debt service payments on the  
42 life safety improvement loans, then the commissioner shall disburse  
43 from the fund such amounts as are necessary to meet the debt service  
44 payments; or, upon the request of the agency, the commissioner shall  
45 disburse such amounts as are necessary to fully pay the life safety  
46 improvement loan and all related costs.

47 (cf: P.L.1983, c.530, s.14)

1       456. Section 15 of P.L.1983, c.530 (C.55:14K-15) is amended to  
2 read as follows:

3       15. In furtherance of the purposes of sections 13 through 17 of this  
4 act, the Commissioner of [the Department of] Community and Urban  
5 Affairs is authorized to enter into rental assistance agreements with  
6 boarding house owners providing for the payment of rental assistance  
7 to or on behalf of the residents of the boarding houses in respect of  
8 that part of their rent that is attributable to debt service on life safety  
9 improvement loans, as determined by the agency. Rental assistance  
10 agreements may permit or require the commissioner to make (i) rental  
11 assistance payments on behalf of boarding house residents directly to  
12 the agency or (ii) direct payments to the agency in satisfaction of the  
13 boarding house owners' payment obligations on life safety  
14 improvement loans. As a condition to the payment of rental  
15 assistance, rental assistance agreements shall require that the boarding  
16 house owner remit to the commissioner for return to the Boarding  
17 House Rental Assistance Fund an amount equal to any rental  
18 assistance payment made by the commissioner to or on behalf of a  
19 resident of the boarding house who, were such resident a family as  
20 defined in subsection f. of section 3 of this act, would not have  
21 constituted a family qualified for admission to housing projects under  
22 section 8 of this act, at any time during the period covered by the  
23 rental assistance payment but the agency may establish a lower  
24 income standard for residents of boarding houses which would require  
25 remittance to the commissioner by the owners of boarding houses of  
26 rental assistance payments formerly made by the commissioner to or  
27 on behalf of residents with incomes above that income standard.  
28 (cf: P.L.1983, c.530, s.15)

29

30       457. Section 16 of P.L.1983, c.530 (C.55:14K-16) is amended to  
31 read as follows:

32       16. On or before December 1 of each year, the Commissioner of  
33 [the Department of] Community and Urban Affairs shall submit to the  
34 Governor and the State Treasurer a Boarding House Rental Assistance  
35 Fund Annual Report which shall include the following: (i) a summary  
36 of the activities and transactions of the Boarding House Rental  
37 Assistance Fund during the preceding fiscal year; (ii) an estimate of  
38 the amount of rental charges which will be made during the ensuing 12  
39 months by the residents of boarding houses on account of the debt  
40 service (including fees and charges payable to the agency) on life  
41 safety improvement loans made by the agency to finance the  
42 construction, acquisition or rendering of life safety improvements at  
43 or to the boarding houses, together with a brief description of each of  
44 the boarding house's life safety improvement loans and life safety  
45 improvements and a summary of various characteristics of the  
46 residents of the boarding houses, including their ages, disabilities, if  
47 any, and income levels; (iii) a statement as to the maximum amount  
48 of debt service payable in any one year on all outstanding obligations

1 of the agency issued with respect to life safety improvement loans;  
2 and (iv) an estimate of, and request for, the amount of money in  
3 addition to the then current balance of the Boarding House Rental  
4 Assistance Fund which will be needed in the ensuing fiscal year to  
5 meet the disbursements from the fund which the commissioner  
6 anticipates will be made in furtherance of the purposes of the fund and  
7 in satisfaction of the commissioner's obligations under rental  
8 assistance agreements.

9 (cf: P.L.1983, c.530, s.16)

10

11 458. Section 17 of P.L.1983, c.530 (C.55:14K-17) is amended to  
12 read as follows:

13 17. a. To assure that there exists sufficient money in the Boarding  
14 House Rental Assistance Fund so as to permit the fund to be fully  
15 employed in furtherance of its purposes and to enable the  
16 Commissioner of [the Department of] Community and Urban Affairs  
17 to fulfill his commitments under rental assistance agreements, there  
18 shall be appropriated in each fiscal year and paid to the Department of  
19 Community and Urban Affairs for deposit in the Boarding House  
20 Rental Assistance Fund (1) from the Casino Revenue Fund, the  
21 amount of money requested for that fiscal year by the commissioner  
22 in the applicable Boarding House Rental Assistance Fund Annual  
23 Report, as amended by the commissioner from time to time, for the  
24 benefit of boarding house residents who are either senior citizens or  
25 disabled residents of the State within the meaning of regulations  
26 promulgated by the commissioner; and (2) from the General Fund of  
27 the State of New Jersey, the amount of money requested for that  
28 fiscal year by the commissioner in the applicable Boarding House  
29 Assistance Fund Annual Report, as amended by the commissioner  
30 from time to time, for the benefit of boarding house residents who are  
31 neither senior citizens nor disabled residents of the State within the  
32 meaning of regulations promulgated by the commissioner, either as  
33 rental assistance payments or direct debt service on loans.

34 b. After receipt of each Boarding House Rental Assistance Fund  
35 Annual Report, the State Treasurer shall determine whether or not  
36 during the preceding fiscal year rental assistance payments were made  
37 with funds appropriated from the Casino Revenue Fund to or on  
38 behalf of residents of boarding houses who, were they families as  
39 defined in subsection f. of section 3 of this act, would have  
40 constituted families qualified for admission to housing projects under  
41 section 8 of this act during such fiscal year, but who were not either  
42 senior citizens or disabled residents of the State within the meaning  
43 of regulations promulgated by the commissioner. Upon making a  
44 determination that funds were appropriated from the Casino Revenue  
45 Fund to or on behalf of one or more of such residents, the Treasurer  
46 shall request and the State shall appropriate from the General Fund to  
47 the Casino Revenue Fund an amount of money equal to payments so  
48 made from funds appropriated from the Casino Revenue Fund; but

1 neither the request nor the appropriation shall be required if, or to the  
2 extent that, the amount of payments is reimbursed from any other  
3 available source, which may be, but shall not be limited to, a payment  
4 from unencumbered funds of the agency, as authorized by the agency.

5 c. If the Commissioner of [the Department of] Community and  
6 Urban Affairs is for any reason unable to make rental assistance  
7 payments on one or more rental assistance agreements, the agency  
8 may, but shall be under no obligation to, authorize payments from its  
9 unencumbered reserves. If no such authorization is made, or if the  
10 agency's payment is only intended to be a temporary source of funding  
11 in order to satisfy payments due on bonds issued to finance life safety  
12 improvement loans, or the amount authorized is insufficient to make  
13 full payments under the agreements, there shall be appropriated from  
14 the General Fund in each fiscal year and paid to the Department of  
15 Community and Urban Affairs, for disbursement to the agency,  
16 sufficient funds to make full payments. The commissioner shall  
17 annually report to the Governor and the Treasurer detailing the need  
18 for the appropriations.

19 (cf: P.L.1983, c.530, s.17)

20

21 459. Section 10 of P.L.1983, c.335 (C.55:18-10) is amended to  
22 read as follows:

23 10. The Commissioner of [the Department of] Community and  
24 Urban Affairs shall have the power to adopt, amend, revise and repeal  
25 rules and regulations to promote implementation of the provisions of  
26 this act.

27 (cf: P.L.1983, c.335, s.10)

28

29 460. Section 3 of P.L.1985, c.227 (C.55:19-3) is amended to read  
30 as follows:

31 3. As used in this act, except as otherwise clearly required by the  
32 context:

33 a. "Board" or "board of directors" means the directors of the  
34 corporation appointed pursuant to section 4 of this act.

35 b. "Corporation" means the New Jersey Urban Development  
36 Corporation established pursuant to section 4 of this act.

37 c. "Department" means the New Jersey Department of Commerce  
38 and Economic Development.

39 d. "Director" means a director of the corporation.

40 e. "Project" means a specific work or improvement, including  
41 lands, buildings, improvements, real and personal property or any  
42 interest therein, including lands under water, riparian rights, space  
43 rights and air rights, acquired, owned, constructed, reconstructed,  
44 rehabilitated or improved by the corporation or a subsidiary, or by any  
45 other person, firm or corporation under agreement with the  
46 corporation or subsidiary pursuant to the provisions of this act in a  
47 qualified municipality, and which falls within any of the following  
48 classifications:

1 (1) "Industrial project"--a project designed and intended to provide  
2 facilities for manufacturing, industrial, commercial, wholesale, retail,  
3 warehousing, or research and development purposes, including but not  
4 limited to machinery and equipment deemed necessary for the  
5 operation thereof, when the board finds that there is a compelling  
6 public need to undertake such project and insufficient responsible  
7 interest by the private financial or development community to  
8 undertake the project without the corporation's assistance or  
9 involvement.

10 (2) "Land-use improvement project"--a project for the clearance,  
11 replanning, reconstruction, rehabilitation, renewal, redevelopment,  
12 conservation, restoration or improvement of an area, in cooperation  
13 or under agreement with a qualified municipality which has designated  
14 the area blighted or in need of rehabilitation.

15 (3) "Civil project"--a project designed and intended to provide  
16 facilities for educational, cultural, health, recreational, community or  
17 other civic purposes.

18 (4) "Utility project"--a project designed and intended to provide  
19 facilities for provision of water, sewerage, solid waste disposal,  
20 transportation, utility or other public services necessary for the  
21 accommodation of a project of another classification undertaken  
22 pursuant to this act, but accommodation of needs greater than those  
23 of the other project may be encompassed.

24 (5) "Mixed-use project"--a project consisting of housing  
25 development and commercial development, in which the prorated cost  
26 of the housing development is equivalent to no more than one-third of  
27 the cost of the total project.

28 (6) "Multi-purpose project"--a project combining the purposes of  
29 two or more of the foregoing classifications.

30 f. "Qualified municipality" means any municipality which at the  
31 time of the initiation of a project was eligible to receive State aid  
32 under P.L.1977, c.260 (C.52:27D-162 et seq.); or any municipality  
33 which in any year subsequent to the enactment of P.L.1978, c.14  
34 (C.52:27D-178 et seq.) was eligible to receive State aid pursuant to  
35 that act; or any municipality which has: (1) a population of 15,000 or  
36 less, according to the most recent federal decennial census; (2) a  
37 population density of 5,000 or more per square mile; (3) 100 or more  
38 children enrolled in the Aid to Families with Dependent Children  
39 program, according to the data available to and utilized by the  
40 Director of the Division of Local Government Services in the  
41 Department of Community and Urban Affairs to determine eligibility  
42 for State aid under the provisions of P.L.1978, c.14 (C.52:27D-178 et  
43 seq.); (4) an equalized tax rate which exceeds the State equalized tax  
44 rate; and (5) an equalized valuation per capita which is less than the  
45 State equalized valuation per capita; or a municipality which has  
46 designated the corporation as its local redevelopment agency pursuant  
47 to subsection b.b. of section 6 of P.L.1985, c.227 (C.55:19-6).

48 g. "Subsidiary" means a subsidiary corporation formed by the

1 corporation pursuant to section 7 of this act.

2 (cf: P.L.1991, c.228, s.1)

3

4 461. Section 4 of P.L.1985, c.227 (C.55:19-4) is amended to read  
5 as follows:

6 4. a. There is established the New Jersey Urban Development  
7 Corporation. For the purpose of complying with the provisions of  
8 Article V, Section IV, paragraph 1 of the Constitution, this  
9 corporation is allocated to the Department of Commerce and  
10 Economic Development; but, notwithstanding that allocation, the  
11 corporation shall be independent of any supervision or control by the  
12 department or by any other board or officer thereof.

13 b. The corporation shall constitute a body corporate and politic  
14 and an instrumentality exercising public and essential governmental  
15 functions, and the exercise by the corporation of the powers conferred  
16 by this act shall be deemed and held to be an essential governmental  
17 function of the State.

18 c. The directors of the corporation shall be: (1) the Commissioner  
19 of [the Department of] Commerce and Economic Development, the  
20 Commissioner of [the Department of] Community and Urban Affairs,  
21 the Commissioner of [the Department of] Labor and the State  
22 Treasurer, ex officio; and (2) five citizens and residents of the State  
23 appointed by the Governor, with the advice and consent of the Senate,  
24 for terms of four years, except that of the first five persons so  
25 appointed, two shall serve for a term of one year, one for a term of  
26 two years, one for a term of three years and one for a term of four  
27 years. Each director shall hold office for the term of his appointment  
28 and until his successor has been appointed and qualified. A director  
29 shall be eligible for reappointment. In nominating members the  
30 Governor shall have regard to providing an adequate depth and  
31 diversity of knowledge and experience in the financial, physical and  
32 social aspects of urban development, and of other relevant expertise  
33 in urban matters.

34 d. Each ex officio director may designate an officer or employee  
35 of his department to represent him at meetings of the directors, and  
36 each designee may lawfully vote and otherwise act on behalf of the  
37 director so designating him. The designation shall be in writing,  
38 delivered into the hands of the secretary of the corporation, and shall  
39 continue in effect until revoked or amended in the same manner.

40 e. Each director may be removed from office by the Governor, for  
41 cause, after a public hearing and may be suspended by the Governor  
42 pending the completion of the hearing. Each director before entering  
43 upon his duties shall take and subscribe an oath to perform the duties  
44 of the office faithfully, impartially and justly to the best of his ability.  
45 A record of these oaths shall be filed in the office of the Secretary of  
46 State.

47 f. Any vacancies in the membership of the board of directors  
48 occurring otherwise than by expiration of term shall be filled in the

1 same manner as the original appointments, but for the unexpired terms  
2 only.

