



Statement on Proposed Bill A-3257

June 12, 2006

To: The Honorable John Burzichelli
Chair – Assembly Commerce and Economic Development Committee
From: Carlos Rodrigues, AICP / PP
President, NJAPA
Re: A-3257

The New Jersey Chapter of the American Planning Association appreciates the opportunity to comment on A-3257, which proposes changes to New Jersey's redevelopment laws.

We find that much of the proposed bill's language is consistent with NJAPA's January 2006 Position Statement on Redevelopment and the Exercise of Eminent Domain, previously distributed to members of this committee. Many of the proposed provisions will strengthen the redevelopment process and result in better public policy. There are a few proposed changes, however, which raise serious concerns in the planning community. We believe the unintended consequences of these changes could seriously damage the redevelopment process and the smart growth planning objectives it serves.

With respect to proposed changes to the Local Housing and Redevelopment Act, NJAPA is very concerned with the proposed changes to criterion (d) and (e). We believe these criteria have been targeted for change, on the basis of faulty assumptions. There is no evidence that these criteria have been used, on their own, to justify any of the more contentious redevelopment projects involving controversial residential condemnation. There is evidence, on the other hand, that these criteria have been used to justify projects with considerable merit, many of which do not involve condemnation of residential properties. There is reason to believe that the main casualties of the proposed weakening of criterion "d" and "e" would be "greyfields" projects – projects that typically involve underperforming shopping centers, surface parking lots, cramped parking arrangements, multiple curb cuts on state highways or major roads, poorly designed layouts, backward circulation and so forth. The proposed changes to criterion "d" and "e" would make it more difficult, and perhaps preclude the use of redevelopment statutes in award-winning projects such as Princeton's downtown mixed-use redevelopment or the Willingboro Town Center. We should add that this type of smart growth "greyfields" projects receive technical and financial support through DCA's pilot greyfields grant program. Some county smart growth programs (f. ex Camden) also target greyfields.

If the concern with criterion “d” and “e” is that they can be used to justify controversial “economic development” projects involving condemnation of residential structures, than A-3257 could be amended to limit the applicability of this criterion in those circumstances. However, the currently proposed language changes would severely limit the use of the redevelopment statutes in many worthwhile projects involving marginal or underperforming properties where no residential displacement is contemplated.

With respect to proposed changes to the Municipal Land Use Law, NJAPA believes it would be advantageous to further strengthen the linkage between the planning process and the redevelopment process, between the redevelopment statute and the MLUL. While A-3257 would authorize a “Redevelopment Plan Element” as part of the Municipal Master Plan, it does not actually require this element. NJAPA would like to suggest that there is an opportunity to further strengthen this linkage by either (1) making the redevelopment plan element a pre-requisite to adoption of a redevelopment plan, (2) making the redevelopment plan element a pre-requisite to the ability to use eminent domain, or (3) making the redevelopment plan element a pre-requisite to the use of criteria (d) and (e).

Finally, we note that many of the proposed changes will make the redevelopment process considerably more expensive, even as the possibility of private sector funding is targeted for elimination. The increased financial burden will affect primarily smaller municipalities, which may find it impossible to participate in the redevelopment process in the future, no matter how worthwhile the project is, and whether or not it involves the use of eminent domain. Public sector funding for municipal redevelopment projects is already currently limited to a small portion of DCA’s Smart Future Grant program, and to grant programs available from only a few counties. If the redevelopment planning process is to continue to contribute to growth in our state, NJAPA would recommend that the Legislature consider additional public funding for this purpose.