

ASSEMBLY, No. 1304

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblyman Barranco

SYNOPSIS

Establishes Office of Citizen Involvement, Land Use, and Planning Advocate and transfers basic course in land use law and Office of Planning Advocacy to newly established office.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/22/24)

A1304 SAUICKIE

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1 AN ACT concerning land use planning, including informational and
2 educational requirements, supplementing chapter 18A of Title 52
3 of the Revised Statutes, and amending P.L.2005, c.133.
4

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

8 1. (New section) a. There is established in the Department of
9 State the Office of Citizen Involvement, Land Use, and Planning
10 Advocate. The Office of Planning Advocacy is abolished, and all
11 of the State programs and personnel, obligations, and duties
12 pertaining to the Office of Planning Advocacy in the Department of
13 State shall be transferred to the Office of Citizen Involvement, Land
14 Use, and Planning Advocate. The Office of Citizen Involvement,
15 Land Use, and Planning Advocate shall provide information,
16 guidance, and training to members of the public concerning land
17 use law and planning, to:

18 (1) increase public awareness of the impact that land use and
19 zoning matters, including developments of regional impact,
20 warehouses, and other similar projects, have on the lives of citizens
21 of this State;

22 (2) promote accountability, transparency, and advocacy in the
23 State and local planning process; and

24 (3) develop innovative ways to assist individuals and local
25 government units with questions concerning the planning, siting,
26 construction, and maintenance of developments of regional impact,
27 warehouses, and other similar projects.

28 b. The Secretary of State shall appoint a Director of the Office
29 of Citizen Involvement, Land Use, and Planning Advocate, who
30 shall, by training and experience, be well-versed in municipal land
31 use law and planning, zoning matters, the "Municipal Land Use
32 Law," P.L.1975, c.291 (C.40:55D-1 et seq.), and the planning,
33 siting, construction, and maintenance of developments of regional
34 impact, warehouses, and other similar projects. The Director of the
35 Office of Citizen Involvement, Land Use, and Planning Advocate
36 shall serve at the pleasure of the State Planning Commission, devote
37 their entire time to the duties of their office, and create and organize
38 subordinate units in the program that are necessary to perform the
39 duties required pursuant to P.L. , c. (C.) (pending before
40 the Legislature as this bill).

41 c. The Director of the Office of Citizen Involvement, Land Use,
42 and Planning Advocate shall:

43 (1) create and maintain a database for information pertaining to
44 the planning, siting, construction, and maintenance of developments
45 of regional impact, warehouses, and other similar projects. The

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.

A1304 SAUICKIE

1 database shall serve as a consolidated and centralized public
2 information resource for information, questions, concerns, public
3 comment and feedback, or other inquiries that are typically directed
4 to the Department of State and to other State agencies, including but
5 not limited to, the Department of Environmental Protection,
6 Department of Health, Department of Transportation, and
7 Department of Community Affairs, and which concern the
8 planning, siting, construction, and maintenance of developments of
9 regional impact, warehouses, and other similar projects. The
10 director shall maintain the database as required by this section, and
11 advertise the information and resources provided by the Office of
12 Citizen Involvement, Land Use, and Planning Advocate as required
13 pursuant to P.L. , c. (C.) (pending before the Legislature as
14 this bill) on the Office of Citizen Involvement, Land Use, and
15 Planning Advocate's Internet website;

16 (2) consult with the New Jersey Planning Officials related to the
17 preparation and offering of the basic course in land use law and
18 planning, as required pursuant to section 2 of P.L.2005, c.133
19 (C.40:55D-23.3); keep records of the persons that have taken and
20 have passed the required course; and provide, by rule, for the
21 removal of individuals from the local planning board and zoning
22 board of adjustment who did not satisfy the requirements pursuant
23 to section 2 of P.L.2005, c.133 (C.40:55D-23.3), and for the
24 notification of the governing body of the municipality of the names
25 of the members on the local planning board or zoning board of
26 adjustment that did not satisfy the requirements pursuant to section
27 2 of P.L.2005, c.133 (C.40:55D-23.3);

