

SENATE, No. 1149

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator RAJ MUKHERJI

District 32 (Hudson)

SYNOPSIS

Authorizes DCA, DEP, DOT, and municipalities, to provide priority consideration to permit applications for green building projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S1149 MUKHERJI

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1 AN ACT concerning priority consideration of permit applications for
2 green building projects and supplementing P.L.1975, c.291 and
3 Titles 13, 27, and 52 of the Revised Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. A governing body of a municipality may enact an
9 ordinance requiring a municipal agency to provide priority
10 consideration, to the extent practicable as determined by the
11 governing body, to any application for development associated with
12 a green building project submitted to the municipal agency for
13 review pursuant to the "Municipal Land Use Law," P.L.1975, c.291
14 (C.40:55D-1 et seq.), provided the application includes a letter from
15 a licensed architect or engineer pursuant to subsection c. of this
16 section.

17 b. A project may qualify as a "green building project" if the
18 project has documented incorporation of site, water, energy, and
19 resource efficiency measures and demonstrable practices to promote
20 the health and well-being of the building occupants.
21 Documentation shall be submitted pursuant to subsection c. of this
22 section demonstrating that the project has been registered for
23 certification under the Leadership in Energy and Environmental
24 Design (LEED) Green Building Rating System as adopted by the
25 United States Green Building Council, or an alternative compliance
26 path in accordance with the American Society of Heating,
27 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
28 189 minimum requirements, compliance with American National
29 Standards Institute (ANSI) 700 National Green Building Standard,
30 or compliance with minimum performance requirements of the
31 International Green Construction Code. The term "green building"
32 is reserved for projects which take a holistic approach and do not
33 focus on single measures, such as only energy performance.

34 c. An application receiving priority pursuant to subsection a. of
35 this section shall include a letter from a licensed architect or
36 engineer describing how the project qualifies as a green building
37 project pursuant to subsection b. of this section. The letter shall
38 include documentation demonstrating how the project qualifies as a
39 green building project and a narrative outlining the sustainable
40 attributes of the project in accordance with the rating systems and
41 standards set forth in subsection b. of this section.
42

43 2. a. The Department of Environmental Protection may
44 adopt, pursuant to the provisions of the "Administrative Procedure
45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
46 that provide priority consideration, to the extent practicable as
47 determined by the Commissioner of Environmental Protection, to any
48 application for a permit, approval, or other authorization issued by

1 the department associated with a green building project, provided
2 the application includes a letter from a licensed architect or
3 engineer pursuant to subsection c. of this section.

4 b. A project may qualify as a “green building project” if the
5 project has documented incorporation of site, water, energy, and
6 resource efficiency measures and demonstrable practices to promote
7 the health and well-being of the building occupants.
8 Documentation shall be submitted pursuant to subsection c. of this
9 section demonstrating that the project has been registered for
10 certification under the Leadership in Energy and Environmental
11 Design (LEED) Green Building Rating System as adopted by the
12 United States Green Building Council, or an alternative compliance
13 path in accordance with the American Society of Heating,
14 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
15 189 minimum requirements, compliance with American National
16 Standards Institute (ANSI) 700 National Green Building Standard,
17 or compliance with minimum performance requirements of the
18 International Green Construction Code. The term “green building”
19 is reserved for projects which take a holistic approach and do not
20 focus on single measures, such as only energy performance.

21 c. An application receiving priority pursuant to subsection a. of
22 this section shall include a letter from a licensed architect or
23 engineer describing how the project qualifies as a green building
24 project pursuant to subsection b. of this section. The letter shall
25 include documentation demonstrating how the project qualifies as a
26 green building project and a narrative outlining the sustainable
27 attributes of the project in accordance with the rating systems and
28 standards set forth in subsection b. of this section.

29
30 3. a. The Department of Transportation may adopt, pursuant to
31 the provisions of the "Administrative Procedure Act," P.L.1968,
32 c.410 (C.52:14B-1 et seq.), rules and regulations that provide
33 priority consideration, to the extent practicable as determined by the
34 Commissioner of Transportation, to any application for a permit,
35 approval, or other authorization issued by the department associated
36 with a green building project, provided the application includes a
37 letter from a licensed architect or engineer pursuant to subsection c.
38 of this section.

