

CHAPTER 36

GREEN ACRES PROGRAM

Authority

N.J.S.A. 13:8A-1 et seq., 13:8A-19 et seq., 13:8A-35 et seq. and P.L. 1961, c.46; P.L. 1971, c.165; P.L. 1974, c.102; P.L. 1978, c.118; P.L. 1983, c.354; P.L. 1987, c.265; P.L. 1989, c.183; P.L. 1992, c.88; and P.L. 1995, c.204

Source and Effective Date

R.1998 d.510, effective October 19, 1998.
See: 30 N.J.R. 2110(a), 30 N.J.R. 3785(c).

Executive Order No. 66(1978) Expiration Date

Chapter 36, Green Acres Program, expires on October 19, 2003.

Chapter Historical Note

Chapter 36, Green Acres Grant Program, was adopted as R.1997 d.395, effective October 25, 1977. See: 9 N.J.R. 312(a), 9 N.J.R. 514(a).

Pursuant to Executive Order No. 66(1978), Subchapters 2, 3, 5, and 6 expired on January 9, 1986. Subchapters 1, 4, and 7 were repealed and a new Chapter 36, Green Acres Grant Program, was adopted as R.1988 d.549, effective November 21, 1988. See: 19 N.J.R. 2358(b), 20 N.J.R. 2891(a).

Subchapter 8, Public Hearing for the Sale, Exchange of, Easement on or Lease of Department-Held Land, was adopted as R.1991 d.151, effective March 18, 1991. See: 22 N.J.R. 593(b), 23 N.J.R. 852(b). Subchapter 9, Basis for Assistance to, and Eligibility Requirements for, Tax Exempt Nonprofit Organizations for the Acquisition of Land for Recreation and Conservation Purposes, was adopted as R.1993 d.265, effective June 7, 1993. See: 24 N.J.R. 2405(a), 25 N.J.R. 2472(a).

Pursuant to Executive Order No. 66(1978), Chapter 36, Green Acres Grant Program, was readopted as R.1993 d.609, effective October 29, 1993. See: 25 N.J.R. 3405(a), 25 N.J.R. 5666(a). Subchapter 8, Public Hearing for the Sale, Exchange of, Easement on or Lease of Department-Held Land, was repealed by R.1993 d.609, effective December 6, 1993. See: 25 N.J.R. 3405(a), 25 N.J.R. 5666(a).

Chapter 36, Green Acres Program, was repealed and adopted as new rules by R.1998 d.510, effective October 19, 1998. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:36-1.1 Purposes and objectives
- 7:36-1.2 Scope
- 7:36-1.3 Construction
- 7:36-1.4 Severability
- 7:36-1.5 Program information; address for submissions

SUBCHAPTER 2. DEFINITIONS

- 7:36-2.1 Definitions

SUBCHAPTER 3. LOCAL UNIT PROJECTS: ELIGIBILITY OF LOCAL UNIT APPLICANTS

- 7:36-3.1 Eligible applicants
- 7:36-3.2 Ineligible applicants

SUBCHAPTER 4. LOCAL UNIT ACQUISITION PROJECTS: PROJECT ELIGIBILITY, CONDITIONS AND LIMITATIONS

- 7:36-4.1 General provisions
- 7:36-4.2 Eligible projects
- 7:36-4.3 Ineligible projects
- 7:36-4.4 Acquisition of structures
- 7:36-4.5 Acquisition of waterfront land
- 7:36-4.6 Acquisition of agricultural lands
- 7:36-4.7 Acquisition of conservation restrictions or historic preservation restrictions
- 7:36-4.8 Donations toward the cost of acquisition
- 7:36-4.9 Allowable project costs

