

ASSEMBLY, No. 3870

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 4, 2007

Sponsored by:

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

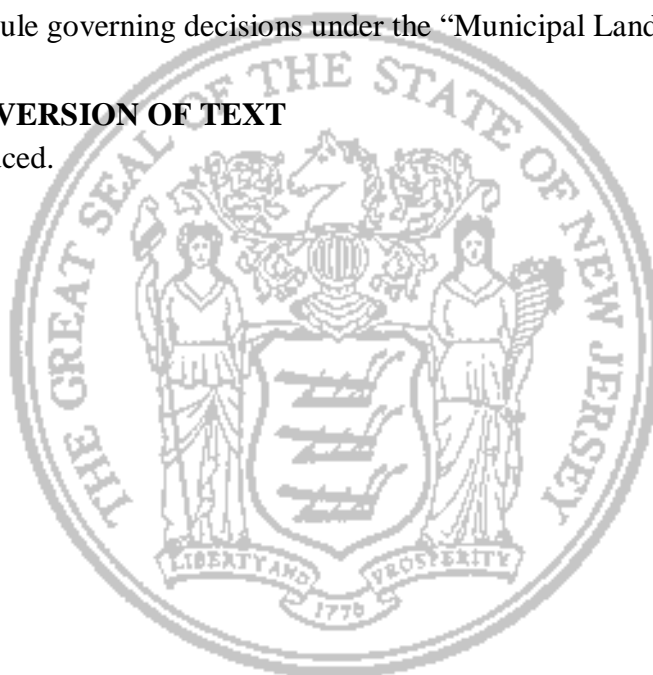
Assemblymen DeCroce and Prieto

SYNOPSIS

Modifies rule governing decisions under the “Municipal Land Use Law”.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2007)

1 AN ACT concerning the review and approval of applications for
2 development and supplementing P.L.1975, c.291 (C.40:55D-1 et
3 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 any provision of law to the contrary, those
9 development regulations which are in effect on the date of
10 submission of an application for development shall govern the
11 review of that application for development and any decision made
12 with regard to that application for development. Any provisions of
13 an ordinance, except those necessary for the protection of health
14 and public safety, that are adopted subsequent to the date of
15 submission of an application for development, shall not be
16 applicable to that application for development.

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18 2. This act shall take effect one year next following enactment.
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21 STATEMENT

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23 This bill would override the principle governing decisions under
24 the "Municipal Land Use Law," N.J.S.A. 40:55D-1 et seq.,
25 commonly referred to as the "time of decision rule," by providing
26 that development regulations that are in effect on the date an
27 application for development is submitted for review will govern the
28 review of that application for development and any decision made
29 with regard to that application for development. The bill also
30 provides that any provisions of an ordinance, except those
31 necessary for the protection of health and public safety, that are
32 adopted after the date an application for development is submitted,
33 would not be applicable to that application for development.

34 Under current law, applicants are subject to changes to municipal
35 ordinances that are made after the application has been filed, and
36 even after a building permit has been issued, as long as the
37 applicant has not substantially relied on the permit. Application of
38 this rule sometimes causes inequitable results, such as when an
39 applicant has expended considerable amounts of money for
40 professional services and documentation that become unusable after
41 the ordinance has been amended. While effectively prohibiting
42 municipalities from responding to an application for development
43 by changing the law to frustrate that application, the bill recognizes
44 that ordinance changes necessary for the protection of health and
45 public safety would apply to pending applications.