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Mandate or Myth: Is there a 'Heightened Standard' for Redevelopment Area Designations, and if so, From Where Does it Come?

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In 2012, New Jersey's Local Redevelopment and Housing Law (LRHL) governing the use of eminent domain for redevelopment will turn twenty years old. In its first ten years, LRHL enabled virtually unchecked exercises of local government authority to declare ?areas in need of redevelopment.? In the last ten years, however, a combination of factors?ranging from pushback against overzealous condemnations to doubts about the effectiveness of redevelopment?has led the judiciary to more strictly interpret the statute and its constitutional foundations. Ultimately, municipal use of the LRHL has become less unfettered. Generally speaking, this has been appropriate both legally and policy-wise.

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