

ASSEMBLY, No. 766

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Monmouth and 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

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning default approvals of certain applications and
2 meetings of municipal agencies, and supplementing P.L.1975,
3 c.291 (C.40:55D-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Notwithstanding the provisions of the “Municipal Land Use
9 Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), or any other, law, rule,
10 or regulation to the contrary, any of the default approval provisions
11 contained P.L.1975, c.291 (C.40:55D-1 et seq.), including but not
12 limited to section 35 of P.L.1975, c.291 (C.40:55D-47), section 36
13 of P.L.1975, c.291 (C.40:55D-48), section 38 of P.L.1975, c.291
14 (C.40:55D-50), section 48 of P.L.1975, c.291 (C.40:55D-61),
15 section 60 of P.L.1975, c.291 (C.40:55D-73), and section 63 of
16 P.L.1975, c.291 (C.40:55D-76), shall not apply to a municipal
17 agency that is unable to grant or deny approval within the time
18 period provided in P.L.1975, c.291 (C.40:55D-1 et seq.) under the
19 following circumstances:

20 a. whenever there exists a public health emergency, declared
21 by the Governor pursuant to the “Emergency Health Powers Act,”
22 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
23 declared by the Governor pursuant to P.L.1942, c.251 (C.App.A.9-
24 33 et seq.), or both; and

25 b. for the 60 days immediately following the end of a public
26 health emergency or a state of emergency, or, if both are declared,
27 whichever emergency ends later.
28

29 2. Notwithstanding the provisions of the “Municipal Land Use
30 Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), or any other, law, rule,
31 or regulation to the contrary, a municipal agency may choose to not
32 hold regular meetings or hearings during the period of time the
33 public health emergency, declared by the Governor pursuant to the
34 “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et
35 seq.), and the state of emergency, declared by the Governor
36 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), under
37 Executive Order No. 103 of 2020, is in effect.
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39 3. This act shall take effect immediately and shall be
40 retroactive to March 9, 2020.
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43 STATEMENT

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

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

- 5 (1) whenever there exists a public health emergency or a state of
6 emergency, or both, declared by the Governor; and
7 (2) for the 60 days immediately following the end of a public
8 health emergency or a state of emergency, or, if both are declared,
9 whichever emergency ends later.

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