[Second Reprint]

# ASSEMBLY, No. 2152

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
**Assemblyman RAJ MUKHERJI**
**District 33 (Hudson)**
**Assemblywoman ELIANA PINTOR MARIN**
**District 29 (Essex)**
**Assemblyman JAMEL C. HOLLEY**
**District 20 (Union)**
**Assemblyman NICHOLAS CHIARAVALLOTI**
**District 31 (Hudson)**

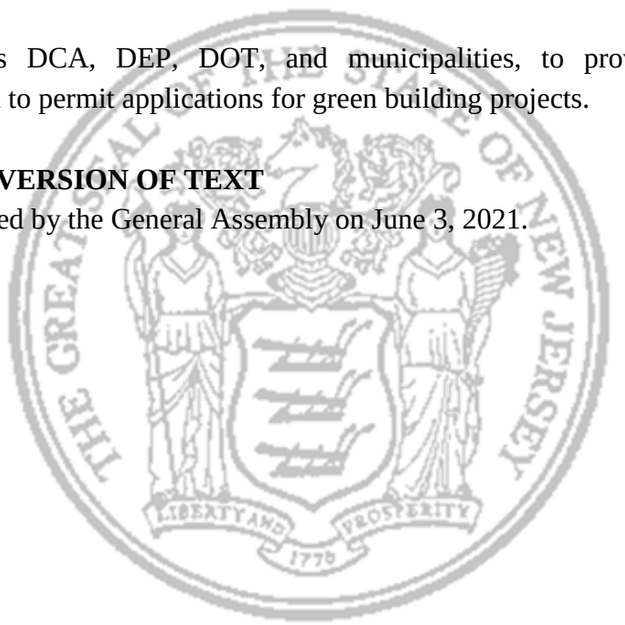
**Co-Sponsored by:**
**Assemblymen Benson, McKeon, Coughlin, Assemblywomen Chaparro and Reynolds-Jackson**

**SYNOPSIS**

Authorizes DCA, DEP, DOT, and municipalities, to provide priority consideration to permit applications for green building projects.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 3, 2021.




**(Sponsorship Updated As Of: 7/20/2020)**

**AN ACT** [1]**[**providing for**]** concerning[1] priority consideration of permit applications for green building projects and supplementing P.L.1975, c.291 and Titles 13, 27, and 52 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. a. A [1]governing body of a municipality may enact an ordinance requiring a[1] municipal agency [1]**[**shall**]** to[1] provide priority consideration [2], to the extent practicable as determined by the governing body,[2] to any application for development associated with a green building project submitted to the municipal agency for review pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), provided the application includes a letter from a licensed architect or engineer pursuant to subsection c. of this section.

b. A project [2]**[**shall**]** may[2] qualify as a "green building project" if the project has documented incorporation of site, water, energy, and resource efficiency measures and demonstrable practices to promote the health and well-being of the building occupants. Documentation shall be submitted pursuant to subsection c. of this section demonstrating that the project has been registered for certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System as adopted by the United States Green Building Council, or an alternative compliance path in accordance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 189 minimum requirements, compliance with American National Standards Institute (ANSI) 700 National Green Building Standard, or compliance with minimum performance requirements of the International Green Construction Code. The term "green building" is reserved for projects which take a holistic approach and do not focus on single measures, such as only energy performance.

c. An application receiving priority pursuant to subsection a. of this section shall include a letter from a licensed architect or engineer describing how the project qualifies as a green building project pursuant to subsection b. of this section. The letter shall include documentation demonstrating how the project qualifies as a green building project and a narrative outlining the sustainable attributes of the project in accordance with the rating systems and standards set forth in subsection b. of this section.

