

Under this new legislation, employees must procure performance permits in order to work with asbestos. Performance permits will be issued after three criteria are met. The employee must (1) take a certified course in asbestos control and removal, (2) pass an examination on asbestos control and removal and (3) demonstrate the ability to use state-of-the-art technology to safely perform asbestos control and removal. By broadly defining employee to mean "any person suffered or permitted to work by an employer," the Act should have the effect of allowing only properly trained workers to handle asbestos.

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Municipalities—Improvements for Downtown Business Districts—N.J. Stat. Ann. §§ 40:56-65 - to -80 (West Supp. 1985).

P.L. 1984, c.151 amends a prior act, codified at N.J. Stat. Ann. §§ 40:46-65 to 40:56-80, which authorizes municipalities to develop pedestrian malls. The amendment allows municipalities to establish, by ordinance, self-financing special improvement districts and to create district management corporations. The purpose of the Act is to promote economic growth and employment within a municipality's business district. The Act provides that a special improvement ordinance may be adopted if the municipality's governing body finds that:

- 1) an area would benefit from being designated as a special improvement district;
- 2) a district management corporation would provide administrative and other services to benefit the businesses, employees, residents, and consumers in the district;
- 3) a special assessment shall be imposed and collected by the municipality and that all or a portion of it will be transferred to the district management corporation to effectuate the purposes of the Act and exercise the powers given to it; and
- 4) it is in the best interests of the municipality and the public to create a special improvement district and to designate a district management corporation.

The special improvement district ordinance adopted by the municipality may provide that all costs related to the provision of im-

provements for the district shall be financed and assessed to properties that are specially benefited by the improvements. In addition, if annual maintenance costs are incurred and are determined to specifically benefit properties within the district, the costs are to be assessed against these benefited properties. Costs are assessed in one of two ways. First, each year the mayor, with the advice of the district management corporation, submits an estimate of the cost of operating and maintaining the district to the town's governing body. The estimate includes costs properly chargeable against the general funds of the municipality, represented by the amount the municipality would pay for maintenance and operation of the streets and facilities if they were not located within a special improvement district. It also includes costs assessed against properties specifically benefited in the district in proportion to the benefits. The tax assessor then prepares the assessment to be specifically assessed against the benefited properties. Second, in lieu of or in addition to funding pursuant to the above described method, the municipality may require annual licenses for businesses operating within the district. Fees for the licenses are tied to the district's annual budget and the benefit accruing to each property.

When a special improvement district is created, the municipality still retains its police powers with regard to the streets contained within the district. The municipality also has regulation and control over (1) uses to be permitted in the district by occupants, vendors, transit or telephone utilities, concessionaries, and others to serve the convenience and enjoyment of pedestrians, (2) the issuance of permits to conduct any special activity, (3) the operation of lighting, heating, or other facilities, and (4) the replacement of landscaping and the maintenance of furniture. The district management corporation has the powers conferred upon it by the Act and by ordinance that are necessary to effectuate the purposes of the Act. Several of the more significant powers include: employing persons and fixing compensation; making agreements necessary for the exercise of the corporation's functions; funding external improvements of properties in the district; funding rehabilitation of properties; leasing, selling, or managing properties; undertaking improvements; and organizing special events.

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