

SENATE, No. 4777

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:
Senator OWEN HENRY
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires SADC and any local board acquiring farmland for preservation purposes to provide partial payment to landowner, in advance of settlement, to demonstrate good faith intent to proceed with settlement and acquisition.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning State and local acquisitions of farmland,
2 amending various parts of the statutory law, and supplementing
3 P.L.1983, c.32 (C.4:1C-11 et al.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) a. Upon the committee's or a board's receipt
9 of a landowner's completed application seeking to sell a
10 development easement on, or fee simple title to, farmland for
11 farmland preservation purposes, and prior to settlement on the
12 proposed acquisition, the committee or board, as the case may be,
13 shall award and disburse an advance payment, to the applicant
14 landowner, following a determination by the committee or board
15 that the purchase is likely to occur, in order to demonstrate the
16 committee or board's good faith intention to proceed with
17 settlement and to effectuate the State or local acquisition of the
18 development easement or fee simple title, as the case may be, at the
19 final negotiated purchase price determined pursuant to subsection e.
20 of section 8 of P.L.2016, c.12 (C.13:8C-50), and in compliance with
21 all of the agreed-upon terms, contingencies, and conditions set forth
22 in the final, negotiated purchase agreement.

23 b. An advance payment awarded pursuant to this section shall
24 be disbursed to the landowner:

25 (1) in a single lump-sum payment; and

26 (2) in an amount equal to 20 percent of the appraised fair market
27 value of the development easement or the fee simple title, as
28 determined pursuant to subsection e. of section 8 of P.L.2016, c.12
29 (C.13:8C-50), or, to the extent that a final purchase price has been
30 negotiated and agreed-upon, in an amount equal to 20 percent of the
31 higher of the appraised fair market value or the final negotiated
32 purchase price of the development easement or the fee simple title,
33 as the case may be, as determined pursuant to subsection e. of
34 section 8 of P.L.2016, c.12 (C.13:8C-50).

35 c. Any sum of moneys distributed to a landowner, through a
36 good faith advance payment awarded pursuant to this section:

37 (1) shall be deducted from the final negotiated purchase price
38 that is required to be paid by the committee or the board, at the time
39 of settlement, in order to effectuate the State or local acquisition of
40 the development easement or fee simple title, as the case may be; or

41 (2) if the purchase agreement is voided, cancelled, or otherwise
42 abandoned by either party prior to settlement, or if settlement
43 otherwise does not occur, shall be fully repaid by the landowner to,
44 and recouped by, the committee or board and dedicated for use
45 thereby in financing other farmland acquisition projects.

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

Matter underlined thus is new matter.

1 d. (1) Any moneys due to the committee or board and owed by
2 a landowner, as a result of the voiding, cancellation, abandonment,
3 or other negation of settlement pursuant to paragraph (2) of
4 subsection c. of this section, shall constitute a debt of the landowner
5 to the State or locality, as the case may be, which debt may be
6 recovered, from the landowner, by the respective committee or
7 board to which the debt is owed. All owners of the subject
8 property, at the time of incurrence of the debt thereon pursuant to
9 paragraph (2) of subsection c. of this section, shall be jointly and
10 severally liable for all costs recoverable pursuant to this subsection.

11 (2) An advance payment debt owed pursuant to paragraph (1) of
12 this subsection shall constitute a lien on all property owned by the
13 landowner. The lien shall attach when a notice of lien,
14 incorporating the name of the landowner, and both a description of
15 the subject property of the landowner for which the debt was
16 incurred, pursuant to paragraph (2) of subsection c. of this section,
17 and an identification of the amount of advance payment funds
18 disbursed to the landowner, and any related costs expended by the
19 committee or the board, either or both in endeavoring to prevent the
20 settlement default that forms the basis of the debt, or to collect on
21 the debt following settlement default, is duly filed with the county
22 recording officer, as defined in N.J.S.46:1-1, in the county in which
23 the subject property is located. Upon receipt of a notice of lien
24 filed pursuant to this paragraph, the county recording officer shall
25 promptly record, in the public records of the county in which the
26 relevant property is located, a claim of lien stating the description
27 of the property, the name and primary address of the owner of
28 record, the amount due, and the date when due, as set forth in the
29 notice of lien filed pursuant to this paragraph. Upon entry pursuant
30 to this paragraph, the lien, in the amount committed by the
31 committee or board for advance payment and related costs, shall
32 attach to the revenues and all real and personal property of the
33 landowner, whether or not the landowner is insolvent.

34 (3) A notice of lien filed and entered pursuant to this subsection,
35 and affecting the property that is the subject of settlement default
36 establishing the debt, pursuant to paragraph (2) of subsection c. of
37 this section, shall create a lien having priority over all other claims
38 or liens which are or have been filed against such subject property.
39 A notice of lien filed pursuant to this subsection, and affecting any
40 property of the landowner, other than the property that is the subject
41 of settlement default establishing the debt pursuant to subsection c.
42 of this section, shall create a lien having priority, from the day of
43 the filing of the notice of the lien pursuant to paragraph (2) of this
44 subsection, over all other claims and liens filed against the property,
45 but shall not affect any valid lien, right, or interest in such property
46 which is filed, in accordance with established procedure, prior to
47 the filing of a notice of lien pursuant to this subsection.

(4) A lien filed and entered pursuant to this subsection shall be enforceable, through the sale of the subject property, in the same manner provided for the enforcement of a municipal lien pursuant to the “tax sale law,” R.S.54:5-1 et seq., and the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), as appropriate.

2. Section 24 of P.L.1983, c.32 (C.4:1C-31) is amended to read as follows:

24. a. Any landowner applying to the board to sell a development easement pursuant to section 17 of P.L.1983, c.32 (C.4:1C-24) shall offer to sell the development easement at a price which, in the opinion of the landowner, represents a fair value of the development potential of the land for nonagricultural purposes, as determined in accordance with the provisions of P.L.1983, c.32 (C.4:1C-11 et al.).

b. Any offer shall be reviewed and evaluated by the board and the committee in order to determine the suitability of the land for development easement purchase. Decisions regarding suitability shall be based on the following criteria:

(1) Priority consideration shall be given, in any one county, to offers with higher numerical values obtained by applying the following formula:

nonagricultural	-	agricultural	-	landowner's
developmental value		value		asking price

nonagricultural	-	agricultural
development value		value

(2) The degree to which the purchase would encourage the survivability of the municipally approved program in productive agriculture; and

(3) The degree of imminence of change of the land from productive agriculture to nonagricultural use.