39 b. A project may qualify as a “green building project” if the
40 project has documented incorporation of site, water, energy, and
41 resource efficiency measures and demonstrable practices to promote
42 the health and well-being of the building occupants.
43 Documentation shall be submitted pursuant to subsection c. of this
44 section demonstrating that the project has been registered for
45 certification under the Leadership in Energy and Environmental
46 Design (LEED) Green Building Rating System as adopted by the
47 United States Green Building Council, or an alternative compliance
48 path in accordance with the American Society of Heating,

1 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
2 189 minimum requirements, compliance with American National
3 Standards Institute (ANSI) 700 National Green Building Standard,
4 or compliance with minimum performance requirements of the
5 International Green Construction Code. The term “green building”
6 is reserved for projects which take a holistic approach and do not
7 focus on single measures, such as only energy performance.

8 c. An application receiving priority pursuant to subsection a. of
9 this section shall include a letter from a licensed architect or
10 engineer describing how the project qualifies as a green building
11 project pursuant to subsection b. of this section. The letter shall
12 include documentation demonstrating how the project qualifies as a
13 green building project and a narrative outlining the sustainable
14 attributes of the project in accordance with the rating systems and
15 standards set forth in subsection b. of this section.

16

17 4. a. The Department of Community Affairs may adopt,
18 pursuant to the provisions of the "Administrative Procedure Act,"
19 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations that
20 provide priority consideration, to the extent practicable as determined
21 by the Commissioner of Community Affairs, to any application for a
22 permit, approval, or other authorization issued by the department
23 associated with a green building project, provided the application
24 includes a letter from a licensed architect or engineer pursuant to
25 subsection c. of this section.

26 b. A project may qualify as a “green building project” if the
27 project has documented incorporation of site, water, energy, and
28 resource efficiency measures and demonstrable practices to promote
29 the health and well-being of the building occupants.
30 Documentation shall be submitted pursuant to subsection c. of this
31 section demonstrating that the project has been registered for
32 certification under the Leadership in Energy and Environmental
33 Design (LEED) Green Building Rating System as adopted by the
34 United States Green Building Council, or an alternative compliance
35 path in accordance with the American Society of Heating,
36 Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard
37 189 minimum requirements, compliance with American National
38 Standards Institute (ANSI) 700 National Green Building Standard,
39 or compliance with minimum performance requirements of the
40 International Green Construction Code. The term “green building”
41 is reserved for projects which take a holistic approach and do not
42 focus on single measures, such as only energy performance.

43 c. An application receiving priority pursuant to subsection a. of
44 this section shall include a letter from a licensed architect or
45 engineer describing how the project qualifies as a green building
46 project pursuant to subsection b. of this section. The letter shall
47 include documentation demonstrating how the project qualifies as a
48 green building project and a narrative outlining the sustainable

1 attributes of the project in accordance with the rating systems and
2 standards set forth in subsection b. of this section.

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4 5. This act shall take effect immediately.

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STATEMENT

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9 This bill, would authorize municipalities, the Department of
10 Community Affairs (DCA), the Department of Environmental
11 Protection (DEP), and the Department of Transportation (DOT), to
12 give priority consideration to permit applications for green building
13 projects.

14 The bill authorizes the governing body of a municipality to enact
15 an ordinance requiring a municipal agency to provide priority
16 consideration to permit applications for green building projects. In
17 addition, the bill authorizes the DCA, DEP, and DOT to adopt rules
18 and regulations to give priority consideration to permit applications for
19 green building projects.

20 Under the bill, a project would qualify as a “green building project”
21 if the project has documented incorporation of site, water, energy, and
22 resource efficiency measures and demonstrable practices to promote
23 the health and well-being of the building occupants. The bill requires
24 an application receiving priority consideration to include a letter from
25 a licensed architect or engineer describing how the project qualifies as
26 a green building project.