LEGAL Q&A

If approved, what would the proposed Open-Space Preservation Amendment do for NJ?

On June 20, 2013, the New Jersey State Senate passed a proposed constitutional amendment that would, if approved by voters, create a new fund for the preservation of historic sites and open space. The bill (SCR-138) received support from both parties, receiving only two "no" votes. It has not yet been brought to the Assembly.

Under the proposed amendment, one-fifth of all state sales tax revenue would be set aside for the preservation of farmland, historic properties, "Green Acres," and "Blue Acres." The Green Acres program acquires land that protects water supplies and preserves open space, including parks, fish and wildlife habitat, and flood prone or "Blue Acres" includes affected areas. properties that have been damaged by storms or storm-related flooding, that appear likely to incur such damage, or that may buffer or protect other lands from such damage. Under either designation, structures on properties purchased from willing sellers are demolished, the debris is removed, and

the land is preserved as open space.

The program is proposed to last 30 years. For the first year, the amount collected would be approximately \$246 million. If passed by the Assembly, the proposed amendment would head to New Jersey's voters, who have historically supported the preservation of open space.



Steven P. Gouin is an Associate at Giordano, Halleran & Ciesla, P.C. and member of the firm's Real Estate, Redevelopment and Planned Real Estate Development Practice Group. He can be reached at sgouin@ghclaw.com or 732.741.3900