The board and the committee shall reject any offer for the sale of development easements which is unsuitable according to the above criteria and which has not been approved by the board and the municipality.

c. Two independent appraisals paid for by the board shall be conducted for each parcel of land so offered and deemed suitable. The appraisals shall be conducted by independent, professional appraisers selected by the board and the committee from among members of recognized organizations of real estate appraisers. The appraisals shall determine the current overall value of the parcel for nonagricultural purposes, as well as the current market value of the parcel for agricultural purposes. The difference between the two values shall represent an appraisal of the value of the development easement. If Burlington County or a municipality therein has established a development transfer bank pursuant to the provisions

1 of P.L.1989, c.86 (C.40:55D-113 et seq.) or if any county or any
2 municipality in any county has established a development transfer
3 bank pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158) or the
4 Highlands Water Protection and Planning Council has established a
5 development transfer bank pursuant to section 13 of P.L.2004,
6 c.120 (C.13:20-13), the municipal average of the value of the
7 development potential of property in a sending zone established by
8 the bank may be the value used by the board in determining the
9 value of the development easement. If a development easement is
10 purchased using moneys appropriated from the fund, the State shall
11 provide no more than 80【%】 percent, except 100【%】 percent under
12 emergency conditions specified by the committee pursuant to rules
13 or regulations, of the cost of the appraisals conducted pursuant to
14 this section.

15 d. Upon receiving the results of the appraisals, or in Burlington
16 county or a municipality therein or elsewhere where a municipal
17 average has been established under subsection c. of this section,
18 upon receiving an application from the landowners, the board and
19 the committee shall compare the appraised value, or the municipal
20 average, as the case may be, and the landowner's offer and, pursuant
21 to the suitability criteria established in subsection b. of this section,
22 shall:

23 (1) **【Approve】** approve the application to sell the development
24 easement and rank the application in accordance with the criteria
25 established in subsection b. of this section; or

26 (2) **【Disapprove】** disapprove the application, stating the reasons
27 therefor.

28 e. Upon approval by the committee and the board, the secretary
29 is authorized to provide the board, within the limits of funds
30 appropriated therefor, an amount equal to no more than 80【%】
31 percent, except 100【%】 percent under emergency conditions
32 specified by the committee pursuant to rules or regulations, of the
33 purchase price of the development easement, as determined
34 pursuant to the provisions of this section. The board shall provide
35 its required share **【and】**, shall accept, in writing, the landowner's
36 offer to sell the development easement, and shall
37 contemporaneously award and disburse to the landowner, as
38 required by section 1 of P.L. , c. (C.) (pending before the
39 Legislature as this bill), an advance payment demonstrating the
40 board's good faith intention to proceed with settlement on the
41 accepted offer. The written notice of offer acceptance shall:

42 (1) cite the specific terms, contingencies, and conditions of the
43 purchase;

44 (2) identify the fair market value of the development easement,
45 as determined pursuant to subsection d. of this section or subsection
46 e. of section 8 of P.L.2016, c.12 (C.13:8C-50), as applicable, as
47 well as the negotiated purchase price to be paid for acquisition

1 thereof, to the extent that such negotiated purchase price has been
2 finalized and agreed-upon;

3 (3) summarize the landowner's rights and responsibilities in
4 relation to the receipt and repayment of the good faith advance
5 payment being awarded thereto pursuant to this subsection and
6 section 1 of P.L. , c. (C.) (pending before the Legislature
7 as this bill); and

8 (4) identify the dollar amount of the good faith advance
9 payment to which the applicant landowner is entitled, pursuant to
10 this subsection and section 1 of P.L. , c. (C.) (pending
11 before the Legislature as this bill), and include the calculations that
12 were used to determine that advance payment amount.

13 f. (1) The landowner shall accept or reject the acceptance
14 offer received pursuant to subsection e. of this section, within 30
15 days of receipt thereof. Any offer not accepted within that time
16 shall be deemed rejected.

17 (2) Whenever the board's acceptance offer is deemed to have
18 been rejected by the landowner pursuant to paragraph (1) of this
19 subsection, the landowner shall repay to the board, and the board
20 shall recoup in full, as provided by paragraph (2) of subsection c. of
21 section 1 of P.L. , c. (C.) (pending before the Legislature
22 as this bill), the good faith advance payment that was previously
23 disbursed to the landowner, pursuant to subsection e. of this section
24 and section 1 of P.L. , c. (C.) (pending before the
25 Legislature as this bill), in association with the rejected offer.

26 (3) The final, negotiated purchase price that is required to be
27 paid, by the board, at the time of settlement on its proposed
28 acquisition of a farmland development easement, shall be reduced
29 by the sum of moneys previously disbursed to the landowner,
30 through a good faith advance payment awarded for the same
31 acquisition project, pursuant to subsection e. of this section and
32 section 1 of P.L. , c. (C.) (pending before the Legislature
33 as this bill).

34 g. Any landowner whose application to sell a development
35 easement has been rejected for any reason other than insufficient
36 funds may not reapply to sell a development easement on the same
37 land within two years of the original application.

38 h. **【No】** Except as provided in subsection e. of section 8 of
39 P.L.2016, c.12 (C.13:8C-50), no development easement shall be
40 purchased at a price greater than the appraised value determined
41 pursuant to subsection c. of this section or the municipal average, as
42 the case may be.

43 i. The appraisals conducted pursuant to this section or the fair
44 market value of land restricted to agricultural use shall not be used
45 to increase the assessment and taxation of agricultural land pursuant
46 to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
47 23.1 et seq.).

1 j. (1) In determining the suitability of land for development
2 easement purchase, the board and the committee may also include
3 as additional factors for consideration the presence of a historic
4 building or structure on the land and the willingness of the
5 landowner to preserve that building or structure, but only if the
6 committee first adopts, pursuant to the "Administrative Procedure
7 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
8 implementing this subsection. The committee may, by rule or
9 regulation adopted pursuant to the "Administrative Procedure Act,"
10 assign any such weight it deems appropriate to be given to these
11 factors.

12 (2) The provisions of paragraph (1) of this subsection may also
13 be applied in determining the suitability of land for fee simple
14 purchase for farmland preservation purposes as authorized by
15 P.L.1983, c.31 (C.4:1C-1 et seq.), P.L.1983, c.32 (C.4:1C-11 et
16 seq.), and P.L.1999, c.152 (C.13:8C-1 et seq.).

17 (3) (a) For the purposes of paragraph (1) of this subsection:
18 "historic building or structure" means the same as that term is
19 defined pursuant to subsection c. of section 2 of P.L.2001, c.405
20 (C.13:8C-40.2).