2. a. The Department of Environmental Protection [1]**[**shall**]** adopt, pursuant to the provisions of the "Administrative Procedure

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**
**Matter enclosed in superscript numerals has been adopted as follows:**
**[1]Assembly AEN committee amendments adopted July 20, 2020.**
**[2]Assembly floor amendments adopted June 3, 2021.**

Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations that[1] provide priority consideration [2], to the extent practicable as determined by the Commissioner of Environmental Protection,[2] to any application for a permit, approval, or other authorization issued by the department associated with a green building project, provided the application includes a letter from a licensed architect or engineer pursuant to subsection c. of this section.

b. A project [2][shall] may[2] qualify as a "green building project" if the project has documented incorporation of site, water, energy, and resource efficiency measures and demonstrable practices to promote the health and well-being of the building occupants. Documentation shall be submitted pursuant to subsection c. of this section demonstrating that the project has been registered for certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System as adopted by the United States Green Building Council, or an alternative compliance path in accordance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 189 minimum requirements, compliance with American National Standards Institute (ANSI) 700 National Green Building Standard, or compliance with minimum performance requirements of the International Green Construction Code. The term "green building" is reserved for projects which take a holistic approach and do not focus on single measures, such as only energy performance.

c. An application receiving priority pursuant to subsection a. of this section shall include a letter from a licensed architect or engineer describing how the project qualifies as a green building project pursuant to subsection b. of this section. The letter shall include documentation demonstrating how the project qualifies as a green building project and a narrative outlining the sustainable attributes of the project in accordance with the rating systems and standards set forth in subsection b. of this section.

3. a. The Department of Transportation [1][shall] may adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations that[1] provide priority consideration [2], to the extent practicable as determined by the Commissioner of Transportation,[2] to any application for a permit, approval, or other authorization issued by the department associated with a green building project, provided the application includes a letter from a licensed architect or engineer pursuant to subsection c. of this section.

b. A project [2][shall] may[2] qualify as a "green building project" if the project has documented incorporation of site, water, energy, and resource efficiency measures and demonstrable practices to promote the health and well-being of the building occupants. Documentation shall be submitted pursuant to subsection c. of this section demonstrating that the project has been registered for

certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System as adopted by the United States Green Building Council, or an alternative compliance path in accordance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 189 minimum requirements, compliance with American National Standards Institute (ANSI) 700 National Green Building Standard, or compliance with minimum performance requirements of the International Green Construction Code. The term "green building" is reserved for projects which take a holistic approach and do not focus on single measures, such as only energy performance.

c. An application receiving priority pursuant to subsection a. of this section shall include a letter from a licensed architect or engineer describing how the project qualifies as a green building project pursuant to subsection b. of this section. The letter shall include documentation demonstrating how the project qualifies as a green building project and a narrative outlining the sustainable attributes of the project in accordance with the rating systems and standards set forth in subsection b. of this section.

4. a. The Department of Community Affairs [1]**[**shall**]** may adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations that[1] provide priority consideration [2], to the extent practicable as determined by the Commissioner of Community Affairs,[2] to any application for a permit, approval, or other authorization issued by the department associated with a green building project, provided the application includes a letter from a licensed architect or engineer pursuant to subsection c. of this section.

b. A project [2]**[**shall**]** may[2] qualify as a "green building project" if the project has documented incorporation of site, water, energy, and resource efficiency measures and demonstrable practices to promote the health and well-being of the building occupants. Documentation shall be submitted pursuant to subsection c. of this section demonstrating that the project has been registered for certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System as adopted by the United States Green Building Council, or an alternative compliance path in accordance with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 189 minimum requirements, compliance with American National Standards Institute (ANSI) 700 National Green Building Standard, or compliance with minimum performance requirements of the International Green Construction Code. The term "green building" is reserved for projects which take a holistic approach and do not focus on single measures, such as only energy performance.

c. An application receiving priority pursuant to subsection a. of this section shall include a letter from a licensed architect or

engineer describing how the project qualifies as a green building project pursuant to subsection b. of this section. The letter shall include documentation demonstrating how the project qualifies as a green building project and a narrative outlining the sustainable attributes of the project in accordance with the rating systems and standards set forth in subsection b. of this section.

5. This act shall take effect immediately.