

[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:

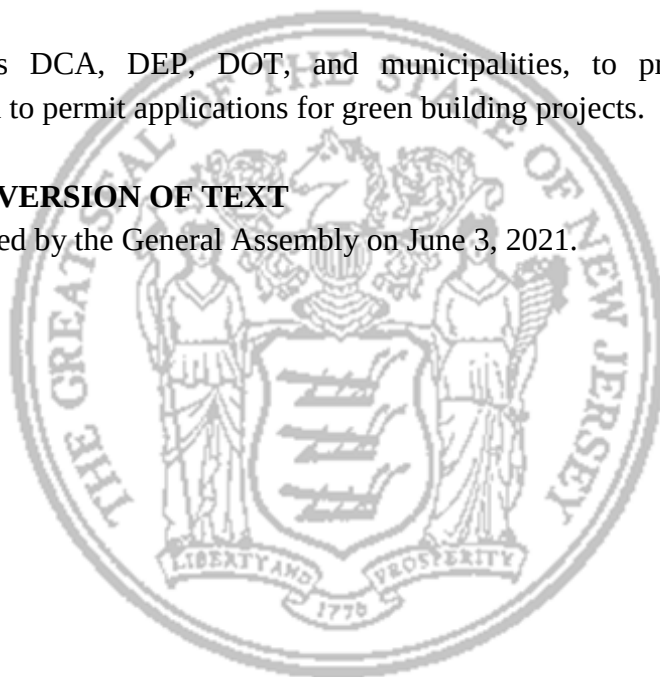
Assemblymen Benson, McKeon, Coughlin, Assemblywomen Chaparro and Reynolds-Jackson

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)

1 AN ACT ¹**【providing for】** concerning¹ priority consideration of
2 permit applications for green building projects and
3 supplementing P.L.1975, c.291 and Titles 13, 27, and 52 of the
4 Revised Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. A ¹governing body of a municipality may enact an
10 ordinance requiring a¹ municipal agency ¹**【shall】** to¹ provide
11 priority consideration ², to the extent practicable as determined by the
12 governing body,² to any application for development associated with
13 a green building project submitted to the municipal agency for
14 review pursuant to the "Municipal Land Use Law," P.L.1975, c.291
15 (C.40:55D-1 et seq.), provided the application includes a letter from
16 a licensed architect or engineer pursuant to subsection c. of this
17 section.

18 b. A project ²**【shall】** may² qualify as a "green building project"
19 if the project has documented incorporation of site, water, energy,
20 and resource efficiency measures and demonstrable practices to
21 promote the health and well-being of the building occupants.
22 Documentation shall be submitted pursuant to subsection c. of this
23 section demonstrating that the project has been registered for
24 certification under the Leadership in Energy and Environmental
25 Design (LEED) Green Building Rating System as adopted by the
26 United States Green Building Council, or an alternative compliance
27 path in accordance with the American Society of Heating,
28 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
29 189 minimum requirements, compliance with American National
30 Standards Institute (ANSI) 700 National Green Building Standard,
31 or compliance with minimum performance requirements of the
32 International Green Construction Code. The term "green building"
33 is reserved for projects which take a holistic approach and do not
34 focus on single measures, such as only energy performance.

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

43 2. a. The Department of Environmental Protection ¹**【shall】**
44 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:

¹Assembly AEN committee amendments adopted July 20, 2020.

²Assembly floor amendments adopted June 3, 2021.

1 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
2 that¹ provide priority consideration ², to the extent practicable as
3 determined by the Commissioner of Environmental Protection,² to any
4 application for a permit, approval, or other authorization issued by
5 the department associated with a green building project, provided
6 the application includes a letter from a licensed architect or
7 engineer pursuant to subsection c. of this section.