21 (b) For the purposes of paragraph (2) of this subsection,
22 "historic building or structure" means the same as that term is
23 defined pursuant to subsection c. of section 1 of P.L.2001, c.405
24 (C.13:8C-40.1).

25 (cf: P.L.2004, c.120, s.44)

26

27 3. Section 5 of P.L.1988, c.4 (C.4:1C-31.1) is amended to read
28 as follows:

29 5. a. Any landowner of farmland within an agricultural
30 development area certified by the committee may apply to the
31 committee to sell the fee simple absolute title at a price which, in
32 the opinion of the landowner, represents a fair market value of the
33 property.

34 b. The committee shall evaluate the offer to determine the
35 suitability of the land for purchase. Decisions regarding suitability
36 shall be based on the eligibility criteria for the purchase of
37 development easements listed in section 24 of P.L.1983, c.32
38 (C.4:1C-31) and the criteria adopted by the committee and the
39 board of that county. The committee shall also evaluate the offer
40 taking into account the amount of the asking price, the asking price
41 relative to other offers, the location of the parcel relative to areas
42 targeted within the county by the board and among the counties, and
43 any other criteria as the committee has adopted pursuant to rule or
44 regulation. The committee may negotiate reimbursement with the
45 county and include the anticipated reimbursement as part of the
46 evaluation of an offer.

47 c. (1) The committee shall rank the offers according to the
48 criteria to determine which, if any, should be appraised.

1 (2) The committee shall reject any offer for the purchase of fee
2 simple absolute title determined unsuitable according to any
3 criterion in this ~~subsection~~ section or adopted pursuant to this
4 ~~subsection~~ section, or may defer decisions on offers with a low
5 ranking~~]. The committee~~; and shall state, in writing, its reasons for
6 rejecting an offer.

7 d. (1) Appraisals of ~~the~~ each parcel, for which an offer has
8 not been rejected pursuant to subsection c. of this section, shall be
9 conducted to determine the parcel's fair market value [according to
10 procedures adopted by regulation by the committee], in accordance
11 with the provisions of subsection e. of section 8 of P.L.2016, c.12
12 (C.13:8C-50).

13 (2) Following the appraisal of a parcel pursuant to paragraph (1)
14 of this subsection, the committee shall provide written notice of
15 offer acceptance to the applicant landowner, and shall
16 contemporaneously award and disburse to the landowner, as
17 required by section 1 of P.L. , c. (C.) (pending before the
18 Legislature as this bill), an advance payment demonstrating the
19 committee's good faith intention to proceed with settlement on the
20 accepted offer. The written notice of offer acceptance shall: (a)
21 cite the specific terms, contingencies, and conditions of the
22 purchase; (b) identify the fair market value of the fee simple title, as
23 determined pursuant to paragraph (1) of this subsection or
24 subsection e. of section 8 of P.L.2016, c.12 (C.13:8C-50), as
25 applicable, as well as the negotiated purchase price to be paid for
26 acquisition of the fee simple title, to the extent that such negotiated
27 purchase price has been finalized and agreed-upon; (c) summarize
28 the landowner's rights and responsibilities in relation to the receipt
29 and repayment of the good faith advance payment being awarded
30 thereto pursuant to this paragraph and section 1 of P.L. , c. (C.)
31 (pending before the Legislature as this bill); and (d) identify the
32 dollar amount of the good faith advance payment to which the
33 applicant landowner is entitled, pursuant to this paragraph and
34 section 1 of P.L. , c. (C.) (pending before the Legislature
35 as this bill), and include the calculations that were used to
36 determine that advance payment amount.

37 e. ~~【The】~~ Based on the fair market value of each offered parcel,
38 as identified pursuant to paragraph (1) of subsection d. of this
39 section, the committee and landowner shall [notify the landowner
40 of the fair market value and] negotiate the actual price to be paid by
41 the committee, at settlement, for the purchase of the title in fee
42 simple absolute. The final, negotiated purchase price that is agreed
43 to be paid by the committee, pursuant to this paragraph, shall be
44 reduced, at the time of settlement, by the sum of moneys previously
45 disbursed thereby, to the landowner, through a good faith advance
46 payment awarded thereto for the same acquisition project, pursuant

1 to paragraph (2) of subsection d. of this section and section 1 of
2 P.L. , c. (C.) (pending before the Legislature as this bill).

3 f. Any land acquired by the committee pursuant to the
4 provisions of this **amendatory and supplementary act** section shall
5 be held of record in the name of the State and shall be offered for
6 resale by the State, notwithstanding any other law, rule or
7 regulation to the contrary, within a reasonable time of its
8 acquisition with agricultural deed restrictions for farmland
9 preservation purposes as determined by the committee pursuant to
10 the provisions of **this act** P.L.1988, c.4 (C.4:1C-31.1 et al.).

11 g. The committee shall be responsible for the operation and
12 maintenance of lands acquired and shall take all reasonable steps to
13 maintain the value of the land and its improvements.

14 h. To the end that municipalities may not suffer loss of taxes by
15 reason of acquisition and ownership by the State of New Jersey of
16 property under the provisions of **this act** P.L.1988, c.4 (C.4:1C-
17 31.1 et al.), the State shall pay annually on October 1 to each
18 municipality in which property is so acquired and has not been
19 resold a sum of money equal to the tax last assessed and last paid by
20 the taxpayer upon this land and the improvement thereon for the
21 taxable year immediately prior to the time of its acquisition. In the
22 event that land acquired by the State pursuant to **this act**
23 P.L.1988, c.4 (C.4:1C-31.1 et al.) had been assessed at an
24 agricultural and horticultural use valuation in accordance with
25 provisions of the "Farmland Assessment Act of 1964," P.L.1964,
26 c.48 (C.54:4-23.1 et seq.), at the time of its acquisition by the State,
27 no rollback tax pursuant to section 8 of P.L.1964, c.48 (C.54:4-
28 23.8) shall be imposed as to this land nor shall this rollback tax be
29 applicable in determining the annual payments to be made by the
30 State to the municipality in which this land is located.

31 All sums of money received by the respective municipalities as
32 compensation for loss of tax revenue pursuant to this section shall
33 be applied to the same purposes as is the tax revenue from the
34 assessment and collection of taxes on real property of these
35 municipalities, and to accomplish this end the sums shall be
36 apportioned in the same manner as the general tax rate of the
37 municipality for the tax year preceding the year of receipt.
38 (cf: P.L.2001, c.405, s.4)

39

40 4. Section 25 of P.L.1983, c.32 (C.4:1C-32) is amended to read
41 as follows:

42 25. a. No development easement purchased pursuant to the
43 provisions of **this act** P.L.1983, c.32 (C.4:1C-11 et al.) shall be
44 sold, given, transferred, or otherwise conveyed in any manner,
45 except in those cases when development easements have been
46 purchased on land **included** in a farmland preservation program
47 that is included in a sending zone established by a municipal

1 development transfer ordinance adopted pursuant to P.L.1989, c.86
2 (C.40:55D-113 et al.).

