

ASSEMBLY STATE AND LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 678

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2020

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 678.

As amended by the committee, this bill would professionalize the positions of zoning officer and land use board administrator by establishing a certification program for the positions. Under the bill, after a transition period of at least two years, a person would not be appointed, reappointed, or continue to serve as a zoning officer, or land use board administrator, unless that person has been issued a zoning officer or land use board administrator certificate by the Department of Community Affairs.

The Commissioner of Community Affairs would be required to establish a certification program for zoning officers and land use board administrators within six months of the effective date of the bill. The bill would establish minimum standards for applicants seeking certification.

Certification would require at least 40 hours of instruction designed to prepare an individual to perform the duties of a zoning officer and at least 30 hours of instruction designed to prepare an individual to perform the duties of land use board administrator, including coursework on:

- The technical knowledge and skills necessary for effective interpretation and enforcement of municipal zoning ordinances and applications for development;
- The Municipal Land Use Law;
- The content and structure of zoning ordinances;
- The content and structure of master plans;
- Site plan and subdivision review, including technical aspects of plan review, administrative processing requirements, planning and engineering terminology;
- Ethical obligations;
- Record keeping and requirements for public access to records; and
- For the zoning officer position, practical issues, including enforcement actions, conducting site inspections and compliance options.

At the completion of the course of study, certificate candidates would be required to take and pass a State exam. Zoning officer and land use board administrator certificates would be valid for five years from the date of issuance, and could be renewed for additional five-year periods if the applicant complies with continuing education requirements. Applicants for certifications and for renewals would pay a \$50 fee.

The bill does not impact or override civil service requirements and procedures, nor does it supersede the appointing authority of municipalities for the positions of zoning officer and land use board administrator.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- Require that a person serving as a zoning officer or land use board administrator would be responsible for all costs related to obtaining and holding the required certification, and permit, but not require, a municipality to reimburse them for those costs;
- Revise the definition of “land use board administrator”;
- Permit the course of study for the required certifications to be taken in person, or online if the course provider makes it available in that manner, but require that all course examinations be taken in person before an agent of the course provider;
- Clarify that a zoning officer or land use board administrator employed in that capacity on the bill’s effective date who has at least two years of experience in the position and meets all other required qualifications may obtain certification without taking the required coursework or State examination,
- Provide that the zoning officer certificate or land use board administrator certificate will be valid for five years, instead of three;
- Remove language empowering the commissioner to determine that an individual is unable to fulfill the terms, conditions, and duties of the municipal employments;
- Provide that permit fee revenue may be used to reimburse zoning officers and land use board administrators for costs incurred related to satisfying the certification, examinations, and educational requirements of the certification program established in the bill.