28 (3) maintain a list of the State personnel that review plans for
29 the siting, construction, and maintenance of developments of
30 regional impact, warehouses, and other similar projects;

31 (4) create and maintain a list of information and questions that
32 State and local officials are advised to ask developers to provide
33 prior to the planning, siting, construction, and maintenance of
34 developments of regional impact, warehouses, and other similar
35 projects;

36 (5) provide plain language guidance materials concerning the
37 development process and the planning, siting, construction, and
38 maintenance of developments of regional impact, warehouses, and
39 other similar projects for members of the public; and

40 (6) proactively assist communications and coordination between
41 local officials and State offices concerning land use and zoning
42 matters, developments of regional impact, warehouses, and other
43 similar projects.

44

45 2. Section 2 of P.L.2005, c.133 (C.40:55D-23.3) is amended to
46 read as follows:

1 2. a. The **【Commissioner of Community Affairs】** Director of
2 the Office of Citizen Involvement, Land Use, and Planning
3 Advocate shall cause to be prepared and offered a basic course in
4 land use law and planning within six months from the effective date
5 of P.L.2005, c.133 (C.40:55D-23.3 et al.) for current and
6 prospective members and alternate members of local planning
7 boards pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23) and
8 section 13 of P.L.1979, c.216 (C.40:55D-23.1), zoning boards of
9 adjustment pursuant to section 56 of P.L.1975, c.291 (C.40:55D-
10 69), and supplemental zoning boards of adjustment pursuant to
11 section 1 of P.L.2019, c.225 (C.40:55D-69.2), and combined boards
12 as authorized under law. The basic course to be prepared and
13 offered pursuant to this section shall consist of no more than five
14 hours of scheduled instruction and shall be structured so that a
15 member may satisfy this requirement within one calendar day. The
16 **【commissioner】** Director of the Office of Citizen Involvement,
17 Land Use, and Planning Advocate shall work in conjunction with
18 the New Jersey Planning Officials in establishing standards for
19 curriculum and administration of the course of study.

20 b. On or after the first date on which a course in land use law
21 and planning is offered, except as otherwise provided in section 3 of
22 P.L.2005, c.133 (C.40:55D-23.4), a person shall not be seated as a
23 first-term member or alternate member of a local planning board
24 pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23) or section
25 13 of P.L.1979, c.216 (C.40:55D-23.1), a zoning board of
26 adjustment pursuant to section 56 of P.L.1975, c.291 (C.40:55D-69)
27 or a combined board as authorized under law, unless the person
28 agrees to take the basic course required to be offered under
29 subsection a. of this section, which the person shall successfully
30 complete within 18 months of assuming board membership in order
31 to retain board membership. A person shall not be seated as a
32 regular member of a supplemental zoning board of adjustment
33 established pursuant to section 1 of P.L.2019, c.225 (C.40:55D-
34 69.2) unless the person agrees to take the basic course offered under
35 subsection a. of this section and successfully completes the course
36 within six months of assuming board membership.

37 c. Except as otherwise provided in section 3 of P.L.2005, c.133
38 (C.40:55D-23.4), any person who is serving as a member or
39 alternate member of a planning board or zoning board of adjustment
40 or combined board as authorized under law on the first date on
41 which a course in land use law and planning is offered shall be
42 required to complete that course within 18 months of the date upon
43 which the course is first offered in order to retain membership on
44 that board.

