

CHAPTER 230

AN ACT concerning appeals of electronic meetings held under the “Municipal Land Use Law” during the emergency declared in response to the COVID-19 pandemic.

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

1. Notwithstanding any provision of law, rule, or regulation to the contrary, a decision of a municipal agency made at, or based, in whole or in part, on a meeting or proceeding held by means of communication or other electronic equipment such that some or all participants are not in the same physical location shall not be appealable on grounds attributable to convening the meeting or proceeding by means of communication or other electronic equipment, including but not limited to, lack of a physical quorum, lack of proper notice, conduct of the meeting or proceeding, or lack of a reasonable opportunity to be heard or otherwise participate in the meeting or proceeding, provided that notice of the meeting or proceeding, and the conduct of the meeting or proceeding, is consistent with this section, and with guidance documents issued by, or rules or regulation promulgated by, the Department of Community Affairs and published on the department’s Internet website on the date such notice was given. All notices required by the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) shall include directions for remote access by the public if provided to the applicant by the municipal agency. The applicant shall be entitled to rely upon such directions for remote access provided by the municipal agency and the applicant’s reliance on such directions shall not invalidate any meeting or proceeding or any decision of a municipal agency made at, or based, in whole or in part, on such meeting or proceeding.

2. This act shall take effect immediately and shall be applicable to a meeting or proceeding conducted by a municipal agency on or after March 9, 2020 and during a period declared, in response to the COVID-19 pandemic, pursuant to the laws of this State as a state of emergency, public health emergency, or both, or for a reasonable period of time following cessation of a declared emergency, if so provided by executive order.

Approved September 24, 2021.