3 b. Upon the purchase of the development easement by the
4 board, the landowner shall cause a statement containing the
5 conditions of the conveyance and the terms of the restrictions on the
6 use and development of the land to be attached to and recorded with
7 the deed of the land, in the same manner as the deed was originally
8 recorded. These restrictions and conditions shall state that any
9 development for nonagricultural purposes is expressly prohibited,
10 shall run with the land and shall be binding upon the landowner and
11 every successor in interest thereto.

12 c. At the time of settlement **【of】** on the purchase of a
13 development easement, the landowner, the board, and the
14 committee may agree upon and establish a payment schedule **【of**
15 payment】 which provides **【that】** for the landowner **【may】** to
16 receive consideration for the easement, either in a lump sum**【,】** or
17 in installments to be paid out over a period of up to 40 years from
18 the date of settlement, provided that, if a schedule of installments is
19 agreed upon, the State Comptroller each year shall retain in the
20 fund, or the governing body each year shall retain, an amount of
21 money sufficient to pay the landowner for the current year pursuant
22 to the schedule. For installment purchases, **【(1)】** the landowner
23 may annually receive **【annually】** interest on any unpaid balance
24 remaining after the date of settlement, which interest shall accrue at
25 a rate established in the installment contract; and **【(2)】** the
26 committee shall make annual payments to the board in an amount
27 equal to the committee's proportionate annual share of the purchase
28 price of the development easement. The total amount of
29 consideration disbursed to a landowner pursuant to this subsection,
30 whether in a lump sum or on an installment basis, shall be reduced
31 by the amount of consideration that has previously been disbursed
32 thereto, through a good faith advance payment awarded for the
33 same acquisition project, pursuant to section 1 of P.L. , c. (C.)
34 (pending before the Legislature as this bill).

35 d. Nothing in this section shall prevent a board from receiving
36 a lump sum from the committee and from thereafter establishing a
37 schedule of installment payments with the landowner; provided,
38 however, that the total amount of consideration authorized for
39 disbursement on an installment basis, in any such case, shall be
40 appropriately reduced by the amount of consideration previously
41 disbursed to such landowner, through a good faith advance payment
42 awarded thereto for the same acquisition project, pursuant to section
43 1 of P.L. , c. (C.) (pending before the Legislature as this
44 bill).

45 (cf: P.L.1999, c.163, s.1)

1 5. Section 1 of P.L.1999, c.180 (C.4:1C-43.1) is amended to
2 read as follows:

3 1. a. There is established in the State Agriculture Development
4 Committee a farmland preservation planning incentive grant
5 program, the purpose of which shall be to provide grants to eligible
6 counties and municipalities for farmland preservation purposes as
7 authorized pursuant to this **[act]** section.

8 b. To be eligible to apply for a grant, a county or municipality
9 shall:

10 (1) Identify project areas of multiple farms that are reasonably
11 contiguous and located in an agriculture development area
12 authorized pursuant to the "Agriculture Retention and Development
13 Act," P.L.1983, c.32 (C.4:1C-11 et seq.);

14 (2) Establish an agricultural advisory committee. In the case of
15 a county, the county agriculture development board shall serve this
16 function. In the case of a municipality, members of a municipal
17 agricultural advisory committee shall be appointed by the mayor
18 with the consent of the municipal governing body, and the
19 committee shall report to the municipal planning board. A
20 municipal agricultural advisory committee shall be composed of at
21 least three, but not more than five, members who shall be residents
22 of the municipality, with a majority of the members actively
23 engaged in farming and owning a portion of the land they farm. For
24 the purposes of this paragraph, "mayor" shall mean the same as that
25 term is defined pursuant to section 3.2 of P.L.1975, c.291
26 (C.40:55D-5);

27 (3) Establish and maintain a dedicated source of funding for
28 farmland preservation pursuant to P.L.1997, c.24 (C.40:12-15.1 et
29 seq.), or an alternative means of funding for farmland preservation,
30 such as, but not limited to, repeated annual appropriations or
31 repeated issuance of bonded indebtedness, which the State
32 Agriculture Development Committee deems to be, in effect, a
33 dedicated source of funding because of a demonstrated commitment
34 on the part of the county or municipality; and

35 (4) In the case of a municipality, prepare a farmland
36 preservation plan element pursuant to paragraph (13) of section 19
37 of P.L.1975, c.291 (C.40:55D-28) in consultation with the
38 agriculture advisory committee established pursuant to paragraph
39 (2) of this subsection.

40 c. In the event a municipality is seeking funding from the
41 county toward the purchase of development easements, the
42 municipality shall submit an application to the county agriculture
43 development board. In all other cases, a municipality shall submit
44 its application directly to the State Agriculture Development
45 Committee.

46 d. A municipality, in submitting an application to the county
47 agriculture development board or the State Agriculture
48 Development Committee as appropriate, or a county, in submitting

1 an application to the State Agriculture Development Committee,
2 shall outline a multi-year plan for the purchase of multiple farms in
3 a project area and indicate its annual share of the estimated
4 purchase price. The municipality, in order to enhance its
5 application, may submit its proposal jointly with one or more
6 contiguous municipalities if the submission would result in the
7 preservation of a significant area of reasonably contiguous
8 farmland. The application shall include, in the case of a
9 municipality, a copy of the farmland preservation plan element
10 prepared pursuant to paragraph (13) of section 19 of P.L.1975,
11 c.291 (C.40:55D-28); an estimate of the cost of purchasing
12 development easements on all of the farms in a designated project
13 area, to be determined in consultation with the county agriculture
14 development board or through an appraisal for the entire project
15 area; and an inventory showing the characteristics of each farm in
16 the project area which may include, but need not be limited to, size,
17 soils and agricultural use.