3 g. The members shall elect from among the citizens appointed by  
4 the Governor a chairman of the board of directors and a vice chairman.  
5 The board shall elect a secretary and a treasurer, who need not be  
6 members of the board; the same person may be elected to serve both  
7 as secretary and treasurer. The powers of the corporation shall be  
8 vested in the members of the board of directors thereof in office from  
9 time to time, and five members, when including at least two ex officio  
10 directors, shall constitute a quorum at any meeting of the board of  
11 directors. Actions may be taken and motions and resolutions adopted  
12 by the board at any meeting thereof by the affirmative vote of at least  
13 members, including at least two ex officio members. No vacancy in  
14 the membership of the board shall impair the right of a quorum to  
15 exercise all the powers and perform all the duties of the agency.

16 h. A true copy of the minutes of every meeting of the board shall  
17 be forthwith delivered by and under the certification of the secretary  
18 thereof to the Governor. No action taken at a meeting shall have force  
19 or effect until 10 days, Saturdays, Sundays and public holidays  
20 excepted, after a copy of the minutes shall have been so delivered,  
21 unless within that period the Governor shall approve the same, in  
22 which case such action shall become effective upon his approval. If,  
23 within the 10-day period, the Governor returns the copy of the minutes  
24 with his veto of any action taken by the board or any member thereof  
25 at the meeting, that action shall be null and void and of no effect. The  
26 Governor may approve all or part of the action taken at such meeting  
27 prior to the expiration of the 10-day period.

28 i. Directors shall serve without compensation, but the corporation  
29 shall reimburse them for actual expenses necessarily incurred in the  
30 discharge of their duties.

31 j. Notwithstanding the provisions of any other law, no officer or  
32 employee of the State shall be deemed to have forfeited or shall forfeit  
33 his office or employment or any benefits or emoluments thereof by  
34 reason of acceptance of the office of director or his service in that  
35 office.

36 k. The corporation may be dissolved by act of the Legislature if it  
37 has no debts or obligations outstanding, or if adequate provision has  
38 been made for the payment or retirement of any outstanding debts or  
39 obligations. Upon dissolution of the corporation all property, funds  
40 and assets thereof shall be vested in the State.

41 (cf: P.L.1985, c.227, s.4)

42

43 462. Section 4 of P.L.1996, c.62 (C.55:19-23) is amended to read  
44 as follows:

45 4. a. The New Jersey Urban Development Corporation established  
46 pursuant to P.L.1985, c.227 (C.55:19-1 et seq.) is reconstituted as the  
47 New Jersey Redevelopment Authority. For the purpose of complying  
48 with the provisions of Article V, Section IV, paragraph 1 of the

1 Constitution of the State of New Jersey, this authority is allocated to  
2 the Department of Commerce and Economic Development; but,  
3 notwithstanding that allocation, the authority shall be independent of  
4 any supervision or control by the department or by any other board or  
5 officer thereof. All references in any law, order, rule, regulation,  
6 contract, loan, document or otherwise to the New Jersey Urban  
7 Development Corporation in the Department of Commerce and  
8 Economic Development shall mean the New Jersey Redevelopment  
9 Authority in the Department of Commerce and Economic  
10 Development.

11 b. The authority shall constitute a body corporate and politic and  
12 an instrumentality exercising public and essential governmental  
13 functions, and the exercise by the authority of the powers conferred by  
14 P.L.1996, c.62 (C.55:19-20 et al.) shall be deemed and held to be an  
15 essential governmental function of the State.

16 c. The authority shall consist of the State Treasurer, the Attorney  
17 General, the Commissioner of Community and Urban Affairs, the  
18 Commissioner of Education, the Commissioner of Environmental  
19 Protection, the Commissioner of Health, the Commissioner of Human  
20 Services, the Commissioner of Labor, the Commissioner of  
21 Transportation, and the Commissioner of Commerce and Economic  
22 Development who shall be members and who shall serve ex officio,  
23 and eleven public members of whom seven shall be appointed by the  
24 Governor with the advice and consent of the Senate, two shall be  
25 appointed by the Senate President and two shall be appointed by the  
26 Speaker of the General Assembly, for terms of three years, except as  
27 provided hereunder. Of the seven members appointed by the  
28 Governor, one shall represent the interests of the for-profit  
29 development industry; one shall represent the interests of the nonprofit  
30 development community, two shall be mayors of municipalities which  
31 are coextensive with "special needs districts" as defined pursuant to  
32 section 3 of P.L.1990, c.52 (C.18A:7D-3); two shall be mayors of  
33 municipalities which are contiguous to municipalities which are  
34 coterminous with special needs districts; and one shall represent the  
35 interest of the banking, insurance or real estate financing industries.  
36 Each member shall hold office for the term of his appointment and  
37 until his successor shall have been appointed and qualified. A member  
38 shall be eligible for reappointment. Each mayor shall serve for a term  
39 of three years, but shall continue to serve only as long as the mayor  
40 continues to hold mayoral office. The members appointed by each of  
41 the presiding officers of both Houses of the Legislature shall not  
42 represent the same political party. Any vacancy in the membership  
43 occurring other than by expiration of term shall be filled in the same  
44 manner as the original appointment but for the unexpired term only.  
45 In appointing public members, the presiding officers shall have regard  
46 to providing an adequate depth and diversity of knowledge and  
47 experience in the financial, physical and social aspects of urban  
48 development, and of other relevant expertise in urban matters.

- 1       d. Each ex officio member may designate an officer or employee of  
2 his department to represent him at authority meetings. The  
3 designation shall be in writing, delivered into the hands of the  
4 secretary of the authority, and shall continue in effect until revoked or  
5 amended in the same manner.
- 6       e. Each member appointed by the Governor may be removed from  
7 office by the Governor, for cause, after a public hearing, and may be  
8 suspended by the Governor pending the completion of the hearing.  
9 Each member before entering upon his duties shall take and subscribe  
10 an oath to perform the duties of his office faithfully, impartially and  
11 justly to the best of his ability. A record of such oaths shall be filed in  
12 the office of the Secretary of State.
- 13       f. The Commissioner of Commerce and Economic Development  
14 may, at the commissioner's discretion, serve as the chairperson of the  
15 authority or may appoint one of the public members of the authority  
16 as chairperson. Any such designation or appointment shall be made in  
17 writing and shall be delivered to the authority and to the Governor and  
18 shall continue in effect until revoked or amended by a writing  
19 delivered to the authority and the Governor. The members of the  
20 authority shall elect from their remaining number a vice chairperson  
21 and a treasurer thereof. The authority shall employ an executive  
22 director who shall be its secretary and chief executive officer. The  
23 powers of the authority shall be vested in the members thereof in  
24 office from time to time and eleven members of the authority shall  
25 constitute a quorum at any meeting thereof. Action may be taken, and  
26 motions and resolutions adopted, by the authority at any meeting  
27 thereof by the affirmative vote of at least eleven members of the  
28 authority. No vacancy in the membership of the authority shall impair  
29 the right of a quorum of the members to exercise all of the powers and  
30 perform all of the duties of the authority.
- 31       g. Each public member of the authority shall execute a bond to be  
32 conditioned upon the faithful performance of the duties of such  
33 member in such form and amount as may be prescribed by the State  
34 Comptroller. Such bonds shall be filed in the office of the Secretary  
35 of State. At all times thereafter the members and treasurer of the  
36 authority shall maintain such bonds in full force and effect. All costs  
37 of such bonds shall be borne by the authority.
- 38       h. The members of the authority shall serve without compensation,  
39 but the authority shall reimburse its members for actual expenses  
40 necessarily incurred in the discharge of their duties. Notwithstanding  
41 the provisions of any other law, no officer or employee of the State  
42 shall be deemed to have forfeited or shall forfeit his or her office or  
43 employment or any benefits or emoluments thereof by reason of his or  
44 her acceptance of the office of ex officio member of the authority or  
45 his or her services therein.
- 46       i. The authority may be dissolved by act of the Legislature on  
47 condition that the authority has no debts or obligations outstanding or  
48 that provision has been made for the payment or retirement of such

1 debts or obligations. Upon any such dissolution of the authority, all  
2 property, funds and assets thereof shall be vested in the State.

3 j. A true copy of the minutes of every meeting of the authority shall  
4 be forthwith delivered by and under the certification of the secretary  
5 thereof to the Governor. No action taken at such meeting by the  
6 authority shall have force or effect until 10 days, Saturdays, Sundays,  
7 and public holidays excepted, after a copy of the minutes shall have  
8 been so delivered unless during that 10-day period the Governor shall  
9 approve the same in which case such action shall become effective  
10 upon approval. If, within the 10-day period, the Governor returns the  
11 copy of the minutes with a veto of any action taken by the authority or  
12 any member thereof at the meeting, that action shall be null and void  
13 and of no effect. The powers conferred in this subsection upon the  
14 Governor shall be exercised with due regard for the rights of the  
15 holders of bonds and notes of the authority at any time outstanding,  
16 and nothing in or done pursuant to this subsection shall in any way  
17 limit, restrict or alter the obligation or powers of the authority or any  
18 representative or officer of the authority to carry out and perform in  
19 every detail each and every covenant, agreement or contract at any  
20 time made or entered into by or on behalf of the authority with respect  
21 to its bonds or notes or for the benefit, protection or security of the  
22 holders thereof. The Governor may approve all or part of the action  
23 taken at such meeting prior to the expiration of the 10-day period.

24 k. On or before March 31 of each year, the authority shall make an  
25 annual report of its activities for the preceding calendar year to the  
26 Governor and the Legislature. Each such report shall set forth a  
27 complete operating and financial statement covering the authority's  
28 operations during the year. The authority shall cause an audit of its  
29 books and accounts to be made at least once in each year by certified  
30 public accountants and cause a copy thereof to be filed with the  
31 Secretary of State and the State Comptroller.

32 1. The State Comptroller and his legally authorized representatives  
33 are hereby authorized and empowered from time to time to examine  
34 the accounts, books and records of the authority, including its receipts,  
35 disbursements, contracts, sinking funds, investments, and any other  
36 matters relating thereto and to its financial standing.

37 m. No member, officer, employee or agent of the authority shall be  
38 interested, either directly or indirectly, in any project or in any  
39 contract, sale, purchase, lease or transfer of real or personal property  
40 to which the authority is a party.

41 (cf: P.L.1996, c.62, s.4)

42

43 463. Section 36 of P.L.1996, c.62 (C.55:19-55) is amended to read  
44 as follows:

45 36. a. A qualified municipality that has designated or appointed a  
46 public officer pursuant to section 3 of P.L.1942, c.112 (C.40:48-2.5),  
47 may adopt an ordinance directing the public officer to undertake an  
48 inventory of abandoned property in those areas designated for

1 redevelopment pursuant to the "Local Redevelopment and Housing  
2 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.). The ordinance may  
3 direct the public officer to exclude from the inventory of abandoned  
4 property that property for which the expense to the municipality of  
5 determining the cost of environmental remediation required under  
6 State or federal law would be excessive, in the judgment of the  
7 municipal governing body. Each item of abandoned property on the  
8 inventory shall include the tax block and lot number, the name of the  
9 owner of record, if known, and the street address of the lot.

10 b. In those municipalities in which an inventory has been conducted  
11 in accordance with subsection a. of this section, the public officer shall  
12 maintain a list of abandoned property, to be known as the "abandoned  
13 property list." An abandoned property shall not be included on the  
14 abandoned property list if rehabilitation is being performed in a timely  
15 manner.

16 c. (1) The Department of Community and Urban Affairs shall adopt  
17 rules and regulations prescribing guidelines and criteria for  
18 determining if a property is inimical to the welfare, including the  
19 economic welfare, of the residents of the municipality wherein the  
20 building or structure is located, pursuant to section 1 of P.L.1989,  
21 c.91 (C.40:48-2.3a) or unfit for human habitation, occupancy or use  
22 pursuant to section 3 of P.L.1942, c.112 (C.40:48-2.5), and whether  
23 such property is undergoing rehabilitation in a timely manner within  
24 the meaning of subsection b. of this section. The public officer shall  
25 apply such standards in conducting any inventory pursuant to this  
26 section.

27 (2) The Department of Community and Urban Affairs in  
28 conjunction with the Department of Environmental Protection shall  
29 prepare an information bulletin for distribution to every municipality  
30 describing the authority of a municipality under existing statutes and  
31 regulations to repair, demolish or otherwise deal with abandoned  
32 property.

33 d. (1) The public officer, within 10 days of the completion of the  
34 abandoned property list, shall send a notice, by certified mail, return  
35 receipt requested, and by regular mail, to the owner of record of every  
36 property included on the list and shall cause the list to be published in  
37 the official newspaper of the municipality, which publication shall  
38 constitute public notice. The published and mailed notices shall  
39 identify property determined to be abandoned setting ~~[forththe]~~ forth  
40 the owner of record, if known, the tax lot and block number and street  
41 address. The public officer, in consultation with the tax collector,  
42 shall also send out a notice by regular mail to any mortgagee, servicing  
43 organization, or property tax processing organization that receives a  
44 duplicate copy of the tax bill pursuant to subsection d. of R.S.54:4-64.  
45 When the owner of record is not known for a particular property and  
46 cannot be ascertained by the exercise of reasonable diligence by the tax  
47 collector, notice shall not be mailed but instead shall be posted on the  
48 property in the manner as provided in section 5 of P.L.1942, c.112

1 (C.40:48-2.7). The mailed notice shall indicate the factual basis for  
2 the public officer's finding that the property is abandoned property as  
3 that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54) and  
4 the rules and regulations promulgated thereunder, specifying the  
5 information relied upon in making such finding. In all cases a copy of  
6 the mailed or posted notice shall also be filed by the public officer in  
7 the office of the county clerk or register of deeds and mortgages, as  
8 the case may be, of the county wherein the property is situate. This  
9 filing shall have the same force and effect as a notice of lis pendens  
10 under N.J.S.2A:15-6. The notice shall be indexed by the name of the  
11 property owner as defendant and the name of the municipality as  
12 plaintiff, as though an action had been commenced by the municipality  
13 against the owner.

