

RESOLUTION # 9

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

1 **WHEREAS**, Transfer of Development Rights, or TDR, offers a tool to achieve both
2 land preservation and economic growth by directing development from farmland, historic and
3 environmentally sensitive sites to where this development is most desired and appropriate;
4 and

5 **WHEREAS**, by harnessing forces in the real estate market, TDR can enable
6 landowners to access the equity from their land without having to convert their land to
7 nonagricultural uses, such as residential or commercial development; and

8 **WHEREAS**, the Pinelands Development Credit (PDC) program, New Jersey's first
9 TDR program, instituted in 1981, has to date resulted in the permanent protection of more
10 than 55,000 acres of environmentally sensitive forest and agricultural land in the New Jersey
11 Pinelands; and

12 **WHEREAS**, despite the long history of the program being established in the
13 Pinelands, much remains unpreserved, due largely to limitations on *where* Pinelands PDC
14 credits may, and must, be used (i.e. only within the Pinelands itself, and even there many
15 areas can develop without the use of PDCs); and

16 **WHEREAS**, in 2004, the Highlands Water Protection and Planning Act (N.J.S.A.
17 13:20-1 et seq.) was enacted, which included the establishment of a TDR program as a key
18 component to provide equity protection to impacted landowners; and

19 **WHEREAS**, the Highlands Water Protection and Planning Act relies on municipalities
20 to voluntarily participate in becoming receiving areas for Highlands Development Credits;
21 and

22 **WHEREAS**, despite statutory incentives and grants from the Highlands
23 Commission, 14 years later, no receiving areas have been established to accept Highlands
24 Development Credits, and therefore no market for these credits currently exists; and

25 **WHEREAS**, the cost of state preservation programs which deprive landowners of
26 value in their land in order to provide benefits which are enjoyed by the entire state should be
27 borne by the entire state, and not be shouldered entirely by the region being preserved.

28 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 106th State
29 Agricultural Convention, assembled through a virtual platform hosted in Trenton, New
30 Jersey, in accordance with COVID-19 pandemic recommendations, on February 17, 2021,
31 support the permanent protection of New Jersey's farmland, historic and natural resources
32 through, among other methods, the judicious and market-aware use of Transfer of
33 Development Rights.

34 **BE IT FURTHER RESOLVED**, that we strongly urge coordinated efforts by and
35 among the various New Jersey state agencies to work with the State TDR Bank with regard
36 to establishing receiving areas necessary to drive demand for Highlands and Pinelands PDC
37 credits.

38 **BE IT FURTHER RESOLVED**, that we support the law that established a program
39 that enables the redemption of Highlands and Pinelands Development Credits statewide
40 which was designed to specifically motivate the purchase of Highlands and Pinelands TDR
41 credits in exchange for approval of projects that may or may not be in the Highlands or
42 Pinelands, but anywhere in the state.