18 e. The State Agriculture Development Committee shall make
19 decisions regarding suitability for funding of development easement
20 purchases for planning incentive grants based on whether the
21 project area provides an opportunity to preserve a significant area of
22 reasonably contiguous farmland that will promote the long term
23 viability of agriculture as an industry in the municipality or county.
24 After the State Agriculture Development Committee has given
25 approval to an application, the municipality or county shall submit
26 **【two】** appraisals for each parcel for which funding is requested, in
27 conformance with the provisions of subsection e. of section 8 of
28 P.L.2016, c.12 (C.13:8C-50). **【The appraisals shall be conducted**
29 **pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-**
30 **31).】** Approved funding shall be allocated by the municipality, the
31 county, and the State to each parcel in the project area under an
32 agreement that commits each level of government to a specific
33 payment in each of the years included in the plan for purchase.
34 Each such proportional payment agreement shall also include
35 provisions committing each level of government to provide a
36 specific share of the good faith advance payment that is required to
37 be awarded and disbursed to each landowner in the project area, in
38 advance of settlement on the landowner's parcel, pursuant to
39 section 1 of P.L. , c. (C.) (pending before the Legislature
40 as this bill). Nothing in this **【act】** section shall be construed to
41 require that any parcel in a project area receive a price per acre that
42 is the same as any other parcel in that project area or that any parcel
43 must be purchased with installment payments because other parcels
44 in the project area are so purchased.

45 f. Purchases of development easements on farmland, pursuant
46 to this **【act】** section, shall be made with the approval of the State
47 Agriculture Development Committee and the municipality, and in

1 the event county funds are provided, with the approval of the
2 county agriculture development board.

3 g. If a county does not provide funding toward the purchase of
4 the development easement, the State Agriculture Development
5 Committee shall hold title to the development easement.

6 h. The State Agriculture Development Committee shall adopt,
7 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
8 (C.52:14B-1 et seq.), such rules and regulations as may be
9 necessary to implement the provisions of this [act] section, and
10 shall establish ranking and funding criteria separately from, but
11 similar to, those used in the program established pursuant to
12 P.L.1983, c.32 (C.4:1C-11 et seq.), except that the ranking and
13 funding criteria established for purposes of this section shall be
14 **[applied]** applicable to the project area as a whole, and not to
15 individual parcels, and priority shall be given to those applications
16 that utilize option agreements, installment purchases, donations,
17 **[and]** or other methods for the purpose of leveraging monies made
18 available by P.L.1999, c.152 (C.13:8C-1 et al.).
19 (cf: P.L.1999, c.180, s.1)
20

21 6. Section 20 of P.L.1999, c.152 (C.13:8C-20) is amended to
22 read as follows:

23 20. The State Treasurer shall establish a fund to be known as the
24 "Garden State Farmland Preservation Trust Fund." The State
25 Treasurer shall deposit into the fund all moneys transferred from the
26 trust to the State Treasurer for deposit into the fund pursuant to
27 paragraph (2) of subsection a. of section 18 of **[this act]** P.L.1999,
28 c.152 (C.13:8C-18) and any other moneys appropriated by law for
29 deposit into the fund. Moneys in the fund shall be invested in
30 permitted investments or shall be held in interest-bearing accounts
31 in those depositories as the State Treasurer may select, and may be
32 invested and reinvested in permitted investments or as other trust
33 funds in the custody of the State Treasurer in the manner provided
34 by law. All interest or other income or earnings derived from the
35 investment or reinvestment of moneys in the fund shall be credited
36 to the fund. Such grants, contributions, donations, and
37 reimbursements from federal aid programs and from other public or
38 private sources as may be used lawfully for the purposes of section
39 37 of **[this act]** P.L.1999, c.152 (C.13:8C-37) shall also be held in
40 the fund, but shall be expended in accordance with any purposes for
41 which the moneys were designated and in compliance with any
42 conditions or requirements attached thereto. The moneys in the
43 fund are specifically dedicated and shall be applied to the cost of
44 the purposes set forth in section 37 of **[this act]** P.L.1999, c.152
45 (C.13:8C-37). Moneys in the fund shall not be expended except in
46 accordance with appropriations from the fund made by law.
47 Notwithstanding the provisions of this section, or the provisions of

1 any other law, rule, or regulation, to the contrary, an appropriate
2 portion of moneys held in the fund may be annually allocated, by
3 the committee, to finance the advance payments that are required to
4 be awarded and disbursed to applicant landowners, on a tentative,
5 contingency basis, and in advance of settlement, pursuant to section
6 1 of P.L. , c. (C.) (pending before the Legislature as this
7 bill), in association with any State or local project which is
8 undertaken for the purposes set forth in section 37 of P.L.1999,
9 c.152 (C.13:8C-37). Unexpended moneys due to project
10 withdrawals, cancellations, or cost savings, including unexpended
11 moneys that have been tentatively expended for good faith advance
12 payment purposes, pursuant to section 1 of P.L. , c. (C.)
13 (pending before the Legislature as this bill), but which have been
14 repaid by and recouped from the landowner due to project
15 withdrawal or cancellation, shall be returned to the fund, except as
16 otherwise provided pursuant to paragraph (3) of subsection b. of
17 section 23 of **【this act】** P.L.1999, c.152 (C.13:8C-23), to be used
18 for the purposes of the fund.

19 (cf: P.L.2005, c.281, s.3)

20
21 7. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to
22 read as follows:

23 38. a. All acquisitions or grants made pursuant to section 37 of
24 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to
25 farmland devoted to farmland preservation under programs
26 established by law.

27 b. The expenditure and allocation of constitutionally dedicated
28 moneys for farmland preservation purposes shall reflect the
29 geographic diversity of the State to the maximum extent practicable
30 and feasible.

31 c. The committee shall implement the provisions of section 37
32 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures
33 and criteria established pursuant to the "Agriculture Retention and
34 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and in
35 accordance with the advance payment procedures and requirements
36 established pursuant to P.L. , c. (C.) (pending before the
37 Legislature as this bill), except as provided otherwise by P.L.1999,
38 c.152 (C.13:8C-1 et seq.).

39 d. The committee shall adopt the same or a substantially
40 similar method for determining, for the purposes of P.L.1999, c.152
41 (C.13:8C-1 et seq.), the committee's share of the cost of a
42 development easement on farmland to be acquired by a local
43 government as that which is being used by the committee on the
44 date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior
45 farmland preservation funding programs.