14 (2) The authority or its subsidiaries, as appropriate, may reimburse  
15 the municipality for the postage costs and search fees associated with  
16 providing notice in accordance with paragraph (1) of this subsection  
17 in accordance with procedures and rules promulgated by the  
18 Department of Community and Urban Affairs.

19 e. An owner or lienholder may challenge the inclusion of his  
20 property on the abandoned property list determined pursuant to  
21 subsection b. of this section by appealing that determination to the  
22 public officer within 30 days of the owner's receipt of the certified  
23 notice or 40 days from the date upon which the notice was sent. An  
24 owner whose identity was not known to the public officer shall have  
25 40 days from the date upon which notice was published or posted,  
26 whichever is later, to challenge the inclusion of a property on the  
27 abandoned property list. For good cause shown, the public officer  
28 shall accept a late filing of an appeal. Within 30 days of receipt of a  
29 request for an appeal of the findings contained in the notice pursuant  
30 to subsection d. of this section, the public officer shall schedule a  
31 hearing for redetermination of the matter. Any property included on  
32 the list shall be presumed to be abandoned property unless the owner,  
33 through the submission of an affidavit or certification by the property  
34 owner averring that the property is not abandoned and stating the  
35 reasons for such averment, can demonstrate that the property was  
36 erroneously included on the list. The affidavit or certification shall be  
37 accompanied by supporting documentation, such as but not limited to  
38 photographs, repair invoices, bills and construction contracts. The  
39 sole ground for appeal shall be that the property in question is not  
40 abandoned property as that term is defined in section 35 of P.L.1996,  
41 c.62 (C.55:19-54). The public officer shall decide any timely filed  
42 appeal within 10 days of the hearing on the appeal and shall promptly,  
43 by certified mail, return receipt requested, and by regular mail, notify  
44 the property owner of the decision and the reasons therefor.

45 f. The property owner may challenge an adverse determination of  
46 an appeal with the public officer pursuant to subsection e. of this  
47 section, by instituting, in accordance with the New Jersey Court Rules,  
48 a summary proceeding in the Superior Court, Law Division, sitting in

1 the county in which the property is located, which action shall be tried  
2 de novo. Such action shall be instituted within 20 days of the date of  
3 the notice of decision mailed by the public officer pursuant to  
4 subsection e. of this section. The sole ground for appeal shall be that  
5 the property in question is not abandoned property as that term is  
6 defined in section 35 of P.L.1996, c.62 (C.55:19-54). The failure to  
7 institute an action of appeal on a timely basis shall constitute a  
8 jurisdictional bar to challenging the adverse determination, except that,  
9 for good cause shown, the court may extend the deadline for  
10 instituting the action.

11 g. The public officer shall promptly remove any property from the  
12 abandoned property list that has been determined not to be abandoned  
13 on appeal.

14 (cf: P.L.1996, c.62, s.36)

15

16 464. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to read  
17 as follows:

18 45. a. There is established in, but not of, the Department of  
19 Community and Urban Affairs an Urban Coordinating Council.

20 b. The Urban Coordinating Council shall be comprised of the  
21 Governor, the chief officer of each department of the executive  
22 branch, and the executive directors of the New Jersey Redevelopment  
23 Authority, the New Jersey Economic Development Authority, the  
24 Casino Reinvestment Development Authority, the State Planning  
25 Commission, the New Jersey Housing and Mortgage Finance Agency,  
26 the Juvenile Justice Commission and the Commission on Higher  
27 Education. The council shall be chaired by the Governor. Members  
28 of the council may be represented on the council by their designees.

29 (cf: P.L.1996, c.62, s.45)

30

31 465. Section 47 of P.L.1996, c.62 (C.55:19-62) is amended to read  
32 as follows:

33 47. a. There is established in, but not of, the Department of  
34 Community and Urban Affairs an Office of Neighborhood  
35 Empowerment.

36 b. The Governor shall appoint an executive director of the Office  
37 of Neighborhood Empowerment who shall serve at the pleasure of the  
38 Governor. The executive director shall report solely to the Urban  
39 Coordinating Council, which shall supervise and control the office.

40 c. The executive director of the Office of Neighborhood  
41 Empowerment may hire employees as may be required to carry out the  
42 purposes of this section, and to fix and pay their compensation from  
43 funds available, all without regard to the provisions of Title 11A, Civil  
44 Service, of the New Jersey Statutes.

45 (cf: P.L.1996, c.62, s.47)

46

47 466. Section 14 of P.L.1981, c.262 (C.58:1A-14) is amended to  
48 read as follows:

1       14. a. When the department determines that the developed water  
2 supply available to a water purveyor is inadequate to service its users  
3 with an adequate supply of water under a variety of conditions, the  
4 department may order the water purveyor to develop or acquire,  
5 within a reasonable period of time, additional water supplies sufficient  
6 to provide that service.

7       b. The Division of Local Government Services in the Department  
8 of Community and Urban Affairs shall, when reviewing the annual  
9 budget of any municipality, county, or agency thereof which operates  
10 a public water supply system, certify that an amount sufficient to  
11 cover the cost of any order issued to the municipality, county or  
12 agency thereof pursuant to subsection a. of this section is included in  
13 that annual budget.

14 (cf: P.L.1981, c.262, s.14)

15  
16       467. Section 11 of P.L.1990, c.78 (C.58:10-23.11d11) is amended  
17 to read as follows:

18       11. a. On or after the effective date of this act, any new, or  
19 substantial modification or replacement of an existing, above-ground  
20 storage tank or other above-ground enclosed storage space, or of an  
21 existing transmission pipeline, including appurtenant structures, or a  
22 leak detection or other monitoring system, and prevention or safety  
23 system or devices shall comply with construction or performance  
24 standards based upon best available technology, industry standards, or  
25 federal requirements, whichever may be more stringent, as may be  
26 prescribed by the department or required by law. Except in emergency  
27 situations as defined by the department, notice of a proposed new  
28 construction or installation, substantial modification or replacement of  
29 any structure, system, or device subject to the provisions of this  
30 subsection shall be provided to the department at least 60 days prior  
31 to the commencement of construction, installation, or modification.  
32 The department shall also adopt standards and requirements for  
33 retrofitting existing structures, systems, or devices subject to the  
34 provisions of this subsection in order to prevent, or to minimize the  
35 adverse impacts of, unauthorized discharges.

36       b. (1) The owner or operator of a major facility shall conduct, or  
37 cause to be conducted, a structural integrity test of above-ground  
38 storage tanks or other above-ground enclosed storage spaces storing  
39 hazardous substances, including connecting underground or  
40 above-ground pipelines.

41       (2) The owner or operator of a transmission pipeline shall conduct,  
42 or cause to be conducted, a structural integrity test of all parts of the  
43 pipeline, including all line pipe, valves, and other appurtenances  
44 connected to line pipe, or other facilities that store or transport  
45 hazardous substances associated with the pipeline.

46       The department shall prescribe the size of the tanks to be tested,  
47 where applicable, and the nature and frequency of the testing.

48       c. An above-ground storage tank or other enclosed storage space,

1 and any transmission pipeline existing prior to and on the effective  
2 date of P.L.1990, c.78 (C.58:10-23.11d1 et al.), shall be tested in  
3 accordance with this subsection within two years of the adoption by  
4 the department of standards and regulations therefor. The sequence  
5 of testing of existing tanks, enclosed storage spaces, or transmission  
6 pipelines shall be determined by the age or suspected age of the  
7 structure, the proximity to potable water supplies, the discharge record  
8 of the structure for the preceding five years, and the date of the last  
9 structural integrity test performed on the structure. The test results  
10 and a summary of any remedial actions taken as a consequence thereof  
11 shall be submitted to the department within 30 days of completion.

12 d. Testing or inspection of leak detection or other monitoring  
13 systems, and preventive or safety systems or devices shall be  
14 conducted as frequently as may be required by the department.

15 e. In developing standards or testing procedures or other  
16 requirements pursuant to this section, the department shall consider  
17 applicable standards and procedures adopted or recommended by the  
18 United States Environmental Protection Agency, and the following  
19 organizations:

20 (1) American Petroleum Institute (API), 1220 L Street, N.W.,  
21 Washington, D.C. 20005;

22 (2) American Society for Testing and Materials (ASTM), 1916  
23 Race Street, Philadelphia, Pennsylvania 19103;

24 (3) National Association of Corrosion Engineers (NACE), P.O.  
25 Box 218340, Houston, Texas 77218;

26 (4) National Fire Protection Association (NFPA), Batterymarch  
27 Park, Quincy, Massachusetts 02269; and

28 (5) Underwriters Laboratories (UL), 333 Pfingston Road,  
29 Northbrook, Illinois 60062.

30 Standards or other requirements for transmission pipelines shall be  
31 at least as stringent as those established for pipeline facilities by the  
32 Secretary of the United States Department of Transportation pursuant  
33 to the "Hazardous Liquid Pipeline Safety Act of 1979," 49 U.S.C.  
34 s.2001 et seq.; except that transmission pipeline standards and  
35 requirements adopted pursuant to this section shall be consistent with  
36 applicable standards and requirements adopted pursuant to any other  
37 State law regulating transmission pipelines.

38 f. The Department of Community and Urban Affairs shall, within  
39 60 days of the adoption of regulations by the department, adopt in the  
40 State Uniform Construction Code, all applicable rules and regulations  
41 adopted by the department pursuant to this section.

42 (cf: P.L.1990, c.78, s.11)

43

44 468. Section 5 of P.L.1986, c.102 (C.58:10A-25) is amended to  
45 read as follows:

46 5. a. The commissioner shall, within one year of the effective date  
47 of P.L.1986, c.102 (C.58:10A-21 et seq.), adopt, pursuant to the  
48 "Administrative Procedure Act," rules and regulations which:

- 1 (1) Establish a schedule for the testing of all facilities, taking into  
2 account the age of the underground storage tank, the hazardous  
3 substance stored therein, the proximity of the underground storage  
4 tank to potable water supplies, and the soil resistivity and other  
5 corrosive conditions which may precipitate a discharge, and for the  
6 periodic testing for structural integrity of facilities utilizing secondary  
7 containment which do not incorporate a monitoring system, and the  
8 reporting of results thereof to the department;
- 9 (2) Establish standards for the construction, installation, and  
10 operation of new and existing underground storage tanks, including  
11 standards for secondary containment, monitoring systems, release  
12 detection systems, corrosion protection, spill prevention, and overfill  
13 prevention, and other underground storage tank equipment. The  
14 standards adopted pursuant to this paragraph shall be substantially  
15 identical to the relevant standards adopted by the United States  
16 Environmental Protection Agency pursuant to 42 U.S.C. s.6991 et seq.  
17 for the regulation of underground storage tanks. The standards  
18 adopted by the department for any underground storage tank not  
19 regulated pursuant to 42 U.S.C. s.6991 et seq. shall not be more  
20 stringent than the standards adopted by the United States  
21 Environmental Protection Agency for underground storage tanks  
22 regulated pursuant to 42 U.S.C. s.6991 et seq. Notwithstanding any  
23 other provision in this paragraph to the contrary, standards adopted by  
24 the department for any underground storage tank located in a wellhead  
25 protection area may be more stringent than the standards adopted by  
26 the United States Environmental Protection Agency for underground  
27 storage tanks pursuant to 42 U.S.C. s.6991 et seq.;
- 28 (3) (Deleted by amendment, P.L.1994, c.14).
- 29 (4) Require the maintaining of records of any monitoring or leak  
30 detection system, inventory control system or underground storage  
31 tank testing system;
- 32 (5) Require the reporting of any discharges and the corrective  
33 action taken in response to a discharge from an underground storage  
34 tank;
- 35 (6) Require the taking of corrective action in response to a  
36 discharge from an underground storage tank by the owner or operator  
37 of the underground storage tank;
- 38 (7) Require the owner or operator of an underground storage tank  
39 to prepare plans for the closure of an underground storage tank to  
40 prevent the future discharge of hazardous substances into the  
41 environment;
- 42 (8) Require the maintaining of evidence of financial responsibility  
43 for taking corrective action and compensating third parties for bodily  
44 injury and property damage caused by a discharge; and
- 45 (9) (Deleted by amendment, P.L.1994, c.14).
- 46 (10) Require the notification of the department and local agencies  
47 of the existence of any operational or nonoperational underground  
48 storage tanks.

1       b. In developing the regulations required pursuant to this section  
2 the department shall consider the regulations concerning underground  
3 storage tanks adopted by the United States Environmental Protection  
4 Agency pursuant to the "Hazardous and Solid Waste Amendments of  
5 1984," Pub.L.98-616 (42 U.S.C. s.6991 et al.) and shall use the  
6 recommendations and standard procedures of the following  
7 organizations:

8       (1) American Petroleum Institute (API), 1220 L Street, N.W.,  
9 Washington, D.C. 20005;

10       (2) American Society for Testing and Materials (ASTM), 1916  
11 Race Street, Philadelphia, Pennsylvania 19103;

12       (3) NACE International, P.O. Box 218340, Houston, Texas 77218;

13       (4) National Fire Protection Association (NFPA), 1 Batterymarch  
14 Park, P.O. Box 9101, Quincy, Massachusetts 02269; and

15       (5) Underwriters Laboratories (UL), 333 Pfingston Road,  
16 Northbrook, Illinois 60062.

17       c. The Department of Community and Urban Affairs shall adopt  
18 in the State Uniform Construction Code the rules and regulations  
19 adopted by the department pursuant to this section within 60 days.

20 (cf: P.L.1994, c.14, s.2).