SUBCHAPTER 5. LOCAL UNIT ACQUISITION PROJECTS: FUNDING AWARD CATEGORIES

- 7:36-5.1 Funding award categories

SUBCHAPTER 6. LOCAL UNIT ACQUISITION PROJECTS: APPLICATION PROCESS

- 7:36-6.1 Timing
- 7:36-6.2 Preapplication procedures
- 7:36-6.3 At-risk authorization to proceed with acquisition
- 7:36-6.4 Application requirements
- 7:36-6.5 Determination and notification of eligibility
- 7:36-6.6 Appraisal procedures
- 7:36-6.7 Approval or denial of application; award of funding; procedural letter

SUBCHAPTER 7. LOCAL UNIT ACQUISITION PROJECTS: AWARD CRITERIA

- 7:36-7.1 Project award criteria

SUBCHAPTER 8. LOCAL UNIT ACQUISITION PROJECTS: DETERMINATION OF ELIGIBLE LAND COST

- 7:36-8.1 Determination of eligible land cost
- 7:36-8.2 Acceptance of eligible land cost
- 7:36-8.3 Supplemental funding

SUBCHAPTER 9. LOCAL UNIT ACQUISITION PROJECT: PROJECT AGREEMENT, NEGOTIATIONS FOR PURCHASE OF PROJECT SITE, DISBURSEMENTS, LOAN REPAYMENT, AND ACCOUNTING AND RECORDKEEPING REQUIREMENTS

- 7:36-9.1 Project agreement
- 7:36-9.2 Negotiations for purchase of project site
- 7:36-9.3 Disbursement of loan or grant
- 7:36-9.4 Terms of loan repayment
- 7:36-9.5 Accounting and recordkeeping

SUBCHAPTER 10. LOCAL UNIT DEVELOPMENT PROJECTS: PROJECT ELIGIBILITY

- 7:36-10.1 General provisions
- 7:36-10.2 Eligible projects
- 7:36-10.3 Ineligible projects
- 7:36-10.4 Dredging of a pond, lake, or segment of a stream or river
- 7:36-10.5 Development on landfills
- 7:36-10.6 Allowable project costs

SUBCHAPTER 11. LOCAL UNIT DEVELOPMENT PROJECTS: FUNDING AWARD CATEGORIES

- 7:36-11.1 Funding award categories

**SUBCHAPTER 12. LOCAL UNIT DEVELOPMENT
PROJECTS: APPLICATION PROCESS**

- 7:36-12.1 Timing
- 7:36-12.2 Preapplication procedures
- 7:36-12.3 At-risk authorization to proceed with development
- 7:36-12.4 Application requirements
- 7:36-12.5 Approval or denial of an application; award of funding; procedural letter

**SUBCHAPTER 13. LOCAL UNIT DEVELOPMENT
PROJECTS: AWARD CRITERIA**

- 7:36-13.1 Project award criteria

**SUBCHAPTER 14. LOCAL UNIT DEVELOPMENT
PROJECT: PROJECT AGREEMENT, BID
PROCEDURES, SUPPLEMENTAL FUNDING,
CONSTRUCTION RESPONSIBILITY,
DISBURSEMENTS, PROJECT CLOSEOUT, LOAN
REPAYMENT, ACCOUNTING AND
RECORDKEEPING REQUIREMENTS**

- 7:36-14.1 Project agreement
- 7:36-14.2 Bid procedures
- 7:36-14.3 Supplemental funding
- 7:36-14.4 Construction requirements; site inspections
- 7:36-14.5 Disbursement of loan or grant
- 7:36-14.6 Project closeout
- 7:36-14.7 Terms of loan repayment
- 7:36-14.8 Accounting and recordkeeping

**SUBCHAPTER 15. NONPROFIT ACQUISITION
PROJECTS: PROJECT ELIGIBILITY,
CONDITIONS, AND LIMITATIONS**

- 7:36-15.1 General provisions
- 7:36-15.2 Eligible projects
- 7:36-15.3 Ineligible projects
- 7:36-15.4 Acquisition of structures
- 7:36-15.5 Acquisition of waterfront land
- 7:36-15.6 Acquisition of agricultural lands
- 7:36-15.7 Acquisition of conservation restrictions or historic preservation restrictions
- 7:36-15.8 Donations toward the cost of acquisition
- 7:36-15.9 Allowable project costs