46 e. Notwithstanding the provisions of section 24 of P.L.1983,
47 c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any
48 rule or regulation adopted pursuant thereto to the contrary,

1 whenever the value of a development easement on farmland to be
2 acquired using constitutionally dedicated moneys in whole or in
3 part is determined based upon the value of any pinelands
4 development credits allocated to the parcel pursuant to P.L.1979,
5 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive
6 management plan adopted pursuant thereto, the committee shall
7 determine the value of the development easement by:

8 (1) conducting a sufficient number of fair market value
9 appraisals as it deems appropriate to determine the value for
10 farmland preservation purposes of the pinelands development
11 credits;

12 (2) considering development easement values in counties,
13 municipalities, and other areas (a) reasonably contiguous to, but
14 outside of, the pinelands area, which in the sole opinion of the
15 committee constitute reasonable development easement values in
16 the pinelands area for the purposes of this subsection, and (b) in the
17 pinelands area where pinelands development credits are or may be
18 utilized, which in the sole opinion of the committee constitute
19 reasonable development easement values in the pinelands area for
20 the purposes of this subsection;

21 (3) considering land values in the pinelands regional growth
22 areas;

23 (4) considering the importance of preserving agricultural lands in
24 the pinelands area; and

25 (5) considering such other relevant factors, including the rate of
26 inflation, as may be necessary to increase participation in the
27 farmland preservation program by owners of agricultural lands
28 located in the pinelands area.

29 f. No pinelands development credit that is acquired or obtained
30 in connection with the acquisition of a development easement on
31 farmland or fee simple title to farmland by the State, a local
32 government unit, or a qualifying tax exempt nonprofit organization
33 using constitutionally dedicated moneys in whole or in part may be
34 conveyed in any manner. All such pinelands development credits
35 shall be retired permanently.

36 g. (Deleted by amendment, P.L.2010, c.70)

37 h. Any farmland for which a development easement or fee
38 simple title has been acquired pursuant to section 37 of P.L.1999,
39 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the
40 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the
41 "Agriculture Retention and Development Act," P.L.1983, c.32
42 (C.4:1C-11 et al.).

43 i. (Deleted by amendment, P.L.2010, c.70)

44 j. (1) Commencing on the date of enactment of P.L.2004, c.120
45 (C.13:20-1 et al.) and through June 30, 2029 for lands located in the
46 Highlands Region as defined pursuant to section 3 of P.L.2004,
47 c.120 (C.13:20-3), when the committee, a local government unit, or
48 a qualifying tax exempt nonprofit organization seeks to acquire a

1 development easement on farmland or the fee simple title to
2 farmland for farmland preservation purposes using constitutionally
3 dedicated moneys in whole or in part, Green Acres bond act moneys
4 in whole or in part, or constitutionally dedicated CBT moneys
5 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in whole or in part,
6 it shall conduct or cause to be conducted an appraisal or appraisals
7 of the value of the lands that shall be made using (a) the land use
8 zoning of the lands and any State environmental laws or
9 Department of Environmental Protection rules and regulations that
10 may affect the value of the lands, subject to the appraisal and in
11 effect at the time of proposed acquisition, and (b) the land use
12 zoning of the lands and any State environmental laws or
13 Department of Environmental Protection rules and regulations that
14 may affect the value of the lands, subject to the appraisal and in
15 effect on January 1, 2004. The higher of those two values shall be
16 utilized by the committee, a local government unit, or a qualifying
17 tax exempt nonprofit organization as the basis for negotiation with
18 the landowner with respect to the acquisition price for the lands.
19 The landowner shall be provided with both values determined
20 pursuant to this paragraph.

21 A landowner may waive any of the requirements of this
22 paragraph and may agree to sell the lands for less than the values
23 determined pursuant to this paragraph.

24 The provisions of this paragraph shall be applicable only to lands
25 the owner of which at the time of proposed acquisition is the same
26 person who owned the lands on the date of enactment of P.L.2004,
27 c.120 (C.13:20-1 et al.) and who has owned the lands continuously
28 since that enactment date, or is an immediate family member of that
29 person.

30 (2) (Deleted by amendment, P.L.2010, c.70)

31 (3) The requirements of this subsection shall be in addition to
32 any other requirements of law, rule, or regulation not inconsistent
33 therewith.

34 (4) This subsection shall not:

35 (a) apply in the case of lands to be acquired with federal moneys
36 in whole or in part;

37 (b) (Deleted by amendment, P.L.2010, c.70); or

38 (c) alter any requirements to disclose information to a landowner
39 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361
40 (C.20:3-1 et seq.).

41 (5) For the purposes of this subsection, "immediate family
42 member" means a spouse, child, parent, sibling, aunt, uncle, niece,
43 nephew, first cousin, grandparent, grandchild, father-in-law,
44 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,
45 stepbrother, stepsister, half-brother, or half-sister, whether the
46 individual is related by blood, marriage, or adoption.

47 k. The committee and the Department of Environmental
48 Protection, pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and
2 regulations that establish standards and requirements regulating any
3 improvement on lands acquired by the State for farmland
4 preservation purposes using constitutionally dedicated moneys to
5 assure that any improvement does not diminish the protection of
6 surface water or groundwater resources.

7 Any rules and regulations adopted pursuant to this subsection
8 shall not apply to improvements on lands acquired prior to the
9 adoption of the rules and regulations.

10 1. (1) The committee, within three months after the date of the
11 first meeting of the Highlands Water Protection and Planning
12 Council established pursuant to section 4 of P.L.2004, c.120
13 (C.13:20-4), shall consult with and solicit recommendations from
14 the council concerning farmland preservation strategies and
15 acquisition plans in the Highlands Region as defined in section 3 of
16 P.L.2004, c.120 (C.13:20-3).

17 The council's recommendations shall also address strategies and
18 plans concerning establishment by the committee of a methodology
19 for prioritizing the acquisition of development easements and fee
20 simple titles to farmland in the Highlands preservation area, as
21 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland
22 preservation purposes using moneys from the Garden State
23 Farmland Preservation Trust Fund, especially with respect to
24 farmland that has declined substantially in value due to the
25 implementation of the "Highlands Water Protection and Planning
26 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations
27 may also include a listing of specific parcels in the Highlands
28 preservation area that the council is aware of that have experienced
29 a substantial decline in value and for that reason should be
30 considered by the committee as a priority for acquisition, but any
31 such list shall remain confidential notwithstanding any provision of
32 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

33 (2) In prioritizing applications for funding submitted by local
34 government units in the Highlands planning area, as defined in
35 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development
36 easements on farmland in the Highlands planning area using
37 moneys from the Garden State Farmland Preservation Trust Fund,
38 the committee shall accord a higher weight to any application
39 submitted by a local government unit to preserve farmland in a
40 municipality in the Highlands planning area that has amended its
41 development regulations in accordance with section 13 of P.L.2004,
42 c.120 (C.13:20-13) to establish one or more receiving zones for the
43 transfer of development potential from the Highlands preservation
44 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than
45 that which is accorded to comparable applications submitted by
46 other local government units to preserve farmland in municipalities
47 in the Highlands planning area that have not made such
48 amendments to their development regulations.