21  
22       469. Section 4 of P.L.1983, c.26 (C.58:11-25d) is amended to read  
23 as follows:

24       4. Within 180 days of the effective date of this act, the Department  
25 of Environmental Protection and the Department of Community and  
26 Urban Affairs shall jointly establish minimum standards regarding the  
27 appropriate installation and use of acceptable alternative waste  
28 treatment systems and acceptable alternative waste treatment systems  
29 in combination with acceptable alternative greywater systems.

30 (cf: P.L.1983, c.26, s.4)

31  
32       470. Section 4 of P.L.1985, c.334 (C.58:11B-4) is amended to  
33 read as follows:

34       4. a. There is established in, but not of, the Department of  
35 Environmental Protection a body corporate and politic, with corporate  
36 succession, to be known as the "New Jersey Wastewater Treatment  
37 Trust." The trust is constituted as an instrumentality of the State  
38 exercising public and essential governmental functions, no part of  
39 whose revenues shall accrue to the benefit of any individual, and the  
40 exercise by the trust of the powers conferred by this act shall be  
41 deemed and held to be an essential governmental function of the State.

42       b. The trust shall consist of a seven-member board of directors  
43 composed of the State Treasurer, the Commissioner of [the  
44 Department of] Community and Urban Affairs, and the Commissioner  
45 of [the Department of] Environmental Protection, who shall be  
46 members ex officio; one person appointed by the Governor upon the  
47 recommendation of the President of the Senate and one person  
48 appointed by the Governor upon the recommendation of the Speaker

1 of the General Assembly, who shall serve during the two-year  
2 legislative term in which they are appointed; and two residents of the  
3 State appointed by the Governor with the advice and consent of the  
4 Senate, who shall serve for terms of four years, except that the first  
5 two appointed shall serve terms of two and three years respectively.  
6 Each appointed director shall serve until his successor has been  
7 appointed and qualified. A director is eligible for reappointment. Any  
8 vacancy shall be filled in the same manner as the original appointment,  
9 but for the unexpired term only.

10 With respect to those public members first appointed by the  
11 Governor, the appointment of each of the two members upon the  
12 advice and consent of the Senate shall become effective 30 days after  
13 their nomination by the Governor if the Senate has not given advice  
14 and consent on those nominations within that time period; the  
15 President of the Senate and the Speaker of the General Assembly each  
16 shall recommend to the Governor a public member for appointment  
17 within 20 days following the effective date of this act, and a  
18 recommendation made in this manner shall become effective if the  
19 Governor makes the appointment in accordance with the  
20 recommendation, in writing, within 10 days of the Governor's receipt  
21 thereof. In each instance where the Governor fails to make the  
22 appointment, the President of the Senate and the Speaker of the  
23 General Assembly shall make new recommendations subject to  
24 appointment by the Governor as determined in this section.

25 c. Each appointed director may be removed from office by the  
26 Governor for cause, upon the Governor's consideration of the findings  
27 and recommendations of an administrative law judge after a public  
28 hearing before the judge, and may be suspended by the Governor  
29 pending the completion of the hearing. Each director, before entering  
30 upon his duties, shall take and subscribe an oath to perform the duties  
31 of his office faithfully, impartially and justly to the best of his ability.  
32 A record of oaths shall be filed in the office of the Secretary of State.

33 d. The Governor shall designate one of the appointed members to  
34 be the chairman and chief executive officer of the trust and the  
35 directors shall biannually elect a vice-chairman from among the  
36 appointed directors. The chairman shall serve as such for a term of  
37 two years and until a successor has been designated. A chairman shall  
38 be eligible to succeed himself for one additional two year term. The  
39 directors shall elect a secretary and treasurer, who need not be  
40 directors, and the same person may be elected to serve as both  
41 secretary and treasurer. The powers of the trust are vested in the  
42 directors in office from time to time and four directors shall constitute  
43 a quorum at any meeting. Action may be taken and motions and  
44 resolutions adopted by the trust by the affirmative majority vote of  
45 those directors present, but in no event shall any action be taken or  
46 motions or resolutions adopted without the affirmative vote of at least  
47 four members. No vacancy on the board of directors of the trust shall  
48 impair the right of a quorum of the directors to exercise the powers

1 and perform the duties of the trust.

2 e. Each director and the treasurer of the trust shall execute a bond  
3 to be conditioned upon the faithful performance of the duties of the  
4 director or treasurer in a form and amount as may be prescribed by the  
5 State Treasurer. Bonds shall be filed in the office of the Secretary of  
6 State. At all times thereafter, the directors and treasurer shall maintain  
7 these bonds in full effect. All costs of the bonds shall be borne by the  
8 trust.

9 f. The directors of the trust shall serve without compensation, but  
10 the trust shall reimburse the directors for actual and necessary  
11 expenses incurred in the performance of their duties. Notwithstanding  
12 the provisions of any other law to the contrary, no officer or employee  
13 of the State shall be deemed to have forfeited or shall forfeit his office  
14 or employment or any benefits or emoluments thereof by reason of his  
15 acceptance of the office of ex officio director of the trust or his  
16 services thereon.

17 g. Each ex officio director may designate an officer of his  
18 department to represent him at meetings of the trust. Each designee  
19 may lawfully vote and otherwise act on behalf of the director for  
20 whom he constitutes the designee. The designation shall be delivered  
21 in writing to the trust and shall continue in effect until revoked or  
22 amended in writing and delivered to the trust.

23 h. The trust may be dissolved by law, provided the trust has no  
24 debts or obligations outstanding or that provision has been made for  
25 the payment or retirement of these debts or obligations. The trust  
26 shall continue in existence until dissolved by act of the Legislature.  
27 Upon any dissolution of the trust all property, funds and assets of the  
28 trust shall be vested in the State.

29 i. A true copy of the minutes of every meeting of the trust shall be  
30 forthwith delivered by and under the certification of the secretary  
31 thereof to the Governor and at the same time to the Senate and  
32 General Assembly. The time and act of this delivery shall be duly  
33 recorded on a delivery receipt. No action taken or motion or  
34 resolution adopted at a meeting by the trust shall have effect until 10  
35 days, exclusive of Saturdays, Sundays and public holidays, after a copy  
36 of the minutes has been delivered to the Governor, unless during the  
37 10-day period the Governor shall approve all or part of the actions  
38 taken or motions or resolutions adopted, in which case the action or  
39 motion or resolution shall become effective upon the approval. If, in  
40 the 10-day period, the Governor returns the copy of the minutes with  
41 a veto of any action taken by the trust or any member thereof at that  
42 meeting, the action shall be of no effect. The Senate or General  
43 Assembly shall have the right to provide written comments concerning  
44 the minutes to the Governor within the 10-day period, which  
45 comments shall be returned to the trust by the Governor with his  
46 approval or veto of the minutes. The powers conferred in this  
47 subsection upon the Governor shall be exercised with due regard for  
48 the rights of the holders of bonds, notes and other obligations of the

1 trust at any time outstanding, and nothing in, or done pursuant to, this  
2 subsection shall in any way limit, restrict or alter the obligation or  
3 powers of the trust or any representative or officer of the trust to carry  
4 out and perform each covenant, agreement or contract made or  
5 entered into by or on behalf of the trust with respect to its bonds,  
6 notes or other obligations or for the benefit, protection or security of  
7 the holders thereof.

8 j. No resolution or other action of the trust providing for the  
9 issuance of bonds, refunding bonds, notes or other obligations shall be  
10 adopted or otherwise made effective by the trust without the prior  
11 approval in writing of the Governor and the State Treasurer. The trust  
12 shall provide the Senate and General Assembly with written notice of  
13 any request for approval of the Governor and State Treasurer at the  
14 time the request is made, and shall also provide the Senate and General  
15 Assembly written notice of the response of the Governor and State  
16 Treasurer at the time that the response is received by the trust.

17 (cf: P.L.1987, c.459, s.1)

18

19 471. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to  
20 read as follows:

21 9. a. The trust may make and contract to make loans to local  
22 government units in accordance with and subject to the provisions of  
23 this act to finance the cost of wastewater treatment system projects  
24 which the local government unit may lawfully undertake or acquire and  
25 for which the local government unit is authorized by law to borrow  
26 money. The loans may be made subject to those terms and conditions  
27 as the trust shall determine to be consistent with the purposes thereof.  
28 Each loan by the trust and the terms and conditions thereof shall be  
29 subject to approval by the State Treasurer, and the trust shall make  
30 available to the State Treasurer all information, statistical data and  
31 reports of independent consultants or experts as the State Treasurer  
32 shall deem necessary in order to evaluate the loan. Each loan to a  
33 local government unit shall be evidenced by notes, bonds or other  
34 obligations thereof issued to the trust. In the case of each local  
35 government unit, notes and bonds to be issued to the trust by the local  
36 government unit (1) shall be authorized and issued as provided by law  
37 for the issuance of notes and bonds by the local government unit, (2)  
38 shall be approved by the Local Finance Board in the Division of Local  
39 Government Services in the Department of Community and Urban  
40 Affairs, and (3) notwithstanding the provisions of N.J.S.40A:2-27,  
41 N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to  
42 the contrary, may be sold at private sale to the trust at any price,  
43 whether or not less than par value, and shall be subject to redemption  
44 prior to maturity at any times and at any prices as the trust and local  
45 government units may agree. Each loan to a local government unit  
46 and the notes, bonds or other obligations thereby issued shall bear  
47 interest at a rate or rates per annum as the trust and the local  
48 government unit may agree.

1       b. The trust is authorized to guarantee or contract to guarantee  
2 the payment of all or any portion of the principal and interest on  
3 bonds, notes or other obligations issued by a local government unit to  
4 finance the cost of any wastewater treatment system project which the  
5 local government unit may lawfully undertake or acquire and for which  
6 the local government unit is authorized by law to borrow money, and  
7 the guarantee shall constitute an obligation of the trust for the  
8 purposes of this act. Each guarantee by the trust and the terms and  
9 conditions thereof shall be subject to approval by the State Treasurer,  
10 and the trust shall make available to the State Treasurer all  
11 information, statistical data and reports of independent consultants or  
12 experts as the State Treasurer shall deem necessary in order to  
13 evaluate the guarantee.

14       c. The trust shall not make or contract to make any loans or  
15 guarantees to local government units, or otherwise incur any additional  
16 indebtedness, on or after 20 years from the effective date of this act.  
17 (cf: P.L.1985, c.334, s.9)

18

19       472. Section 8 of P.L.1983, c.443 (C.58:12A-18) is amended to  
20 read as follows:

21       8. When the department orders a municipality, county, or agency  
22 thereof which operates a public water supply system to install  
23 treatment techniques or other apparatus or equipment for the purpose  
24 of achieving a maximum contaminant level established by the  
25 department, the Division of Local Government Services in the  
26 Department of Community and Urban Affairs shall, when reviewing  
27 the annual budget of the municipality, county, or agency thereof,  
28 certify that an amount sufficient to cover the cost of the treatment  
29 technique specified in the order issued to the municipality, county, or  
30 agency thereof is included in the annual budget.

31 (cf: P.L.1983, c.443, s.8)

32

33       473. Section 2 of P.L.1991, c.456 (C.58:12A-22.2) is amended to  
34 read as follows:

35       2. a. There is established in the "Water Supply Replacement Trust  
36 Fund" established pursuant to section 1 of P.L.1988, c.106  
37 (C.58:12A-22) a Water Supply Remediation sub-account.

38       b. Of the monies appropriated to the Water Supply Remediation  
39 sub-account pursuant to section 6 of P.L.1991, c.456, \$500,000 shall  
40 be used by the Department of Environmental Protection for the  
41 evaluation of water treatment systems, and the Department of  
42 Community and Urban Affairs to administer the loan program  
43 established pursuant to section 3 of P.L.1991, c.456 (C.58:12A-22.3).

44       c. Any owner of a single family residence who has conducted a  
45 test of the potable water supply used by the occupants of the single  
46 family residence, the results of which indicate a violation of a primary  
47 drinking water standard or a violation of a standard for sodium,  
48 chlorine, iron, or manganese, established by the department pursuant

1 to section 4 of this amendatory and supplementary act, may apply for  
2 a loan pursuant to section 3 of this amendatory and supplementary act.  
3 (cf: P.L.1991, c.456, s.2)

4  
5 474. Section 21 of P.L.1979, c.321 (C.58:25-11) is amended to  
6 read as follows:

7 21. a. The Clean Water Council as created by P.L.1967, c.109 and  
8 as continued, transferred and constituted the Clean Water Council in  
9 the Department of Environmental Protection is continued in the  
10 Department of Environmental Protection. The council shall consist  
11 of 18 members, seven of whom shall be the Commissioner of Labor  
12 and Industry or a member of the Department of Labor and Industry  
13 designated by him, the Commissioner of Community and Urban Affairs  
14 or a member of the Department of Community and Urban Affairs  
15 designated by him, the Commissioner of Energy or a member of the  
16 Department of Energy designated by him, the Commissioner of  
17 Environmental Protection or a member of the Department of  
18 Environmental Protection designated by him, the Secretary of  
19 Agriculture or a member of the Department of Agriculture designated  
20 by him, the Chairman of the Water Policy and Supply Council in the  
21 Department of Environmental Protection and the Executive Director  
22 of the Delaware River Basin Commission, who shall serve ex officio,  
23 five citizens of the State representing the general public and six  
24 members to be appointed from persons to be nominated by the  
25 organizations hereinafter enumerated, by the Governor.

26 b. The members of council in office on the effective date of this act  
27 shall continue in office for the duration of their respective terms. At  
28 least 1 month prior to the expiration of the term of the member  
29 chosen from nominees of each organization hereafter enumerated,  
30 each such organization shall submit to the Governor a list of three  
31 recommended nominees for membership on the council from which  
32 list the Governor shall appoint one. If any organization does not  
33 submit a list of recommended nominees at any time required by this  
34 act, the Governor may appoint a member of his choice. The  
35 organizations which shall be entitled to submit recommended nominees  
36 are: New Jersey State Chamber of Commerce, New Jersey Business  
37 and Industry Association, New Jersey State League of Municipalities,  
38 the New Jersey Association of Counties, New Jersey Society of  
39 Professional Engineers, Inc. and the New Jersey AFL-CIO.