**SUBCHAPTER 16. NONPROFIT ACQUISITION
PROJECTS: APPLICATION PROCESS**

- 7:36-16.1 Timing
- 7:36-16.2 Preapplication procedures
- 7:36-16.3 At-risk authorization to proceed with acquisition
- 7:36-16.4 Application requirements
- 7:36-16.5 Approval or denial of application; award of funding; procedural letter
- 7:36-16.6 Appraisal procedures

**SUBCHAPTER 17. NONPROFIT ACQUISITION
PROJECTS: AWARD CRITERIA**

- 7:36-17.1 Project award criteria

**SUBCHAPTER 18. NONPROFIT ACQUISITION
PROJECTS: DETERMINATION OF ELIGIBLE
LAND COST**

- 7:36-18.1 Determination of eligible land cost
- 7:36-18.2 Acceptance of eligible land cost
- 7:36-18.3 Supplemental funding

**SUBCHAPTER 19. NONPROFIT ACQUISITION
PROJECTS: PROJECT AGREEMENT,
NEGOTIATIONS FOR PURCHASE OF PROJECT
SITE; DISBURSEMENTS; ACCOUNTING AND
RECORDKEEPING REQUIREMENTS**

- 7:36-19.1 Project agreement
- 7:36-19.2 Negotiations for purchase of project site
- 7:36-19.3 Disbursement of grant
- 7:36-19.4 Accounting and recordkeeping

**SUBCHAPTER 20. REQUIREMENTS FOR
MAINTENANCE, USE, DEVELOPMENT, AND
DISPOSAL OR DIVERSION OF FUNDED AND
UNFUNDED PARKLAND; ADJUDICATORY
HEARING REQUESTS**

- 7:36-20.1 Maintenance requirements for funded parkland; compliance inspection
- 7:36-20.2 Disposal or diversion of funded parkland and unfunded parkland
- 7:36-20.3 Amendment of Recreation and Open Space Inventory (ROSI)
- 7:36-20.4 Development of parkland acquired as a grant incentive project
- 7:36-20.5 Construction of buildings on funded or unfunded parkland
- 7:36-20.6 Fees
- 7:36-20.7 Public access to and use of funded parkland
- 7:36-20.8 Public access to and use of unfunded parkland
- 7:36-20.9 Posting of signs on funded parkland
- 7:36-20.10 Leases, use agreements, or concession agreements regarding funded or unfunded parkland for recreation and conservation purposes
- 7:36-20.11 Leases or use agreements regarding funded or unfunded parkland for purposes other than recreation and conservation
- 7:36-20.12 Adjudicatory hearing requests

**SUBCHAPTER 21. PROCEDURES FOR
COMMISSIONER AND STATE HOUSE
COMMISSION APPROVAL OF THE DISPOSAL OR
DIVERSION OF FUNDED OR UNFUNDED
PARKLAND**

- 7:36-21.1 Procedural requirements; basis for approval of disposal or diversion
- 7:36-21.2 Pre-application requirements
- 7:36-21.3 Compensation for parkland proposed to be disposed of or diverted
- 7:36-21.4 State House Commission application

SUBCHAPTER 1. GENERAL PROVISIONS

7:36-1.1 Purposes and objectives

(a) This chapter is promulgated for the following purposes:

1. To implement the purposes and objectives of the Green Acres laws in order to help ensure that there is access to and an adequate supply of lands for either public outdoor recreation or conservation of natural resources, or both. Green Acres shall assist local units and nonprofits in their efforts to increase and preserve permanent outdoor recreation areas for public use and enjoyment, and conservation areas for the protection of natural resources such as waterways, wildlife habitat, wetlands, forests, and viewsheds;