8 b. A project ²**[shall]** may² qualify as a "green building project"
9 if the project has documented incorporation of site, water, energy,
10 and resource efficiency measures and demonstrable practices to
11 promote the health and well-being of the building occupants.
12 Documentation shall be submitted pursuant to subsection c. of this
13 section demonstrating that the project has been registered for
14 certification under the Leadership in Energy and Environmental
15 Design (LEED) Green Building Rating System as adopted by the
16 United States Green Building Council, or an alternative compliance
17 path in accordance with the American Society of Heating,
18 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
19 189 minimum requirements, compliance with American National
20 Standards Institute (ANSI) 700 National Green Building Standard,
21 or compliance with minimum performance requirements of the
22 International Green Construction Code. The term "green building"
23 is reserved for projects which take a holistic approach and do not
24 focus on single measures, such as only energy performance.

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

33

34 3. a. The Department of Transportation ¹**[shall]** may adopt,
35 pursuant to the provisions of the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations that¹
37 provide priority consideration ², to the extent practicable as
38 determined by the Commissioner of Transportation,² to any
39 application for a permit, approval, or other authorization issued by
40 the department associated with a green building project, provided
41 the application includes a letter from a licensed architect or
42 engineer pursuant to subsection c. of this section.

43 b. A project ²**[shall]** may² qualify as a "green building project"
44 if the project has documented incorporation of site, water, energy,
45 and resource efficiency measures and demonstrable practices to
46 promote the health and well-being of the building occupants.
47 Documentation shall be submitted pursuant to subsection c. of this
48 section demonstrating that the project has been registered for

1 certification under the Leadership in Energy and Environmental
2 Design (LEED) Green Building Rating System as adopted by the
3 United States Green Building Council, or an alternative compliance
4 path in accordance with the American Society of Heating,
5 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
6 189 minimum requirements, compliance with American National
7 Standards Institute (ANSI) 700 National Green Building Standard,
8 or compliance with minimum performance requirements of the
9 International Green Construction Code. The term “green building”
10 is reserved for projects which take a holistic approach and do not
11 focus on single measures, such as only energy performance.

12 c. An application receiving priority pursuant to subsection a. of
13 this section shall include a letter from a licensed architect or
14 engineer describing how the project qualifies as a green building
15 project pursuant to subsection b. of this section. The letter shall
16 include documentation demonstrating how the project qualifies as a
17 green building project and a narrative outlining the sustainable
18 attributes of the project in accordance with the rating systems and
19 standards set forth in subsection b. of this section.
20

21 4. a. The Department of Community Affairs ¹~~shall~~ may
22 adopt, pursuant to the provisions of the "Administrative Procedure
23 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
24 that¹ provide priority consideration ², to the extent practicable as
25 determined by the Commissioner of Community Affairs,² to any
26 application for a permit, approval, or other authorization issued by
27 the department associated with a green building project, provided
28 the application includes a letter from a licensed architect or
29 engineer pursuant to subsection c. of this section.

30 b. A project ²~~shall~~ may² qualify as a “green building project”
31 if the project has documented incorporation of site, water, energy,
32 and resource efficiency measures and demonstrable practices to
33 promote the health and well-being of the building occupants.
34 Documentation shall be submitted pursuant to subsection c. of this
35 section demonstrating that the project has been registered for
36 certification under the Leadership in Energy and Environmental
37 Design (LEED) Green Building Rating System as adopted by the
38 United States Green Building Council, or an alternative compliance
39 path in accordance with the American Society of Heating,
40 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
41 189 minimum requirements, compliance with American National
42 Standards Institute (ANSI) 700 National Green Building Standard,
43 or compliance with minimum performance requirements of the
44 International Green Construction Code. The term “green building”
45 is reserved for projects which take a holistic approach and do not
46 focus on single measures, such as only energy performance.

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

- 1 engineer describing how the project qualifies as a green building
- 2 project pursuant to subsection b. of this section. The letter shall
- 3 include documentation demonstrating how the project qualifies as a
- 4 green building project and a narrative outlining the sustainable
- 5 attributes of the project in accordance with the rating systems and
- 6 standards set forth in subsection b. of this section.
- 7
- 8 5. This act shall take effect immediately.