

# **Bond Case Briefs**

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## **NJ Municipalities Must Demonstrate “Necessity” Linked to a Redevelopment Project to Condemn.**

The New Jersey Appellate Division reversed a decision allowing the Borough of Glassboro to condemn property just because it was part of a “Redevelopment Area” and has been since 2000. In [\*Borough of Glassboro v. Grossman\*](#), Glassboro attempted to condemn a small parcel about a block from an ongoing retail redevelopment project. In court filings, Glassboro stated the condemnation was needed to increase the availability of public parking for the project.

The Appellate Division reversed, finding Glassboro’s justification to be unsupported by any evidence. New Jersey allows municipalities to declare areas as “in need of redevelopment” (previously called “blighted”) under various circumstances and grants the municipalities condemnation authority, but only if the condemnation is “necessary” for a redevelopment project. Because of this, the Court concluded, a municipality cannot take any property just because it is located in a “Redevelopment Area.”

Instead, going forward, when contested, municipalities and other condemning authorities will have to connect the condemnation with a specific redevelopment project and present some evidential basis – facts, data, or even an expert report – to show that the taking of the property is necessary for the project. The Court stressed that this will not be a heavy burden since the State’s redevelopment laws expressly give municipalities broad discretion.

For municipalities and private developers that work with municipalities on redevelopment projects, this decision serves as a warning for the need to develop specific facts and data regarding the need to acquire specific parcels.

by Lawrence Bluestone

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**Genova Burns LLC**