40 c. Appointed members shall serve for terms of 4 years. All  
41 appointed members shall serve after the expiration of their terms until  
42 their respective successors are appointed and shall qualify, and any  
43 vacancy occurring in the appointed membership of the council by  
44 expiration of term or otherwise, shall be filled in the same manner as  
45 the original appointment for the unexpired term only, notwithstanding  
46 that the previous incumbent may have held over and continued in  
47 office as aforesaid. The Governor may remove any appointed member  
48 of the council for cause after a public hearing.

1 d. Members of the council shall serve without compensation but  
2 shall be reimbursed for expenses actually incurred in attending  
3 meetings of the council and in the performance of their duties as  
4 members thereof.

5 e. The council shall elect annually a chairman and vice-chairman  
6 from its own membership.

7 (cf: P.L.1979, c.321, s.21)

8

9 475. Section 3 of P.L.1985, c.37 (C.58:26-3) is amended to read  
10 as follows:

11 3. As used in this act: a. "Contracting unit" means a county,  
12 district water supply commission, municipality, municipal or county  
13 utilities authority, municipal water district, joint meeting or any other  
14 political subdivision of the State authorized pursuant to law to operate  
15 or maintain a public water supply system or to construct, rehabilitate,  
16 operate, or maintain water supply facilities or otherwise provide water  
17 for human consumption;

18 b. "Department" means the Department of Environmental  
19 Protection;

20 c. "Division" means the Division of Local Government Services in  
21 the Department of Community and Urban Affairs;

22 d. "Vendor" means any person financially, technically, and  
23 administratively capable of financing, planning, designing,  
24 constructing, operating, or maintaining, or any combination thereof,  
25 a water filtration system, water supply facilities, or of providing water  
26 supply services to a local government unit under the terms of a  
27 contract awarded pursuant to the provisions of this act;

28 e. "Water filtration system" means any equipment, plants,  
29 structures, machinery, apparatus, or land, or any combination thereof,  
30 acquired, used, constructed, rehabilitated, or operated for the  
31 collection, impoundment, storage, improvement, filtration, or other  
32 treatment of drinking water for the purposes of purifying and  
33 enhancing water quality and insuring its potability prior to the  
34 distribution of the drinking water in the general public for human  
35 consumption, including plants and works, and other personal property  
36 and appurtenances necessary for their use or operation;

37 f. "Water supply facilities" means and refers to the real property  
38 and the plants, structures, interconnections between existing water  
39 supply facilities, machinery and equipment and other property, real,  
40 personal and mixed, acquired, constructed or operated, or to be  
41 acquired, constructed or operated, in whole or in part by or on behalf  
42 of a political subdivision of the State or any agency thereof, for the  
43 purpose of augmenting the natural water resources of the State and  
44 making available an increased supply of water for all uses, or of  
45 conserving existing water resources, and any and all appurtenances  
46 necessary, useful or convenient for the collecting, impounding, storing,  
47 improving, treating, filtering, conserving or transmitting of water, and  
48 for the preservation and protection of these resources and facilities and

1 providing for the conservation and development of future water supply  
2 resources;

3 g. "Water supply services" means services provided by a water  
4 supply facility.

5 (cf: P.L.1985, c.37, s.3)

6

7 476. Section 3 of P.L.1995, c.101 (C.58:26-21) is amended to read  
8 as follows:

9 3. As used in sections 1 through 8 of P.L.1995, c.101 (C.58:26-19  
10 et seq.):

11 "Board" means the New Jersey Board of Public Utilities.

12 "Department" means the New Jersey Department of Environmental  
13 Protection.

14 "Division" means the Local Finance Board within the Division of  
15 Local Government Services in the Department of Community and  
16 Urban Affairs.

17 "Governing body" means the board of chosen freeholders in the  
18 case of the county; the board of chosen freeholders and the county  
19 executive, the county supervisor or the county manager, as  
20 appropriate, in the case of a county organized pursuant to the  
21 provisions of the "Optional County Charter Law," P.L.1972, c.154  
22 (C.40:41A-1 et seq.); the commission, council, board or body, by  
23 whatever name it may be known, having charge of the finances of the  
24 municipality, in the case of a municipality; and the decision-making  
25 body of an authority or commission.

26 "Contract" means a long-term written agreement wherein a private  
27 firm agrees to provide water supply services for a public entity and  
28 wherein the private firm agrees to provide, during the term of the  
29 contract, capital expenditures on behalf of the public entity's water  
30 supply facilities, which expenditures are set forth in the contract.

31 "Private firm" means any privately or publicly held company  
32 qualified to do business in the State of New Jersey that is financially,  
33 technically, and administratively capable of providing water supply  
34 services to a public entity under the terms of a contract entered into  
35 pursuant to P.L.1995, c.101 (C.58:26-19 et al.).

36 "Proposal document" means the document prepared by or on behalf  
37 of a public entity describing the water supply services that the public  
38 entity is considering having provided by a private firm pursuant to a  
39 contract. The proposal document shall include specific minimum  
40 qualifications that a private firm shall meet, as well as the criteria that  
41 will be used by a public entity to evaluate a proposal submitted by a  
42 private firm.

43 "Public entity" means a county, a municipality, a municipal or  
44 county authority or any commission or other political subdivision of  
45 the State, or any two or more counties, municipalities, municipal or  
46 county utility authorities or any commission or other political  
47 subdivision of the State, acting jointly, that are authorized by law to  
48 operate or maintain a public water supply system or to construct,

1 rehabilitate, operate, or maintain water supply facilities or otherwise  
2 provide water for human consumption.

3 "Water supply facility" means the plants, structures, or other real  
4 or personal property acquired, constructed or operated, or to be  
5 acquired, constructed or operated, by or on behalf of a public entity  
6 for the collection, impoundment, storage, improvement, treatment,  
7 filtration, conservation, protection, transmission or distribution of  
8 water.

9 "Water supply services" means the financing, designing,  
10 construction, improvement, operation, maintenance, administration, or  
11 any combination thereof, of a water supply facility which services are  
12 provided pursuant to P.L.1995, c.101 (C.58:26-19 et al.)  
13 (cf: P.L.1995, c.101, s.3)

14

15 477. Section 3 of P.L.1985, c.72 (C.58:27-3) is amended to read  
16 as follows:

17 3. As used in this act:

18 a. "Contracting unit" means a county, municipality, municipal or  
19 county sewerage or utility authority, municipal sewerage district, joint  
20 meeting or any other political subdivision of the State authorized  
21 pursuant to law to construct wastewater treatment systems or provide  
22 wastewater treatment services.

23 b. "Department" means the Department of Environmental  
24 Protection.

25 c. "Division" means the Division of Local Government Services in  
26 the Department of Community and Urban Affairs.

27 d. "Vendor" means any person financially, technically, and  
28 administratively capable of financing, planning, designing,  
29 constructing, operating, or maintaining, or any combination thereof,  
30 a wastewater treatment system, or of providing wastewater treatment  
31 services to a local government unit under the terms of a contract  
32 awarded pursuant to the provisions of this act.

33 e. "Wastewater" means residential, commercial, industrial, or  
34 agricultural liquid waste, sewerage, storm water runoff, or any  
35 combination thereof, or other liquid residue discharged or collected  
36 into a sewer system or storm water system, or any combination  
37 thereof.

38 f. "Wastewater treatment system" means any equipment, plants,  
39 structures, machinery, apparatus, or land, or any combination thereof,  
40 acquired, used, constructed or operated for the storage, collection,  
41 reduction, recycling, reclamation, disposal, separation, or other  
42 treatment of wastewater or sewage sludge, or for the final disposal of  
43 residues resulting from the treatment of wastewater, including, but not  
44 limited to, pumping and ventilating stations, facilities, plants and  
45 works, connections, outfall sewers, interceptors, trunk lines, and other  
46 personal property and appurtenances necessary for their use or  
47 operation.

48 g. "Wastewater treatment services" means services provided by a

1 wastewater treatment system.

2 (cf: P.L.1985, c.72, s.3)

3

4 478. Section 3 of P.L.1995, c.216 (C.58:27-21) is amended to read  
5 as follows:

6 3. As used in sections 1 through 9 of P.L.1995, c.216 (C.58:27-19  
7 through 58:27-27):

8 "Concession fee" means a payment from a private firm or a public  
9 authority to a public entity, regardless of when it is received, that is  
10 exclusive of or exceeds any contractually specified reimbursement of  
11 direct costs incurred by the public entity;

12 "Contract" means a long-term written agreement wherein a private  
13 firm or a public authority agrees to provide wastewater treatment  
14 services for a public entity and wherein the private firm or public  
15 authority agrees to provide, during the term of the contract, capital  
16 expenditures on behalf of the public entity's wastewater treatment  
17 system, which expenditures are set forth in the contract;

18 "Department" means the New Jersey Department of Environmental  
19 Protection;

20 "Division" means the Local Finance Board within the Division of  
21 Local Government Services in the Department of Community and  
22 Urban Affairs;

23 "Governing body" means the board of chosen freeholders in the  
24 case of the county; the board of chosen freeholders and the county  
25 executive, the county supervisor or the county manager, as  
26 appropriate, in the case of a county organized pursuant to the  
27 provisions of the "Optional County Charter Law," P.L.1972, c.154  
28 (C.40:41A-1 et seq.); the commission, council, board or body, by  
29 whatever name it may be known, having charge of the finances of the  
30 municipality, in the case of a municipality; and the decision-making  
31 body of an authority, joint meeting or commission;

32 "Private firm" means any privately or publicly held company  
33 qualified to do business in the State of New Jersey that is financially,  
34 technically, and administratively capable of providing wastewater  
35 treatment services to a public entity under the terms of a contract  
36 entered into pursuant to P.L.1995, c.216 (C.58:27-19 et al.);

37 "Proposal document" means the document prepared by or on behalf  
38 of a public entity describing the wastewater treatment services that the  
39 public entity is considering having provided by a private firm or a  
40 public authority pursuant to a contract. The proposal document shall  
41 include specific minimum qualifications that a private firm or a public  
42 authority shall meet, as well as the criteria that will be used by a public  
43 entity to evaluate a proposal submitted by a private firm or a public  
44 authority;

45 "Public authority" means a municipal or county authority,  
46 commission, municipal or county utility authority, sewerage authority,  
47 or joint meeting, which is authorized by law to construct, rehabilitate,  
48 operate or maintain a wastewater treatment system or arrange for the

1 provision of wastewater treatment service;

2 "Public entity" means a county, a municipality, a municipal or  
3 county authority or any commission or other political subdivision of  
4 the State, or any two or more counties, municipalities, municipal or  
5 county utilities authorities, sewerage authorities, joint meetings, or any  
6 commission or other political subdivisions of the State, acting jointly,  
7 that are authorized by law to construct, rehabilitate, operate or  
8 maintain wastewater treatment systems or arrange for the provision of  
9 wastewater treatment services;

10 "Wastewater" means residential, commercial, industrial, or  
11 agricultural liquid waste, sewage, septage, stormwater runoff, or any  
12 combination thereof, or other liquid residue discharged or collected  
13 into a sewer system or stormwater runoff system, or directly into  
14 surface or ground waters, or any combination thereof;

15 "Wastewater treatment services" means the financing, designing,  
16 construction, improvement, operation, maintenance, administration, or  
17 any combination thereof, of a wastewater treatment system, which  
18 services are provided pursuant to P.L.1995, c.216 (C.58:27-19 et al.);

19 "Wastewater treatment system" means any equipment, plants,  
20 structures, machinery, apparatus, or land, or any combination thereof,  
21 acquired, used, constructed or operated by, or on behalf of, a public  
22 entity for the storage, collection, reduction, recycling, processing,  
23 reclamation, disposal, separation, or other treatment of wastewater or  
24 sewage sludge, or for the collection or treatment, or both, of  
25 stormwater runoff and wastewater, or for the final disposal of residues  
26 resulting from the treatment of wastewater, including, but not limited  
27 to, pumping and ventilating stations, treatment plants and works,  
28 connections, outfall sewers, interceptors, trunk lines, stormwater  
29 runoff collection systems, and other personal property and  
30 appurtenances necessary for their use or operation.

31 (cf: P. L.1995, c.216, s.3)

32

33 479. Section 3 of P.L.1968, c.182 (C.18A:54A-3) is amended to  
34 read as follows:

35 3. The Legislature hereby finds and declares that there is a need for  
36 new programs and institutions capable of reaching and motivating the  
37 high-school dropout; that the experience gained by the creation of  
38 neighborhood education centers in other States indicates that those  
39 centers may be a partial answer to the problem of the high-school  
40 dropout; that the Commissioners of Education and Community and  
41 Urban Affairs should be authorized to establish such neighborhood  
42 education centers; and that the expenditure of public funds for those  
43 purposes is in the public interest.

44 (cf: P.L.1994, c.48, s.68)

45

46 480. Section 7 of P.L.1968, c.182 (C.18A:54A-7) is amended to  
47 read as follows:

48 7. In order to carry out the purposes and provisions of this act, the

1 commissioner, in addition to any powers granted to him elsewhere in  
2 this act, shall have the following powers:

3 (a) To make and enter into all contracts and agreements necessary  
4 or incidental to the discharge of his duties and the execution of his  
5 powers under this act;

6 (b) To appoint or employ, subject to the provisions of Title 11 of  
7 the Revised Statutes, such personnel and employees as may be  
8 necessary in his judgment;

9 (c) To receive and accept aid or contributions from any source, of  
10 money, property, labor or other things of value, to be held, used and  
11 applied to carry out the purposes of this act subject to any conditions  
12 upon which such grants and contributions may be made;

13 (d) To call upon and avail himself of, so far as may be practicable  
14 and within the limits of appropriations available therefor, the services  
15 of employees of the Departments of Community and Urban Affairs and  
16 Education;

17 (e) To acquire by purchase, gift or lease, sell, lease and otherwise  
18 deal with property, whether real or personal or mixed;

19 (f) To adopt such rules and regulations as may be necessary or  
20 convenient to carry out the provisions of this act; and

21 (g) To do all acts and things necessary or convenient to carry out  
22 the provisions of this act.

