

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 4304

STATE OF NEW JERSEY

DATED: OCTOBER 1, 2026

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 4304.

As reported, this bill expressly prohibits applicants, including any agent of an applicant, for the development of a data center, as defined in the bill, from entering into agreements, commonly known as non-disclosure agreements, with approving authorities, municipal agencies, and property sellers. The bill provides that these agreements are against public policy and unenforceable.

The bill also provides that an applicant is to attest that at no time did the buyer, or any agent of the buyer, of the real property proposed for development, the developer, or any other party involved in the real estate transaction, enter into any agreement, including a non-disclosure agreement, with the seller that had the purpose or effect of concealing the details, or preventing public review, of the development plans for the property if the applicant is developing a data center.

An approving authority or municipal agency is not to approve a minor site plan, minor subdivision, site plan, or subdivision, or grant any other approval required by an approving authority, municipal agency, or enforcing agency, if the applicant violates a provision of this bill.

Nothing in this bill is to be construed to implicitly permit an applicant from entering into any agreement, including a non-disclosure agreement, that has the purpose or effect of concealing the details, or preventing public review, for the development of any structure other than a data center, to the extent that the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), or any other law, prohibits these practices.