SENATE, No. 2439

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

SYNOPSIS

Prohibits default approvals of certain municipal land use applications, and permits municipal agencies to not hold certain required meetings, under emergency circumstances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning default approvals of certain applications and meetings of municipal agencies, and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

1. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or any other, law, rule, or regulation to the contrary, any of the default approval provisions contained P.L.1975, c.291 (C.40:55D-1 et seq.), including but not limited to section 35 of P.L.1975, c.291 (C.40:55D-47), section 36 of P.L.1975, c.291 (C.40:55D-48), section 38 of P.L.1975, c.291 (C.40:55D-50), section 48 of P.L.1975, c.291 (C.40:55D-61), section 60 of P.L.1975, c.291 (C.40:55D-73), and section 63 of P.L.1975, c.291 (C.40:55D-76), shall not apply to a municipal agency that is unable to grant or deny approval within the time period provided in P.L.1975, c.291 (C.40:55D-1 et seq.) under the following circumstances:

a. whenever there exists a public health emergency, declared by the Governor pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, declared by the Governor pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both; and

b. for the 60 days immediately following the end of a public health emergency or a state of emergency, or, if both are declared, whichever emergency ends later.

2. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or any other, law, rule, or regulation to the contrary, a municipal agency may choose to not hold regular meetings or hearings during the period of time the public health emergency, declared by the Governor pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), and the state of emergency, declared by the Governor pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), under Executive Order No. 103 of 2020, is in effect.

3. This act shall take effect immediately and shall be retroactive to March 9, 2020.

STATEMENT

This bill would prohibit default approvals, as provided for in several sections of the "Municipal Land Use Law," from applying to municipal agencies with respect to certain emergency circumstances.

Under the bill, the default approvals would not apply to a municipal agency that is unable to grant or deny approval within the time period provided in the "Municipal Land Use Law" under the following circumstances:

(1) whenever there exists a public health emergency or a state of emergency, or both, declared by the Governor; and

(2) for the 60 days immediately following the end of a public health emergency or a state of emergency, or, if both are declared, whichever emergency ends later.

The bill would also permit a municipal agency to not hold any required regular meetings or hearings during the period of time that the public health emergency and state of emergency, as declared by the Governor in response to the COVID-19 pandemic, is in effect.