23 (cf: P.L.1994, c.48, s.70)

24

25 481. Section 3 of P.L.1991, c.401 (C.26:2-162) is amended to read  
26 as follows:

27 3. The office shall:

28 a. Provide grants to community-based organizations to conduct  
29 special research, demonstration and evaluation projects for targeted  
30 at-risk minority populations;

31 b. Develop and implement model public and private partnerships  
32 in minority communities for health awareness campaigns and to  
33 improve the access, acceptability and use of public health services;

34 c. Serve as an information and resource center for minority specific  
35 health information and data;

36 d. Review, recommend and develop culturally appropriate health  
37 education materials;

38 e. Provide assistance to local school districts to develop programs  
39 in elementary and secondary schools which stress good nutrition and  
40 healthy lifestyles;

41 f. Function as an advocate for the adoption and implementation of  
42 effective measures to improve minority health;

43 g. Improve existing data systems to ensure that the health  
44 information that is collected includes specific race and ethnicity  
45 identifiers;

46 h. Review the programs of the Departments of Health, Human  
47 Services, Community and Urban Affairs and Education and any other  
48 department of State government, as appropriate, that concern minority

1 health and make recommendations to the departments that will enable  
2 them to better coordinate and improve the effectiveness of their  
3 efforts; and

4 i. Within 18 months of the effective date of this act, develop a  
5 Statewide plan for increasing the number of minority health care  
6 professionals which includes recommendations for the financing  
7 mechanisms and recruitment strategies necessary to carry out the plan.  
8 (cf: P.L.1991, c.401, s.3)

9

10 482. Section 2 of P.L.1983, c.352 (C.26:2M-2) is amended to read  
11 as follows:

12 2. a. There is created the Alzheimer's Disease Study Commission,  
13 which shall consist of:

14 (1) The Commissioners of [the Departments of] Health, Human  
15 Services and Community and Urban Affairs, who shall serve during  
16 their continuance in their respective offices;

17 (2) Two members of the Senate, who shall not be of the same  
18 political party, to be appointed by the President of the Senate, and  
19 who shall serve during their continuance in office as Senators;

20 (3) Two members of the General Assembly, who shall not be of the  
21 same political party, to be appointed by the Speaker of the General  
22 Assembly, and who shall serve during their continuance in office as  
23 members of the General Assembly;

24 (4) Seven citizen members, including no more than three health  
25 professionals who are currently involved in direct services to victims  
26 of Alzheimer's disease, to be appointed by the Governor, who shall be  
27 chosen from among persons who by reason of family relationship or  
28 legal guardianship bear, or have borne, responsibility in caring for  
29 victims of Alzheimer's disease.

30 b. Vacancies in the membership of the commission shall be filled in  
31 the same manner as the original appointments were made.

32 c. Members of the commission shall serve without compensation,  
33 but shall be entitled to reimbursement for actual expenses necessarily  
34 incurred in carrying out their duties as members of the commission.  
35 (cf: P.L.1983, c.352, s.2)

36

37 483. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to read  
38 as follows:

39 2. There is created a 25-member council in, but not of, the  
40 Department of the Treasury which shall be designated as the  
41 Governor's Council on Alcoholism and Drug Abuse. For the purposes  
42 of complying with the provisions of Article V, Section IV, paragraph  
43 1 of the New Jersey Constitution, the Governor's Council on  
44 Alcoholism and Drug Abuse is allocated to the Department of the  
45 Treasury, but, notwithstanding the allocation, the office shall be  
46 independent of any supervision or control by the department or by any  
47 board or officer thereof.

48 The council shall consist of 11 ex officio members and 14 public

1 members.

2 a. The ex officio members of the council shall be: the Attorney  
3 General, the Commissioners of [the Departments of] Labor,  
4 Education, Human Services, Health, Community and Urban Affairs,  
5 Personnel and Corrections, the chair of the executive board of the  
6 New Jersey Presidents' Council, the Administrative Director of the  
7 Administrative Office of the Courts and the Adjutant General. An ex  
8 officio member may designate an officer or employee of the  
9 department or office which he heads to serve as his alternate and  
10 exercise his functions and duties as a member of the Governor's  
11 Council on Alcoholism and Drug Abuse.

12 b. The 14 public members shall be residents of the State who are  
13 selected for their knowledge, competence, experience or interest in  
14 connection with alcoholism or drug abuse. They shall be appointed as  
15 follows: two shall be appointed by the President of the Senate, two  
16 shall be appointed by the Speaker of the General Assembly and 10  
17 shall be appointed by the Governor, with the advice and consent of the  
18 Senate. At least two of the public members appointed by the  
19 Governor shall be rehabilitated alcoholics and at least two of the  
20 public members appointed by the Governor shall be rehabilitated drug  
21 abusers.

22 c. The term of office of each public member shall be three years;  
23 except that of the first members appointed, four shall be appointed for  
24 a term of one year, five shall be appointed for a term of two years and  
25 five shall be appointed for a term of three years. Each member shall  
26 serve until his successor has been appointed and qualified, and  
27 vacancies shall be filled in the same manner as the original  
28 appointments for the remainder of the unexpired term. A public  
29 member is eligible for reappointment to the council.

30 d. The chairman of the council shall be appointed by the Governor  
31 from among the public members of the council and shall serve at the  
32 pleasure of the Governor during the Governor's term of office and  
33 until the appointment and qualification of the chairman's successor.  
34 The members of the council shall elect a vice-chairman from among  
35 the members of the council. The Governor may remove any public  
36 member for cause, upon notice and opportunity to be heard.

37 e. The council shall meet at least monthly and at such other times  
38 as designated by the chairman. Fourteen members of the council shall  
39 constitute a quorum. The council may establish any advisory  
40 committees it deems advisable and feasible.

41 f. The chairman shall be the request officer for the council within  
42 the meaning of such term as defined in section 6 of article 3 of  
43 P.L.1944, c.112 (C.52:27B-15).

44 g. The public members of the council shall receive no  
45 compensation for their services, but shall be reimbursed for their  
46 expenses incurred in the discharge of their duties within the limits of  
47 funds appropriated or otherwise made available for this purpose.

48 (cf: P.L.1996, c.5, s.1)

1       484. Section 1 of P.L.1991, c.524 (C.30:1-1.1) is amended to read  
2 as follows:

3       1. a. The Commissioner of Human Services, in consultation with  
4 the Commissioners of Community and Urban Affairs, Health and  
5 Labor, shall establish and maintain on a 24-hour daily basis a  
6 comprehensive social services information toll-free telephone hotline  
7 service, operating through one of the existing telephone hotline  
8 services of the department. The hotline service shall use a  
9 computerized Statewide social services data bank to be developed by  
10 the Department of Human Services and shall include among its staff  
11 persons who speak English and Spanish. The hotline service shall  
12 receive and respond to calls from persons seeking information and  
13 referrals concerning agencies and programs which provide various  
14 social services, including but not limited to: child care, child abuse  
15 emergency response, job skills training, services for victims of  
16 domestic violence, alcohol and drug abuse, home health care, senior  
17 citizen programs, rental assistance, services for persons with  
18 developmental disabilities, mental health programs, emergency shelter  
19 assistance, family planning, legal services, assistance for runaways and  
20 services for the deaf and hearing impaired, as well as information  
21 about public assistance, Medicaid, Pharmaceutical Assistance to the  
22 Aged and Disabled, Lifeline, Hearing Aid Assistance for the Aged and  
23 Disabled, food stamps and home energy assistance.

24       b. The Commissioner of Human Services, in conjunction with the  
25 Commissioners of Community and Urban Affairs, Health and Labor,  
26 shall take such actions as are necessary to consolidate existing State  
27 telephone hotline services into the comprehensive social services  
28 information toll-free telephone hotline service, and thereby eliminate  
29 duplicative telephone hotline services.

30       c. Notwithstanding the provisions of subsection b. of this section  
31 to the contrary, the Commissioner of Human Services shall also  
32 establish and maintain a toll-free telephone hotline service for persons  
33 who are receiving institutional or community-based services from, or  
34 through an agency contracting with, the Division of Mental Health and  
35 Hospitals or the Division of Developmental Disabilities, or their  
36 parents, guardians or other responsible persons, to register complaints,  
37 request information or assistance, or discuss issues and problems,  
38 regarding those services in a confidential manner.

39 (cf: P.L.1995, c.85, s.1)

40

41       485. Section 1 of P.L.1986, c.205 (C.30:1A-4) is amended to read  
42 as follows:

43       1. a. There is established in, but not of, the Department of Human  
44 Services the New Jersey Boarding Home Advisory Council. The  
45 council shall consist of 14 members, to be appointed by the  
46 Commissioner of Human Services in consultation with the  
47 Commissioners of Community and Urban Affairs and Health, the  
48 Public Defender, the Public Guardian for Elderly Adults and the

1 Ombudsman for the Institutionalized Elderly, as follows: two persons  
2 who own or operate a boarding house as defined in P.L.1979, c.496  
3 (C.55:13B-1 et al.); two persons who own or operate a residential  
4 health care facility as defined in section 1 of P.L.1953, c.212  
5 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et  
6 seq.); two persons who currently reside in a boarding house or a  
7 residential health care facility; one person who is a member of the  
8 organization which represents operators of boarding houses or  
9 residential health care facilities, or both; one person who represents  
10 the health care professions; one person who represents a county office  
11 on aging; one person who represents a municipal building code  
12 department; one person who represents an organization or agency  
13 which advocates for mentally ill persons in this State; one person who  
14 represents an organization or agency which advocates for physically  
15 disabled persons in this State; and two other members who shall be  
16 chosen from among persons whose work, knowledge or interest  
17 relates to boarding houses or residential health care facilities and the  
18 residents thereof, including but not limited to municipal and county  
19 elected officials, county prosecutors, social workers, and persons  
20 knowledgeable about fire prevention standards and measures needed  
21 to assure safety from structural, mechanical, plumbing and electrical  
22 deficiencies in boarding houses and residential health care facilities.  
23 In addition, the Chairman of the General Assembly Standing Reference  
24 Committee on Health and Human Resources and the Chairman of the  
25 Senate Standing Reference Committee on Institutions, Health and  
26 Welfare or their designees shall serve as ex officio members of the  
27 council.

28 b. The terms of office of each appointed member shall be three  
29 years, but of the members first appointed, two shall be appointed for  
30 terms of one year, five for terms of two years, and seven for terms of  
31 three years. All vacancies shall be filled for the balance of the  
32 unexpired term in the same manner as the original appointment. The  
33 members of the council shall not receive any compensation for their  
34 services, but shall be reimbursed for the actual and necessary expenses  
35 incurred in the performance of their duties as members of the council.  
36 (cf: P.L.1994, c.58, s.47)

37

38 486. Section 3 of P.L.1986, c.205 (C.30:1A-6) is amended to read  
39 as follows:

40 3. It shall be the duty of the council:

41 a. To make policy recommendations to the interdepartmental  
42 policy coordinating committee established pursuant to section 17 of  
43 P.L.1979, c.496 (C.30:1A-2) regarding the development and  
44 coordination of licensing and enforcement standards in boarding  
45 houses and residential health care facilities and the provision of  
46 services to their residents;

47 b. To advise the Departments of Human Services, Community and  
48 Urban Affairs, and Health regarding methods for identification of

1 boarding houses and residential health care facilities for which no  
2 license has been issued;

3 c. To advise the departments during the development and revision  
4 of regulations; and

5 d. To review and comment upon proposed regulations.

6 (cf: P.L.1986, c.205, s.3)

7

8 487. Section 4 of P.L.1979, c.105 (C.30:1AA-4) is amended to  
9 read as follows:

10 4. The public members shall be representative of the diverse social,  
11 economic and geographical interests in the State, and shall include at  
12 least 15 persons who are consumers or representatives of consumers  
13 of services for persons with developmental disabilities. One public  
14 member shall be a representative of the private entity designated by the  
15 Governor as the State's protection and advocacy agency for persons  
16 with developmental disabilities pursuant to section 33 of P.L.1994,  
17 c.58 (C.52:27E-74). The State members shall be official  
18 representatives of State agencies responsible for the following  
19 programs: Special Education; Residential Services for Mentally  
20 Retarded Persons; Health Services for Crippled Children and for  
21 Maternal and Child Health; Comprehensive Health Planning; Medical  
22 Assistance; Higher Education; Community and Urban Affairs, Youth  
23 and Family Services; Public Welfare; Mental Health Services;  
24 Vocational Rehabilitation Services; and the Public Defender.

25 (cf: P.L.1994, c.58, s.48)

26

27 488. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to  
28 read as follows:

29 4. The Commissioner of Human Services shall develop an  
30 interdepartmental plan for the implementation of an individualized,  
31 appropriate child and family driven care system for children with  
32 special emotional needs and for the reduction of inappropriate use of  
33 out-of-home placements of these children. The plan shall first address  
34 children ready to be returned from institutions such as the Arthur  
35 Brisbane Child Treatment Center and other in-State and out-of-State  
36 residential facilities, and those at imminent risk of extended  
37 out-of-home placement. The commissioner shall consult with  
38 appropriate representatives from the State departments of Education,  
39 Corrections, Health, Community and Urban Affairs and the Office of  
40 the Public Defender, the private entity designated by the Governor as  
41 the State's mental health protection and advocacy agency pursuant to  
42 section 22 of P.L.1994, c.58 (C.52:27E-68), the Statewide Children's  
43 Coordinating Council in the Department of Human Services, the  
44 Administrative Office of the Courts, and Statewide family advocacy  
45 groups, in the development of the plan.