45 d. A hearing or proceeding held, or decision or recommendation
46 made, by a planning board or zoning board of adjustment shall not
47 be invalidated if a member has participated in the hearing or

1 proceeding or in the decision making or recommendation and that
2 member is subsequently found not to have completed the basic
3 course in land use law and planning required pursuant to P.L.2005,
4 c.133 (C.40:55D-23.3 et al.).
5 (cf: P.L.2019, c.225, s.2)
6

7 3. (New section) The Secretary of State shall, in accordance
8 with the “Administrative Procedure Act,” P.L.1968, c.410
9 (C.52:14B-1 et seq.), adopt rules and regulations as necessary to
10 implement the provisions of P.L. , c. (C.) (pending before
11 the Legislature as this bill). Additionally, the Secretary of State
12 shall provide for the State funds available for the basic course in
13 land use law and planning, established pursuant to section 2 of
14 P.L.2005, c.133 (C.40:55D-23.3), and for the Office of Planning
15 Advocacy in the Department of State, abolished pursuant to section
16 1 of P.L. , c. (C.) (pending before the Legislature as this
17 bill), to be transferred to the Office of Citizen Involvement, Land
18 Use, and Planning Advocate in the Department of State.
19

20 4. This act shall take effect on the first day of the fourth month
21 next following the date of enactment, except that the Secretary of
22 State may take anticipatory action necessary to effectuate the
23 provisions of this bill.
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25

26 STATEMENT
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28 This bill establishes the Office of Citizen Involvement, Land
29 Use, and Planning Advocate in the Department of State to provide
30 information, guidance, and training to members of the public
31 concerning land use law and planning, to:

32 (1) increase public awareness of the impact that land use and
33 zoning matters, including developments of regional impact,
34 warehouses, and other similar projects, have on the lives of citizens
35 of this State;

36 (2) promote accountability, transparency, and advocacy in the
37 State and local planning process; and

38 (3) develop innovative ways to assist individuals and local
39 government units with certain projects, including developments of
40 regional impact and warehouses.

41 The bill abolishes the Office of Planning Advocacy in the
42 Department of State, and transfers the State programs and
43 personnel, obligations, and duties pertaining to the Office of
44 Planning Advocacy to the Office of Citizen Involvement, Land Use,
45 and Planning Advocate (office).

46 The bill requires the Secretary of State to appoint a Director of
47 the office (director), who is required to:

A1304 SAUICKIE

1 (1) create and maintain a database for, and provide information
2 pertaining to, the planning, siting, construction, and maintenance of
3 developments of regional impact, warehouses, and other similar
4 projects, which would serve as a consolidated and centralized
5 public information resource. The bill requires the director to
6 advertise the information and resources provided by the office on
7 the office's Internet website;

8 (2) consult with the New Jersey Planning Officials related to the
9 preparation and offering of the basic course in land use law and
10 planning, keep records of the persons that have taken and have
11 passed the required course; and provide for the removal of
12 individuals from the local planning board and zoning board of
13 adjustment who did not satisfy the requirements of the course, and
14 for the notification of the governing body of the municipality of the
15 names of the members on the local planning board or zoning board
16 of adjustment that did not satisfy the requirements of the course;

17 (3) maintain a list of the State personnel that review plans for
18 the siting, construction, and maintenance of developments of
19 regional impact, warehouses, and other similar projects;

20 (4) create and maintain a list of information and questions that
21 the public State and local officials are advised to ask developers to
22 provide prior to the planning, siting, construction, and maintenance
23 of developments of regional impact, warehouses, and other similar
24 projects;

25 (5) provide plain language guidance materials concerning the
26 development process for members of the public; and

27 (6) proactively assist communications and coordination between
28 local officials and State offices concerning land use and zoning
29 matters, developments of regional impact, warehouses, and other
30 similar projects.

31 The bill also requires the transfer of the funds available for the
32 Office of Planning Advocacy to be transferred to the Office of
33 Citizen Involvement, Land Use, and Planning Advocate, and
34 requires the director, instead of the Commissioner of Community
35 Affairs, to prepare and establish standards for the curriculum and
36 administration of the basic course in land use law and planning.

37 This bill is to take effect on the first day of the fourth month next
38 following the date of enactment, except that the Secretary of State is
39 to be permitted to take anticipatory action necessary to effectuate
40 the provisions of the bill.