

ASSEMBLY, No. 1084

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Assemblywoman Fantasia

SYNOPSIS

Prohibits DEP from imposing conditions on projects exempt from "Highlands Water Protection and Planning Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/29/2024)

A1084 DIMAIO

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1 **AN ACT** concerning exempt projects, developments, and activities
2 in the Highlands Region, and supplementing P.L.2004, c.120
3 (C.13:20-1 et al.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. For any project, application for development, or activity that
9 qualifies for an exemption pursuant to any of the provisions of
10 section 30 of P.L.2004, c.120 (C.13:20-28), the Department of
11 Environmental Protection shall not require a deed restriction or
12 impose any additional conditions or requirements upon the
13 property, applicant, property owner, or person whose project,
14 development, or activity qualifies for the exemption, as a condition
15 of the department issuing a Highlands applicability and consistency
16 determination or otherwise acknowledging entitlement to a statutory
17 exemption.
18

19 2. This act shall take effect immediately and shall be
20 retroactive to August 10, 2004.
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23 **STATEMENT**
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25 This bill would prohibit the Department of Environmental
26 Protection from requiring a deed restriction or from imposing any
27 other conditions or requirements upon a property, applicant,
28 property owner, or person whose project, development, or activity
29 qualifies for an exemption from the provisions of the "Highlands
30 Water Protection and Planning Act," as a condition of the
31 department issuing a Highlands applicability and consistency
32 determination or otherwise acknowledging entitlement to a statutory
33 exemption.

34 Current DEP regulations and procedures require in certain
35 circumstances that persons apply for a determination of the
36 applicability of the Highlands law and rules to their project,
37 development, or activity. Even when the department has
38 determined a project, development, or activity to be exempt from
39 the act pursuant to the statute, it has required a deed restriction and
40 has made its determination of exemption conditional on submission
41 of a deed restriction to the department. This bill would prohibit the
42 department from imposing such conditions on projects,
43 developments, or activities statutorily exempt from the act. This
44 bill would be retroactive to the effective date of the "Highlands
45 Water Protection and Planning Act."