46 (cf: P.L.1994, c.58, s.51)

47

48 489. Section 3 of P.L.1988, c.97 (C.30:4D-17.12) is amended to

1 read as follows:

2 3. The commissioner shall establish a Nursing Home Preadmission  
3 Screening Program in the division, which shall be operational to serve  
4 each county in the State no later than one year after the effective date  
5 of this act.

6 The commissioner, in consultation with the Commissioners of [the  
7 Departments of] Health and Community and Urban Affairs, and with  
8 other agencies of State government, as appropriate, shall develop  
9 standards for preadmission screening.

10 (cf: P.L.1988, c.97, s.3)

11

12 490. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read  
13 as follows:

14 5. a. The department shall have responsibility and authority to  
15 license and inspect child care centers. The commissioner shall  
16 promulgate rules and regulations for the operation and maintenance of  
17 child care centers which shall prescribe standards governing the safety  
18 and adequacy of the physical plant or facilities; the education, health,  
19 safety, general well-being and physical and intellectual development of  
20 the children; the quality and quantity of food served; the number of  
21 staff and the qualifications of each staff member; the implementation  
22 of a developmentally appropriate program; the maintenance and  
23 confidentiality of records and furnishing of required information; the  
24 transportation of children; and the administration of the center. The  
25 commissioner shall also promulgate rules and regulations for license  
26 application, issuance, renewal, expiration, denial, suspension and  
27 revocation. In developing, revising or amending such rules and  
28 regulations, the commissioner shall consult with the Child Care  
29 Advisory Council created pursuant to section 14 of P.L.1983, c.492  
30 (C.30:5B-14), and with other appropriate administrative officers and  
31 agencies, including the Departments of Health, Education, Labor,  
32 Community and Urban Affairs and the Division of Motor Vehicles  
33 giving due weight to their recommendations. The rules and  
34 regulations promulgated pursuant to this act shall be adopted and  
35 amended in accordance with the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.).

37 b. The department shall conduct an on site facility inspection and  
38 shall evaluate the program of the child care center to determine  
39 whether the center complies with the provisions of this act.

40 c. Any rule or regulation involving physical examination,  
41 immunization or medical treatment shall include an appropriate  
42 exemption for any child whose parent or parents object thereto on the  
43 ground that it conflicts with the tenets and practice of a recognized  
44 church or religious denomination of which the parent or child is an  
45 adherent or member.

46 d. The department shall have the authority to inspect and examine  
47 the physical plant or facilities of a child care center and to inspect all  
48 documents, records, files or other data maintained pursuant to this act

1 during normal operating hours and without prior notice.

2 e. The department shall request the appropriate State and local fire,  
3 health and building officials to conduct examinations and inspections  
4 to determine compliance with State and local ordinances, codes and  
5 regulations by a child care center. The inspections shall be conducted  
6 and the results reported to the department within 60 days after the  
7 request.

8 f. Nothing in this act shall be interpreted to permit the adoption of  
9 any code or standard which exceeds the standards established pursuant  
10 to the "State Uniform Construction Code Act," P.L.1975, c.217  
11 (C.52:27D-119 et seq.).

12 (cf: P.L.1992, c.95, s.3)

13

14 491. Section 16 of P.L.1995, c.186 (C.34:6A-50) is amended to  
15 read as follows:

16 16. a. Not later than December 31 of the first full calendar year  
17 following the effective date of this 1995 amendatory and  
18 supplementary act and not later than December 31 of each subsequent  
19 year, the commissioner shall, in consultation with the Commissioners  
20 of Health and Community and Urban Affairs, issue to the Governor  
21 and the Legislature an annual report on the effects of this 1995  
22 amendatory and supplementary act on the protections provided, State  
23 plan approval, and costs and benefits to public employees and  
24 employers.

25 b. The report issued pursuant to subsection a. of this section on the  
26 fifth full calendar year following the effective date of this 1995  
27 amendatory and supplementary act shall include any recommendations  
28 the commissioner deems appropriate for amendments to, or the repeal  
29 of, this 1995 amendatory and supplementary act, provided that the  
30 recommendations shall include an implementation plan which includes  
31 measures to offset any loss of federal funding caused by any  
32 recommended amendments or repeal.

33 (cf: P.L.1995, c.186, s.16)

34

35 492. Section 6 of P.L.1989, c.293 (C.34:15C-3) is amended to  
36 read as follows:

37 6. The commission shall consist of the following members: the  
38 Commissioners of Commerce, Energy and Economic Development,  
39 Community and Urban Affairs, Education, Human Services, and Labor  
40 and the Chancellor of Higher Education, all of whom shall serve ex  
41 officio; one member of the Senate appointed by the Governor to serve  
42 during the two-year legislative session in which the appointment is  
43 made; one member of the General Assembly appointed by the  
44 Governor to serve during the two-year legislative session in which the  
45 appointment is made; and a number of public members as determined  
46 by the Governor pursuant to section 122 of the "Job Training  
47 Partnership Act," Pub.L.97-300 (29 U.S.C. s. 1532). The public  
48 members shall be appointed by the Governor with the advice and

1 consent of the Senate for terms of three years, except that of the  
2 public members first appointed by the Governor, not less than 30%  
3 shall be appointed for three years, not less than 30% shall be appointed  
4 for two years, and the others shall be appointed for one year. Not  
5 more than half of the members appointed by the Governor shall be of  
6 the same political party. The composition of the commission shall be  
7 consistent with the composition required for a State job training  
8 coordinating council pursuant to section 122(a)(3) of the "Job  
9 Training Partnership Act," Pub.L.97-300 (29 U.S.C. s. 1532). Each  
10 member shall hold office for the term of appointment and until his  
11 successor is appointed and qualified. A member appointed to fill a  
12 vacancy occurring in the membership of the board for any reason other  
13 than the expiration of the term shall have a term of appointment for the  
14 unexpired term only. All vacancies shall be filled in the same manner  
15 as the original appointment. A member may be appointed for any  
16 number of successive terms. Any member appointed by the Governor  
17 may be removed from office by the Governor, for cause, after a  
18 hearing and may be suspended by the Governor pending the  
19 completion of the hearing. Members of the board shall serve without  
20 compensation, but shall be reimbursed for necessary expenses incurred  
21 in the performance of their duties as members. Action may be taken  
22 and motions and resolutions may be adopted by the board at a board  
23 meeting by an affirmative vote of a majority of the members. The  
24 Governor shall select a chairperson who shall be a nongovernmental  
25 member of the commission. Advanced notification for, and copies of  
26 the minutes of, each meeting of the commission shall be filed with the  
27 Governor, the President of the Senate and the Speaker of the General  
28 Assembly.

29 (cf: P.L.1989, c.293, s.6)

30

31 493. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to  
32 read as follows:

33 9. The commission shall:

34 a. Issue the annual State employment and training plan pursuant to  
35 the provisions of section 10 of this act;

36 b. Establish performance standards for training and employment  
37 programs pursuant to section 11 of this act;

38 c. Conduct its responsibilities in relationship to the New Jersey  
39 Institute for Employment and Training Staff Development as required  
40 pursuant to section 12 of this act;

41 d. Foster and coordinate initiatives of the Departments of  
42 Education and Higher Education to enhance the contributions of  
43 public schools and institutions of higher education to the  
44 implementation of the State employment and training policy;

45 e. Examine federal and State laws and regulations to assess  
46 whether those laws and regulations present barriers to achieving any  
47 of the goals of this act. The commission shall, from time to time as it  
48 deems appropriate, issue to the Governor and the Legislature reports

1 on its findings, including recommendations for changes in State or  
2 federal laws or regulations concerning employment and training  
3 programs or services, including, when appropriate, recommendations  
4 to merge other State advisory structures and functions into the  
5 commission;

6 f. Perform the duties assigned to a State job training coordinating  
7 council pursuant to section 122 of Title I of the "Job Training  
8 Partnership Act," Pub.L.97-300 (29 U.S.C. s. 1532) and Title III of  
9 that act (29 U.S.C. s. 1651 et seq.);

10 g. Have the authority to enter into agreements with the  
11 commissioner or chancellor, as the case may be, of each State  
12 department which administers or funds employment or training  
13 programs, including, but not limited to, the Departments of Labor,  
14 Community and Urban Affairs, Education, Higher Education, and  
15 Human Services, which agreements are for the purpose of assigning  
16 planning, policy guidance and oversight functions to each private  
17 industry council with respect to any employment or training program  
18 funded or administered by the State department within the private  
19 industry council's respective labor market area or service delivery area,  
20 as the case may be; and

21 h. Establish guidelines to be used by the private industry councils  
22 in performing the planning, policy guidance, and oversight functions  
23 assigned to the councils under any agreement reached by the  
24 commission with a department pursuant to subsection g. of this  
25 section.

26 The commission shall have access to all files and records of other  
27 State agencies and may require any officer or employee therein to  
28 provide such information as it may deem necessary in the performance  
29 of its functions.

30 (cf: P.L.1989, c.293, s.9)

31

32 494. Section 19 of P.L.1989, c.293 (C.34:15C-16) is amended to  
33 read as follows:

34 19. The Commissioner of Education, in consultation with the  
35 Commissioners of Labor and Community and Urban Affairs, the  
36 Chancellor of Higher Education and the Chairperson of the State  
37 Employment and Training Commission shall convene a Youth 2000  
38 Leadership Conference. The conference shall:

39 a. Address the future needs of the State's youth, with particular  
40 emphasis on at-risk youth;

41 b. Develop a broad outline for future steps to be taken  
42 cooperatively among the departments and the State Employment and  
43 Training Commission to deal with at-risk youth and the need for  
44 alternative learning systems; and

45 c. Develop proposals for innovative pilot programs to assist youth  
46 in becoming better prepared for employment.

47 (cf: P.L.1989, c.293, s.19).

1 495. Section 1 of P.L.1983, c.372 (C.40A:10-36) is amended to  
2 read as follows:

3 1. a. The governing body of any local unit, including any  
4 contracting unit as defined in section 2 of P.L.1971, c.198  
5 (C.40A:11-2), may by resolution agree to join together with any other  
6 local unit or units to establish a joint insurance fund for the purpose of  
7 insuring against liability, property damage, and workers' compensation  
8 as provided in Articles 3 and 4 of chapter 10 of Title 40A of the New  
9 Jersey Statutes, insuring against loss or theft of moneys or securities,  
10 providing blanket bond coverage of certain county or municipal  
11 officers and employees for faithful performance and discharge of their  
12 duties as provided under section 1 of P.L.1967, c.283  
13 (C.40A:5-34.1), and providing contributory or non-contributory group  
14 health insurance or group term life insurance, or both, to employees or  
15 their dependents or both, through self insurance, the purchase of  
16 commercial insurance or reinsurance, or any combination thereof, and  
17 may appropriate such moneys as are required therefor. The maximum  
18 risk to be retained for group term life insurance by a joint insurance  
19 fund on a self-insured basis shall not exceed a face amount of \$5,000  
20 per covered employee or dependent or more if approved by the  
21 Commissioners of Insurance and Community and Urban Affairs. As  
22 used in this subsection: (1) "life insurance" means life insurance as  
23 defined pursuant to N.J.S.17B:17-3; (2) "health insurance" means  
24 health insurance as defined pursuant to N.J.S.17B:17-4 or service  
25 benefits as provided by health service corporations, hospital service  
26 corporations or medical service corporations authorized to do business  
27 in this State; and (3) "dependent" means dependent as defined  
28 pursuant to N.J.S.40A:10-16.

29 b. The governing body of any local unit, including any contracting  
30 unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2), may by  
31 resolution agree to join together with any other local unit or units to  
32 establish a joint insurance fund for the sole purpose of insuring against  
33 bodily injury and property damage claims arising from environmental  
34 impairment liability and legal representation therefor to the extent and  
35 for coverages approved by the Commissioner of Insurance.

36 (cf: P.L.1996, c.4, s.2)

37

38 496. Section 4 of P.L.1987, c.282 (C.44:10-12) is amended to read  
39 as follows:

40 4. The Commissioner of Human Services, in consultation with the  
41 Commissioners of Labor, Education, Community and Urban Affairs,  
42 and Commerce and Economic Development, and the Chancellor of  
43 Higher Education, shall establish the "Program for Realizing Economic  
44 Achievement," hereinafter referred to as the REACH program, in the  
45 Division of Public Welfare in the Department of Human Services for  
46 the purpose of enabling recipients of aid to families with dependent  
47 children to realize economic achievement through a range of  
48 education, training, employment and supportive services, while also

1 focusing on the prevention of long-term dependency for young  
2 mothers who are recipients of aid to families with dependent children.  
3 (cf: P.L.1987, c.282, s.4)

4

5 497. Section 5 of P.L.1987, c.282 (C.44:10-13) is amended to read  
6 as follows:

7 5. The Commissioner of Human Services, in consultation with the  
8 Commissioners of Labor, Education, Community and Urban Affairs,  
9 and Commerce and Economic Development, and the Chancellor of  
10 Higher Education, shall:

11 a. Adopt rules and regulations, in accordance with the  
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
13 seq.), necessary to effectuate the purposes of this act; except that no  
14 rule or regulation adopted pursuant to this act shall be more restrictive  
15 than any provision of federal law, regulations or waiver authority with  
16 respect to the employment or training of recipients of aid to families  
17 with dependent children;

18 b. Take such actions as are required to ensure that services  
19 provided under the REACH program are integrated, to the extent  
20 necessary to effectuate the purposes of this act, with employment or  
21 training programs provided pursuant to chapter 15B of Title 34 of the  
22 Revised Statutes, or with any other federal, State or private program  
23 which provides employment, training or vocational services, or a  
24 combination thereof;

25 c. Request from the United States Secretary of Health and Human  
26 Services such waivers of federal regulations as are necessary to  
27 provide supportive services pursuant to subsection e. of section 7 of  
28 this act to facilitate the training or employment of recipients of aid to  
29 families with dependent children under the REACH program;

30 d. Develop a schedule for the implementation of the REACH  
31 program Statewide which will ensure that every county is participating  
32 in the program no later than three years after the effective date of this  
33 act;

34 e. Develop guidelines to ensure that a current recipient of aid to  
35 families with dependent children who resides in a county in which the  
36 REACH program is operational and who requests to participate in the  
37 REACH program before the program is fully implemented in that  
38 recipient's county of residence, receives an evaluation pursuant to  
39 section 7 of this act within a reasonable period of time; and

40 f. Seek such grants of monies to fund the REACH program as are  
41 available from agencies of the United States Government or private  
42 foundations.

