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SYNOPSIS
Extends for one year expiration date of certain permits pursuant to "Permit
Extension Act of 2008."

CURRENT VERSION OF TEXT
As reported by the Assembly Appropriations Committee on December 15,
2014, with amendments.
AN ACT concerning the extension of certain permits and approvals
affecting the physical development of property located within the

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

1. Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to
read as follows:
   2. The Legislature finds and declares that:
      a. The most recent national recession has caused one of the
         longest economic downturns since the Great Depression of the
         1930s and has drastically affected various segments of the New
         Jersey economy, but none as severely as the State's banking, real
         estate and construction sectors.
      b. The real estate finance sector of the economy is in severe
         decline due to the sub-prime mortgage problem and the resultant
         widening mortgage finance crisis. The extreme tightening of
         lending standards for home buyers and other real estate borrowers
         has reduced access to the capital markets.
      c. As a result of the crisis in the real estate finance sector of the
         economy, real estate developers and redevelopers, including
         homebuilders, and commercial, office, and industrial developers,
         have experienced an industry-wide decline, including reduced
         demand, cancelled orders, declining sales and rentals, price
         reductions, increased inventory, fewer buyers who qualify to
         purchase homes, layoffs, and scaled back growth plans.
      d. The process of obtaining planning board and zoning board of
         adjustment approvals for subdivisions, site plans, and variances can
         be difficult, time consuming and expensive, both for private
         applicants and government bodies.
      e. The process of obtaining the myriad other government
         approvals, required pursuant to legislative enactments and their
         implementing rules and regulations, such as wetlands permits,
         treatment works approvals, on-site wastewater disposal permits,
         stream encroachment permits, flood hazard area permits, highway
         access permits, and numerous waivers and variances, also can be
         difficult and expensive; further, changes in the law can render these
         approvals, if expired or lapsed, impossible to renew or re-obtain.
      f. County and municipal governments obtain determinations of
         master plan consistency, conformance, or endorsement with State or
         regional plans, from State and regional government entities which
         may expire or lapse without implementation due to the state of the
         economy.
      g. [The current national recession] The most recent national

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.
Matter enclosed in superscript numerals has been adopted as follows:
\(^{1}\)Assembly AAP committee amendments adopted December 15, 2014.
recession has severely weakened the building industry, and many landowners and developers are seeing their life's work destroyed by the lack of credit and dearth of buyers and tenants, due to the crisis in real estate financing and the building industry, uncertainty over the state of the economy, and increasing levels of unemployment in the construction industry.

h. The construction industry and related trades are sustaining severe economic losses, and the lapsing of government development approvals would, if not addressed, exacerbate those losses.

i. Financial institutions that lent money to property owners, builders, and developers are experiencing erosion of collateral and depreciation of their assets as permits and approvals expire, and the extension of these permits and approvals is necessary to maintain the value of the collateral and the solvency of financial institutions throughout the State.

j. Due to the current inability of builders and their purchasers to obtain financing, under existing economic conditions, more and more once-approved permits are expiring or lapsing and, as these approvals lapse, lenders must re-appraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans which, in turn, affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default.

k. As a result of the continued downturn of the economy, and the continued expiration of approvals which were granted by State and local governments, it is possible that thousands of government actions will be undone by the passage of time.

l. Obtaining an extension of an approval pursuant to existing statutory or regulatory provisions can be both costly in terms of time and financial resources, and insufficient to cope with the extent of the present financial situation; moreover, the costs imposed fall on the public as well as the private sector.

m. It is the purpose of this act to prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic conditions, by tolling the term of these approvals for a period of time, thereby preventing a waste of public and private resources.

(cf: P.L.2012, c.48, s.1)

2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to read as follows:

3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

"Approval" means, except as otherwise provided in section 4 of P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and sediment control plan granted by a local soil conservation district under the authority conferred by R.S.4:24-22 et seq., waterfront
development permit issued pursuant to R.S.12:5-1 et seq., permit
c.272 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater
approval of an application for development granted by the Delaware
and Raritan Canal Commission pursuant to the "Delaware and
1 et seq.), permit issued by the New Jersey Meadowlands
Commission pursuant to the "Hackensack Meadowlands
al.), approval of an application for development granted by the
Pinelands Commission and determination of municipal and county
plan conformance pursuant to the "Pinelands Protection Act,"
P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center
designations pursuant to the "Coastal Area Facility Review Act,"
P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted
pursuant to Title 26 of the Revised Statutes, permit granted
pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-
way permit issued by the Department of Transportation pursuant to
paragraph (3) of subsection (h) of section 5 of P.L.1966,
c.301 (C.27:1A-5), approval granted by a sewerage authority
pursuant to the "sewerage authorities law," P.L.1946,
c.138 (C.40:14A-1 et seq.), approval granted by a municipal
authority pursuant to the "municipal and county utilities authorities
law," P.L.1957, c.183 (C.40:14B-1 et seq.), an agreement with a
municipality, county, municipal authority, sewerage authority, or
other governmental authority for the use or reservation of sewerage
capacity, approval issued by a county planning board pursuant to
chapter 27 of Title 40 of the Revised Statutes, preliminary and final
approval granted in connection with an application for development
pursuant to the "Municipal Land Use Law," P.L.1975,
c.291 (C.40:55D-1 et seq.), permit granted pursuant to the "State
et seq.), plan endorsement and center designations pursuant to the
or certification issued pursuant to the "Water Supply Management
the drilling of a well pursuant to P.L.1947, c.377 (C.58:4A-5 et
seq.), certification or permit granted, exemption from a sewerage
connection ban granted, wastewater management plan approved,
and pollution discharge elimination system permit pursuant to the
"Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
certification granted pursuant to "The Realty Improvement
Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23
et seq.), certification or approval granted pursuant to P.L.1971,
c.386 (C.58:11-25.1 et al.), certification issued and water quality
management plan approved pursuant to the "Water Quality Planning
Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted
pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). any municipal, county, regional, or State approval or permit granted under the general authority conferred by State law or rule or regulation, or any other government authorization of any development application or any permit related thereto whether that authorization is in the form of a permit, approval, license, certification, permission, determination, interpretation, exemption, variance, exception, waiver, letter of interpretation, no further action letter, agreement or any other executive or administrative decision which allows a development or governmental project to proceed.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or facility, or of any grading, soil removal or relocation, excavation or landfill or any use or change in the use of any building or other structure or land or extension of the use of land.

"Environmentally sensitive area" means an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78, pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 4B (Rural/Environmentally Sensitive), Planning Area 5 (Environmentally Sensitive), or a critical environmental site, but shall not include any extension area as defined in this section.

"Extension area" means an area designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning Area), Planning Area 4A (Rural Planning Area), a designated center, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to refine this definition as it pertains to Statewide planning areas, whichever is later; a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and towns, designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the planning area of the Highlands Region as defined in section 3 of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-3), and any Highlands center designated by the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or
P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the Department of Community Affairs; or similar areas designated by the Department of Environmental Protection. "Extension area" shall not include an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive), except for any area within Planning Area 4B or Planning Area 5 that is a designated center, or a designated growth center in an endorsed plan.


"Government" means any municipal, county, regional, or State government, or any agency, department, commission or other instrumentality thereof.

(cf: P.L.2012, c.48, s.2)

3. This act shall take effect immediately.