



To the Members of the New Jersey Senate and General Assembly,

The Local Redevelopment and Housing Law (LRHL) was created to enable the revitalization of deteriorating, underused properties so that they might re-enter service to their communities. This remains as valid a cause now as it was in 1992.

But today, the protections of the LRHL have time and again been extended to new warehouses and high-intensity data processing facilities on former farmland, conservation areas, open space, office districts, and residential neighborhoods, all places that would not otherwise accept new industrial development. All the while our communities are finding themselves deprived of the tools of accountability.

These industrial projects are allowed to decimate local zoning laws through the LRHL's sweeping notwithstanding clause. Residents can't bring referendum, as granted by the Faulkner Act or any other municipality law, against LRHL ordinances/resolutions, and the typical disclosure requirements, as mandated by the Municipal Land Use Law, are drastically reduced. We're simply deprived of the notice and the tools needed for us to keep our communities safe. We should not have to plead during public comment that our own laws be upheld.

Furthermore, the LRHL makes no requirement on the part of developers to prove that their redevelopment plans must, indeed, improve life for municipalities, nor does it mandate independent studies of redevelopment plans in the public interest. Absent this critical information, communities are first left to speculate how their lives will be impacted during the planning phase, and are then left to deal with the environmental, health, and financial fallout both at completion and for years afterward. No decision can adequately serve the public interest, in the original spirit of the LRHL, without first a vigorous finding of fact; the public good cannot, should not, should never be optional.

All other municipal and a great number of state laws bend around the sheer gravity of the Local Redevelopment and Housing Law; that sort of broad, unimpeachable protection must be met with greater scrutiny, not less.

In addition to being controversial amongst residents, inconsistent with the growth objectives of municipalities, and further being effectively unstoppable once approved by local council, many of these industrial projects don't even pay ordinary taxes once complete under the Long Term Tax Exemption Law. Far too many tax agreements,

such as payment-in-lieu-of-taxes (PILOT) agreements, specifically deal out our school districts with not a single dollar being allocated toward education. It's a subversion of a basic duty of care to our students that members of the Legislature have noticed. These financial schemes under the LTTEL result in massive new developments that increase tax and infrastructure burdens on our communities while simultaneously exempting corporations from doing their part in maintaining those very same communities.

We are witnessing a wave of lawsuits with developers as plaintiffs against municipalities that dare to lay out acceptable uses for redevelopment areas. Datacenter bans have been met with fierce legal opposition; municipalities find themselves forced to choose between either fighting costly legal battles or ceding to corporations for the crime of serving their constituents. We urge lawmakers to review the ongoing case *Hexa Builders, LLC. v. Monroe*, in which the developer argues that datacenters facilitate electronic communication, and therefore a ban would be in violation of the First Amendment. For us residents, good faith on the part of corporations is woefully insufficient protection, especially when some corporations opt out of meeting a minimum standard of good faith at all.

In all this, we find that industrial developers are provided an avenue for sidestepping municipal regulations whilst also maintaining the option of waiving their tax burdens, all under the ironclad protection of state law. The surface of hands capable of taking action is reduced from thousands of taxpayers to a handful of elected officials, who at their own discretion may ignore the pleas of their constituents. With the capability to change local laws juxtaposed with tax agreement revenues going directly to the purview of municipal councils who have all say in these matters, we as residents see industrial redevelopment plans not for what they are under the LRHL, but for what they mean for our communities and for democracy itself: corporations buying out our laws.

It is under these circumstances that the people of New Jersey find the LRHL to be in need of reform, and now urge the State Legislature to consider the following:

1. **Make separate provision for industrial-use redevelopment projects within the context of the Local Redevelopment and Housing Law.** Zoning regulations are written such that industrial use and residential use are governed under distinct guidelines; the LRHL ought to make that distinction as well.
 1. **Residents should be enabled to bring such LRHL proceedings to the polls.** This especially for Faulkner Act municipalities with their referendum right being a specific accountability mechanism for which their form of government was chosen. Still, under any form of municipal government, if residents have the power to object through direct democracy, they should be able to use that power in industrial redevelopment proceedings. They should be allowed to demand tighter scrutiny, demand independent studies, demand all that they find necessary for the well-being of their families, their neighbors, and the environment. Industrial developers must be bound to a higher standard of

responsibility to communities, and communities ought to have the agency to determine that standard for themselves.

2. **Disclosure requirements under the Local Redevelopment and Housing Law must be improved.**

Two weeks in a local newspaper is insufficient for a modern New Jersey, especially when online versions of many local papers are paywalled. Additionally, the existing notice provisions, both mailed and served to property owners/claimants within redevelopment areas, do not adequately address the body of individuals who stand to be most affected by these projects.

1. **There should be provisions for digital notice, such as on officially-maintained municipal websites and officially-maintained third-party social media accounts, and such notice must be entered into the public record.** A consistent narrative across public comments on LRHL proceedings is a feeling of being blindsided, even though disclosure was followed to the letter of the law. Public notices should be easy to find and written in plain language; if industrial redevelopments are, indeed, for the benefit of our communities, then they would be well-represented under these terms.
2. **Mailed/served disclosures should extend to the owners/claimants of all parcels surrounding the redevelopment area.** The Municipal Land Use Law provision for protest petitions provides a 200-foot buffer to qualify parcel owners/claimants as valid signatories. Disclosure requirements under the LRHL should include a similar buffer surrounding the full parcel or parcels comprising or encompassing any redevelopment area.

The people of New Jersey demand more equitable legislation surrounding industrial-use redevelopment. The LRHL cuts far too many people out of the legislative process with no binding recourse. Ordinary citizens are stepping up to the podium to lend their voices to democracy, only to learn that their hands are tied, that it's already too late, and that they have no choice but to live with whatever comes next for the next 5 to 30 years. Public comment and advice alone cannot rise to the task of accountability due the moment.

There must be a day when the public interest comes before private economic interests. The people of New Jersey deserve no less.

Thank you.