

**ASSEMBLY, No. 440**

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**STATE OF NEW JERSEY**

**213th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**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:**

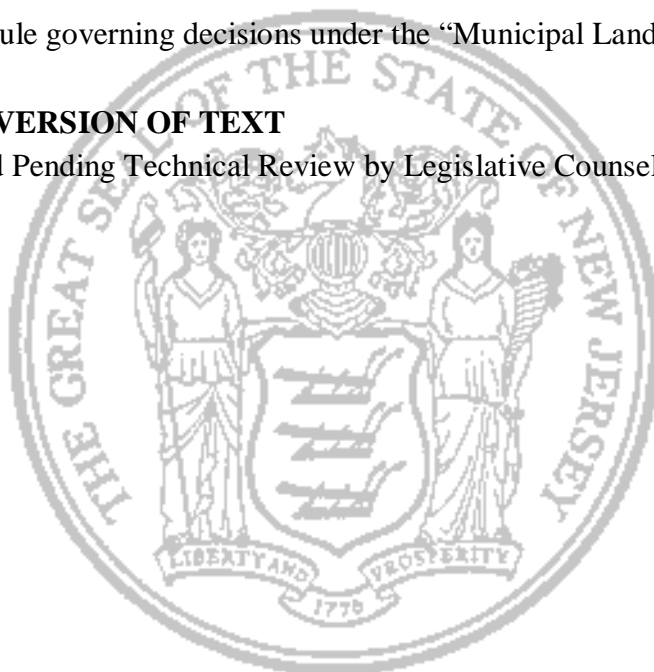
**Assemblymen DeCroce and Prieto**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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.