1 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-
2 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,
3 the sum spent by the committee in each of those fiscal years for the
4 acquisition by the committee of development easements and fee
5 simple titles to farmland for farmland preservation purposes using
6 moneys from the Garden State Farmland Preservation Trust Fund in
7 each county of the State shall be not less, and may be greater if
8 additional sums become available, than the average annual sum
9 spent by the department therefor in each such county, respectively,
10 for State fiscal years 2002 through 2004, provided there is sufficient
11 and appropriate farmland within the county to be so acquired by the
12 committee for such purposes.

13 (cf: P.L.2025, c.36, s.2)

14
15 8. Section 40 of P.L.1999, c.152 (C.13:8C-40) is amended to
16 read as follows:

17 40. a. The committee may acquire and permanently retire
18 development easements on farmland.

19 b. The committee shall evaluate the suitability of the
20 acquisition of a development easement based upon the eligibility
21 criteria listed in section 24 of P.L.1983, c.32 (C.4:1C-31) and any
22 other criteria that may be adopted by the committee.

23 c. (1) Appraisals, when used to determine the fair market
24 value of a development easement to be acquired by the committee,
25 shall be conducted by appraisers approved by the committee and in
26 a manner consistent with the process set forth in subsection c. of
27 section 24 of P.L.1983, c.32 (C.4:1C-31); and

28 (2) Advance payments, when used to demonstrate the
29 committee's good faith intention to proceed with settlement and
30 final acquisition of a farmland development easement, shall be
31 awarded and disbursed to the landowner, and shall be repaid to the
32 committee or deducted from the final, negotiated purchase price
33 that is required to be paid thereby at the time of settlement, as
34 appropriate, in a manner consistent with the process set forth in
35 section 1 of P.L. , c. (C.) (pending before the Legislature
36 as this bill) and the rules and regulations adopted pursuant thereto.

37 d. Any development easement acquired by the committee shall
38 be held of record in the name of the committee.

39 (cf: P.L.2001, c.405, s.6)

40
41 9. Section 8 of P.L.2016, c.12 (C.13:8C-50) is amended to read
42 as follows:

43 8. a. The State Treasurer shall establish a fund to be known as
44 the "Preserve New Jersey Farmland Preservation Fund" and shall
45 deposit all moneys received pursuant to paragraph (3) of subsection
46 a. of section 5 of P.L.2016, c.12 (C.13:8C-47), paragraph (2) of
47 subsection a. of section 1 of P.L.2019, c.136 (C.13:8C-47.1), and
48 any other moneys appropriated by law for deposit into the fund.

1 Moneys in the fund shall be invested in permitted investments or
2 shall be held in interest-bearing accounts in those depositories as
3 the State Treasurer may select, and may be invested and reinvested
4 in permitted investments or as other trust funds in the custody of the
5 State Treasurer in the manner provided by law. All interest or other
6 income or earnings derived from the investment or reinvestment of
7 moneys in the fund shall be credited to the fund.

8 b. (1) The moneys in the fund are specifically dedicated and
9 shall be used for the same purposes as those set forth in section 37
10 of P.L.1999, c.152 (C.13:8C-37) and as provided in [paragraph (2)
11 of] this subsection.

12 (2) Of the moneys deposited into the Preserve New Jersey
13 Farmland Preservation Fund: (a) in State fiscal year 2017 through
14 and including State fiscal year 2019, up to three percent shall be
15 allocated by the committee on an annual basis for stewardship
16 activities; and (b) commencing in State fiscal year 2020 and
17 annually thereafter, up to four percent shall be allocated by the
18 committee on an annual basis for stewardship activities.

19 (3) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-
20 43 et seq.) to the contrary, stewardship activities undertaken on
21 farmland on which (a) the pinelands development credits have been
22 acquired pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.), and the
23 pinelands comprehensive management plan adopted pursuant
24 thereto, or the development rights have been acquired pursuant to a
25 transfer of development rights program for the Highlands Region
26 established pursuant to section 13 of P.L.2004, c.120 (C.13:20-13),
27 and (b) there is deed restriction approved by the committee, shall be
28 eligible for funding pursuant to paragraph (2) of this subsection.

29 (4) Notwithstanding the provisions of this section, or the
30 provisions of any other law, rule, or regulation, to the contrary, an
31 appropriate portion of moneys held in the fund may be annually
32 allocated, by the committee, to finance the advance payments that
33 are required to be awarded and disbursed to applicant landowners,
34 on a tentative, contingency basis, and in advance of settlement,
35 pursuant to section 1 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), in association with any State or local
37 project which is undertaken for the purposes set forth in section 37
38 of P.L.1999, c.152 (C.13:8C-37).

39 c. Moneys in the fund shall not be expended except in
40 accordance with appropriations from the fund made by law. Any
41 act appropriating moneys from the Preserve New Jersey Farmland
42 Preservation Fund shall identify any particular project or projects to
43 be funded by the moneys, and any expenditure for a project for
44 which the location is not identified by municipality and county in
45 the appropriation shall require the approval of the Joint Budget
46 Oversight Committee, or its successor, except as permitted
47 otherwise in accordance with the same exceptions as those specified

1 in paragraph (2) of subsection b. of section 23 of P.L.1999, c.152
2 (C.13:8C-23).

3 d. Unexpended moneys due to project withdrawals,
4 cancellations, or cost savings, including unexpended moneys that
5 have been tentatively expended for good faith advance payment
6 purposes, pursuant to section 1 of P.L. , c. (C.) (pending
7 before the Legislature as this bill), but which have been repaid by
8 and recouped from the landowner due to project withdrawal or
9 cancellation, shall be returned to the fund.

10 e. Notwithstanding the provisions of section 24 of P.L.1983,
11 c.32 (C.4:1C-31) or section 38 of P.L.1999, c.152 (C.13:8C-38), or
12 any rule or regulation adopted pursuant thereto, to the contrary,
13 when the committee, a local government unit, or a qualifying tax
14 exempt nonprofit organization seeks to acquire a development
15 easement on, or fee simple title to, farmland using, in whole or in
16 part, monies deposited into the Preserve New Jersey Farmland
17 Preservation Fund, the Garden State Farmland Preservation Trust
18 Fund established pursuant to section 20 of P.L.1999, c.152
19 (C.13:8C-20), or any other State monies provided for farmland
20 preservation purposes, the value of the development easement, or
21 fee simple title, as applicable, shall be determined by the following:

22 (1) the procedure set forth in section 24 of P.L.1983, c.32
23 (C.4:1C-31);

24 (2) a value determined in accordance with a formula, to be
25 known as the "Statewide Farmland Preservation Formula," which
26 formula is established by rule or regulation adopted by the
27 committee, pursuant to subsection f. of this section, and includes:

28 (a) conducting or analyzing a sufficient number of fair market
29 value appraisals of agricultural lands within the municipality in
30 which the land is located, or the surrounding market area, or both,
31 as the committee deems appropriate to determine the value of the
32 land for farmland preservation;

33 (b) considering farmland and development easement values in
34 counties and municipalities reasonably contiguous to, but outside
35 of, the municipality in which the land to be acquired is located,
36 which in the sole opinion of the committee constitute reasonable
37 farmland and development easement values for the purposes of this
38 subsection;

39 (c) considering the importance of preserving agricultural lands in
40 the municipality and county in which the land is located;

41 (d) considering the status and value of natural resources in the
42 municipality and county in which the land is located, and in
43 counties and municipalities that are reasonably contiguous to, but
44 outside of, the municipality and county in which the land is located;

45 (e) considering such other relevant factors as may be necessary
46 to increase participation in the farmland preservation program by
47 owners of agricultural lands located in the municipality and county
48 in which the land is located, including, but not limited to, the rate of

1 inflation, the quality of the agricultural soils, the size of the
2 agricultural lands to be acquired, and the risk of conversion of the
3 land from productive agriculture to nonagricultural use; and

4 (f) providing additional value for the proximity of agricultural
5 lands located adjacent to preserved agricultural lands, lands
6 preserved for recreation and conservation purposes, aquifer
7 recharge areas, lands subject to development or conservation
8 easements, and lands whose conversion to nonagricultural use
9 would lead to conflicting land uses, including, but not limited to,
10 utility and roadway rights-of-way, military bases, and airports and
11 associated airspace; and, if applicable,

12 (3) (a) in the case of property located in the pinelands area,
13 whenever the value of a development easement on farmland to be
14 acquired is determined based upon the value of any pinelands
15 development credits allocated to the parcel pursuant to P.L.1979,
16 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive
17 management plan adopted pursuant thereto, the value determined by
18 the committee pursuant to subsection e. of section 38 of P.L.1999,
19 c.152 (C.13:8C-38); or

20 (b) in the case of property located in the Highlands Region, the
21 value determined pursuant to subsection j. of section 38 of
22 P.L.1999, c.152 (C.13:8C-38).

23 The landowner shall be provided with the values determined
24 pursuant to paragraphs (1) and (2) of this subsection, and if
25 applicable, the value determined pursuant to paragraph (3) of this
26 subsection. The higher of the values shall be utilized by the
27 committee, a local government unit, or a qualifying tax exempt
28 nonprofit organization as the basis for negotiation with the
29 landowner with respect to the **【acquisition】** final purchase price
30 that is to be paid to effectuate the acquisition of the development
31 easement or fee simple title, as the case may be. A landowner may
32 waive any of the requirements of this subsection and may agree to
33 sell the lands for less than the values determined pursuant to this
34 subsection.

35 f. Notwithstanding the provisions of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
37 contrary, the committee shall, immediately upon filing proper
38 notice with the Office of Administrative Law, adopt rules and
39 regulations to establish the "Statewide Farmland Preservation
40 Formula" required pursuant to paragraph (2) of subsection e. of this
41 section. The rules and regulations adopted pursuant to this
42 subsection shall be in effect for a period not to exceed three years
43 after the date of the filing. These rules and regulations shall
44 thereafter be adopted, amended, or readopted by the committee in
45 accordance with the requirements of the "Administrative Procedure
46 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

47 (cf: P.L.2023, c.245, s.2)

1 otherwise does not occur, is to be fully repaid by the landowner to,
2 and recouped by, the committee or board, and dedicated for use in
3 financing other State and local farmland acquisition projects.

4 The bill would further provide, moreover, that any advance
5 payment funds which are owed by a landowner and are due to be
6 repaid to the committee or board, as a result of the voiding,
7 cancellation, abandonment, or other negation of a settlement
8 agreement for the acquisition of a farmland development easement
9 or fee simple title, will constitute a debt of the landowner to the
10 State or locality, as the case may be, which may be recovered, from
11 the landowner, by the respective committee or board to which the
12 debt is owed. All owners of the subject property, at the time of
13 incurrence of the debt thereon (i.e., at the time of settlement
14 default), would be jointly and severally liable for all recoverable
15 debt-related costs, as set forth in the bill.

16 Under the bill's provisions, any moneys that are due to the
17 committee or board and owed by a landowner, as a result of the
18 voiding, cancellation, abandonment, or other negation of settlement
19 on the acquisition of a farmland development easement or fee
20 simple title, would constitute a debt of the landowner to the State or
21 locality, as the case may be, which debt may be recovered, from the
22 landowner, by the respective committee or board to which the debt
23 is owed.

24 An advance payment debt owed by a landowner, under the bill's
25 provisions, would constitute a lien on all property owned by the
26 landowner. The lien would attach whenever a notice of lien,
27 incorporating the name of the landowner, and both a description of
28 the subject property of the landowner for which the debt was
29 incurred, and an identification of the amount of advance payment
30 funds disbursed to the landowner, as well as any related costs
31 expended by the committee or the board, is duly filed with the
32 county register of deeds and mortgages or other county clerk
33 (county recording officer), as applicable. Upon receipt of a notice
34 of lien filed pursuant to this paragraph, the county recording officer
35 would be required to promptly record, in the public records of the
36 county in which the relevant property is located, a claim of lien
37 stating the description of the property, the name and primary
38 address of the owner of record, the amount due, and the date when
39 due, as set forth in the notice of lien filed by the committee or
40 board. Such lien, in the amount committed by the committee or
41 board for advance payment and related costs, would be understood
42 to attach to the revenues and all real and personal property of the
43 landowner, whether or not the landowner is insolvent.

44 The bill would provide that any notice of lien, filed and entered
45 under the bill and affecting the property that is the subject of
46 settlement default establishing the debt, would create a lien having
47 priority over all other claims or liens which are or have been filed
48 against such subject property. However, any such notice of lien

1 that affects any property of the landowner, other than the property
2 that is the subject of settlement default establishing the debt, would
3 create a lien that has priority, from the day of the filing of the notice
4 of the lien, over all other claims and liens filed against the property,
5 but which would not affect any valid lien, right, or interest in such
6 property that has been filed, in accordance with established
7 procedure, prior to the filing of a notice of lien under the bill's
8 provisions.

9 A lien entered under the bill would be enforceable, through the
10 sale of the subject property, in the same manner provided for the
11 enforcement of municipal liens pursuant to the State's existing "tax
12 sale law," R.S.54:5-1 et seq., and In Rem Tax Foreclosure Act
13 (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), as appropriate.