Sponsored by:
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)
Senator ROBERT W. SINGER
District 30 (Monmouth and Ocean)

Co-Sponsored by:
Senator Cunningham

SYNOPSIS
Equalizes standing of private and public colleges before land use agencies.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning land use approvals for private nonprofit institutions of higher education and supplementing P.L.1975, c.291.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. A private institution of higher education organized as a nonprofit corporation under N.J.S.15A:1-1 et seq. or acting under the authority of N.J.S.18A:68-6, and licensed by the State to confer degrees pursuant to N.J.S.18A:68-1 et seq., and which is eligible to receive funds under P.L.1979, c.132 (C.18A:72B-15 et seq.), shall be exempt from the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.), to the same extent as a State college organized under N.J.S.18A:64-1.

2. This act shall take effect immediately.

STATEMENT

This bill would place private nonprofit colleges in the same status as State colleges under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

Under current law and the New Jersey Supreme Court decision, Rutgers v. Piluso, 60 N.J. 142 (1972), public colleges and universities are exempt from local zoning jurisdiction in recognition of the critical public mission served by those institutions in educating the citizens of the State. It has been recognized that this vital public mission should not be unduly limited or restricted by the actions of the municipalities within which such institutions are located. The exemption is not unlimited and must be exercised in a reasonable fashion as to not arbitrarily override legitimate local interests. As a result, public colleges and universities are required to consult with local authorities regarding institutional development and to allow for input in order to minimize potential conflicts with local governmental interests.

New Jersey's private independent institutions of higher education contribute substantially to that important public mission. Licensed by the State, these independent institutions of higher education are eligible to receive very modest financial support under the "Independent College and University Assistance Act," N.J.S.A. 18A:72B-15 et seq., but serve over 67,000 students each year. Of the total undergraduate student population at these independent institutions, 77% are New Jersey residents. These independent colleges and universities serve 29% of all college students in New Jersey, 35% of the State's graduate student population and confer over 15,000 degrees each year.
Despite this significant public mission, these independent institutions, because of their status as private non-profit entities, are subject to local zoning controls by the municipalities in which they are located and must obtain approval from those local authorities for all campus development. The approval process often can be quite time consuming and expensive. This results in the delay of important educational programs and facilities for students attending the institutions as well as the diversion of critical funding away from educational purposes.

This bill provides for parity between the public and independent institutions of higher education, which are both providing a vital public mission to the State and its citizens, and would place the same requirements for consultation with local officials on independent institutions as are currently in place for the public colleges and universities.