43 (cf: P.L.1987, c.282, s.5)

44

45 498. Section 9 of P.L.1987, c.282 (C.44:10-17) is amended to read  
46 as follows:

47 9. a. The commissioner shall submit to the Senate Revenue,  
48 Finance and Appropriations Committee and the General Assembly

1 Appropriations Committee, or their successor committees, and the  
2 Governor, at the earliest possible date, a REACH program  
3 implementation report, including, but not limited to, the following  
4 information: a detailed schedule for the implementation of each phase  
5 of the REACH program and a description of the services to be  
6 provided in each phase, as well as a precise estimate of the number of  
7 program participants during each phase of the program and the costs  
8 of implementing each phase.

9 b. The commissioner shall provide to the Assembly Appropriations  
10 Committee and the Senate Revenue, Finance and Appropriations  
11 Committee, or their successor committees, on a quarterly basis a  
12 detailed report on the REACH program containing statistical and  
13 financial information. The report shall include, but not be limited to,  
14 the following information: the number of recipients of aid to families  
15 with dependent children who are participating in the program and the  
16 number who have been exempted from the program; the kinds of  
17 services being provided to program participants and the costs of those  
18 services; the number of designated representatives of the commissioner  
19 employed by the program and the costs associated with their  
20 employment; other administrative costs incurred by the program; the  
21 number of program participants who have obtained employment and  
22 the average hourly wage and benefits provided by their employers; and  
23 the average length of time that program participants remain employed.  
24 Each report shall be submitted no later than 60 days after the end of  
25 the quarter.

26 c. The Commissioner of Human Services, in consultation with the  
27 Commissioners of Labor, Education, Community and Urban Affairs,  
28 and Commerce and Economic Development, and the Chancellor of  
29 Higher Education, shall report to the Governor and the Legislature no  
30 later than two years after the effective date of this act, and annually  
31 thereafter, on the effectiveness of the REACH program in meeting its  
32 objectives, accompanying that report with any recommendations for  
33 changes in the law or regulations governing the REACH program that  
34 the commissioner deems necessary.

35 (cf: P.L.1987, c.282, s.9)

36

37 499. Section 8 of P.L.1991, c.523 (C.44:10-26) is amended to read  
38 as follows:

39 8. In each county, the designated representative of the  
40 commissioner responsible for the development of a family plan for a  
41 participant in the program shall conduct an assessment of the  
42 health-related, social, educational and vocational needs of the  
43 participant's family unit in preparing the family plan for the participant.  
44 If the designated representative determines that the participant faces  
45 multiple barriers to employment, is not eligible for the services of the  
46 Division of Vocational Rehabilitation pursuant to P.L.1955, c.64  
47 (C.34:16-20 et seq.), or needs or would benefit from special  
48 individualized services in order to be able to maintain steady

1 employment after participation in the program, or that any of the other  
2 family members require or would benefit from educational services or  
3 vocational training, then the designated representative shall include in  
4 the family plan a requirement that the participant, or the other family  
5 members, as appropriate, receive special services in addition to the  
6 other services provided to the participant pursuant to this act. The  
7 designated representative shall then arrange for the provision of these  
8 services. These special services may include: individual counseling;  
9 family counseling; parental skill training and development, providing  
10 information about child care options; individualized job training  
11 services; substance abuse counseling and treatment; individualized  
12 remedial educational or tutorial services for the participant or other  
13 family members based upon the assessment of the family's educational  
14 needs; and any other health-related, counseling, educational or  
15 vocational training services determined by the commissioner to be  
16 necessary to provide each family member who is eligible for benefits  
17 with the basic skills that are necessary to secure and maintain gainful  
18 employment, and to prepare the program participant for steady  
19 employment following participation in the program, including higher  
20 education through both four-year and community colleges, as well as  
21 post-secondary vocational training programs.

22 The special services shall be provided to program participants in  
23 accordance with guidelines established by the commissioner, in  
24 consultation with the Commissioners of Health, Labor, Education,  
25 Community and Urban Affairs, and Commerce, Energy and Economic  
26 Development, and the Chancellor of Higher Education and with the  
27 implementation plans established for each county pursuant to this act.  
28 (cf: P.L.1991, c.523, s.8)

29

30 500. Section 4 of P.L.1972, c.133 (C.52:14E-4) is amended to  
31 read as follows:

32 4. There is hereby created a Governor's Advisory Council for  
33 Emergency Services, which shall consist of the Attorney General, who  
34 shall be the presiding officer; the Adjutant General of Military and  
35 Veterans' Affairs, the Commissioner of Community and Urban Affairs,  
36 the Commissioner of Environmental Protection, the Commissioner of  
37 Transportation, the President of the Board of Public Utilities, and the  
38 Executive Director of the New Jersey Public Broadcasting Authority,  
39 or their designees. The members of the council shall serve without  
40 pay in connection with all such duties as are prescribed in this act.  
41 (cf: P.L.1989, c.133, s.5)

42

43 501. Section 4 of P.L.1966, c.293 (C.52:27D-4) is amended to  
44 read as follows:

45 4. The commissioner shall be assisted in the performance of his  
46 duties by 2 Assistant Commissioners of Community and Urban Affairs,  
47 who shall be persons qualified by training and experience to perform  
48 the duties of their offices. Each assistant commissioner shall be

1 appointed by the commissioner and shall serve at the pleasure of the  
2 commissioner and until said assistant commissioner's successor has  
3 been appointed and has qualified. Each assistant commissioner shall  
4 receive such salary as shall be provided by law, and shall perform such  
5 duties as the commissioner shall prescribe, to be exercised under the  
6 supervision and direction of the commissioner. The commissioner  
7 also may delegate to subordinate officers or employees in the  
8 department such of his powers as he may deem desirable, to be  
9 exercised under his supervision and direction.

10 (cf: P.L.1966, c.293, s.4)

11

12 502. Section 11 of P.L.1966, c.293 (C.52:27D-11) is amended to  
13 read as follows:

14 11. The Advisory Council on Community and Urban Affairs shall  
15 consist of the commissioner, as chairman ex officio, and 12 other  
16 members appointed by the Governor, with the advice and consent of  
17 the Senate, as follows:

18 (a) One member shall be the mayor of a municipality of this State  
19 having a population of less than 20,000 inhabitants at the time of his  
20 or her appointment;

21 (b) One member shall be the mayor of a municipality of this State  
22 having a population of between 20,000 and 50,000 inhabitants at the  
23 time of his or her appointment;

24 (c) One member shall be the mayor of a municipality of this State  
25 having a population of 50,000 or more inhabitants at the time of his or  
26 her appointment;

27 (d) Four members shall be appointed at large from among the  
28 citizens of this State;

29 (e) One member shall be appointed from among the membership of  
30 each of the following organizations:

31 (i) The New Jersey Association of Boards of Chosen Freeholders;

32 (ii) The New Jersey State League of Municipalities;

33 (iii) The New Jersey Federation of District Boards of Education;

34 (iv) The Municipal Managers Association; and

35 (v) The New Jersey Federation of Planning Officials.

36 Of the members first to be appointed 3 shall be appointed for a term  
37 of 1 year each, 3 for a term of 2 years each, 3 for a term of 3 years  
38 each and 3 for a term of 4 years each. The successors of the members  
39 first appointed shall be appointed for 4-year terms. Vacancies other  
40 than by expiration of terms shall be filled for the unexpired term.

41 The Director of the Office of Community Services shall serve as  
42 secretary to the council.

43 (cf: P.L.1966, c.293, s.11)

44

45 503. Section 14 of P.L.1977, c.146 (C.52:27F-14) is amended to  
46 read as follows:

47 14. a. There is established an Energy Master Plan Committee  
48 (hereinafter "Committee") which shall be composed of the heads of the

1 following principal departments or their designees: Commerce,  
2 Energy and Economic Development; Community and Urban Affairs;  
3 Environmental Protection; Health; Human Services; Transportation;  
4 and Treasury. The Commissioner of Commerce, Energy and  
5 Economic Development or his designee shall be the chairperson of the  
6 committee. The committee shall be responsible for the preparation,  
7 adoption and revision of master plans regarding the production,  
8 distribution, and conservation of energy in this State.

9 b. The committee within one year of the effective date of this act  
10 shall prepare or cause to be prepared, and, after public hearings as  
11 hereinafter provided, adopt a master plan for a period of 10 years on  
12 the production, distribution, consumption and conservation of energy  
13 in this State. Such plan shall be revised and updated at least once  
14 every three years. The plan shall include long-term objectives but shall  
15 provide for the interim implementation of measures consistent with  
16 said objectives. The committee may from time to time and after public  
17 hearings amend the master plan. In preparing the master plan or any  
18 portion thereof or amendment thereto the department shall give due  
19 consideration to the energy needs and supplies in the several  
20 geographic areas of the State, and shall consult and cooperate with any  
21 federal or State agency having an interest in the production,  
22 distribution, consumption or conservation of energy.

23 c. Upon preparation of such master plan, and each revision thereof,  
24 the committee shall cause copies thereof to be printed, shall transmit  
25 sufficient copies thereof to the Governor and the Legislature, for the  
26 use of the members thereof, and shall advertise, in such newspapers as  
27 the commissioner determines appropriate to reach the greatest possible  
28 number of citizens of New Jersey, the existence and availability of such  
29 draft plan from the offices of the committee for the use of such citizens  
30 as may request same. In addition, the department shall:

31 (1) Fix dates for the commencement of a series of public hearings,  
32 at least one of which shall be held in each geographical area delineated  
33 in the master plan. Each such public hearing shall concern the overall  
34 content of the plan and those aspects thereof that have relevance to the  
35 specific geographical area in which each such public hearing is being  
36 held;

37 (2) At least 60 days prior to each public hearing held pursuant to  
38 this section, notify each energy industry and each State department,  
39 commission, authority, council, agency, or board charged with the  
40 regulation, supervision or control of any business, industry or utility  
41 engaged in the production, processing, distribution, transmission, or  
42 storage of energy in any form of the time and place for the hearing and  
43 shall publish such notice in a newspaper of general circulation in the  
44 region where the hearing is to be held, and in such newspapers of  
45 general circulation in the State as the commissioner determines  
46 appropriate to reach the greatest possible number of citizens of New  
47 Jersey.

48 d. Upon the completion of the requirements of subsection c. of this

1 section, the committee shall consider the testimony presented at all  
2 such public hearings and adopt the energy master plan, together with  
3 any additions, deletions, or revisions it shall deem appropriate.

4 e. Upon the adoption of the energy master plan, and upon each  
5 revision thereof, the committee shall cause copies thereof to be printed  
6 and shall transmit sufficient copies thereof to the Governor and the  
7 Legislature, for the use of the members thereof, and to each State  
8 department, commission, authority, council, agency, or board charged  
9 with the regulation, supervision or control of any business, industry or  
10 utility engaged in the production, processing, distribution,  
11 transmission, or storage of energy in any form. In addition, the  
12 committee shall advertise in the manner provided in subsection c. of  
13 this section the existence and availability of the energy master plan  
14 from the offices of the committee for the use of such citizens of New  
15 Jersey as may request same; provided, however, that the committee  
16 may charge a fee for such copies of the energy master plan sufficient  
17 to cover the costs of printing and distributing same.

18 (cf: P.L.1987, c.365, s.14)

19  
20 504. This act shall take effect immediately.

## 21 22 23 STATEMENT

24  
25 This bill changes the name of the Department of Community Affairs  
26 to the Department of Community and Urban Affairs to better reflect  
27 the department's emphasis on matters of concern to the urban  
28 communities of New Jersey.

29 With the activation of the Legislature's Website in July, 1996, tens  
30 of thousands of ordinary New Jersey residents, including large  
31 numbers of students, have gained the ability to access the many  
32 statutes of the State of New Jersey. The decision to make the text of  
33 the statutes, the State constitution, and the bills of the Legislature  
34 freely available to the public through the Internet was only the latest  
35 in a series of steps that have been taken to enhance the public's ability  
36 to inform itself about the activities of its government.

37 Although the objectives of this legislation could have been legally  
38 met with a one or two page bill, hundreds of sections of state law  
39 would have continued to contain obsolete and confusing references to  
40 the Department of Community Affairs. To allow these hundreds of  
41 statutes to remain untouched would run counter to the philosophy that  
42 underlies the Legislature's decision to make New Jersey's laws freely  
43 available to the public via the Internet -- helping the public to inform  
44 itself.

45 The decision to place the statutes on the Internet was a clear signal  
46 from the Legislature that the statutes are no longer the reserve of  
47 those who are close to the system. By amending each reference in our

1 statutes this bill will help prevent confusion on the part of Internet  
2 users and the general public.

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6

7 Renames DCA as Department of Community and Urban Affairs.