SYNOPSIS
Establishes certification program for zoning officers and land use board administrators.

CURRENT VERSION OF TEXT
As reported by the Assembly State and Local Government Committee on February 3, 2020, with amendments.
AN ACT concerning the education and oversight of zoning officers and land use board administrators and supplementing and amending P.L.1975, c.291.

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

1. (New section) a. Commencing January 1 next following the second anniversary of the effective date of P.L. , c (C. ) (pending before the Legislature as this bill), a person shall not be appointed, reappointed, or permitted to continue employment as a zoning officer or land use board administrator unless that person holds a zoning officer certificate or land use board administrator certificate, as applicable, issued by the Department of Community Affairs pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill).

b. As a condition of continued employment after January next following the second anniversary of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), a person serving as a zoning officer or land use board administrator on that date shall have been issued a zoning officer or land use board administrator certificate.

1 A person serving as a zoning officer or land use board administrator shall be responsible for all costs related to obtaining and holding the certification required by this section. The governing body of a municipality may, but shall not be required to, reimburse a zoning officer or land use board administrator for any cost incurred by such a person for the purpose of obtaining the certification required by this section.¹

c. Whenever a vacancy occurs in the position of zoning officer or land use board administrator by reason of the departure of a certified zoning officer or certified land use board administrator, the governing body or chief executive of a municipality, as appropriate, may appoint a person who does not hold a zoning officer certificate or land use board administrator certificate to serve as acting zoning officer or acting land use board administrator for a period not to exceed one year from the date of the vacancy. Any person so appointed may, with the approval of the Commissioner of Community Affairs, be reappointed as acting zoning officer or acting land use board administrator for one additional year following the termination of the temporary appointment. Time served as acting zoning officer or acting land use board administrator may be credited toward the experience authorized as a substitute for the college education requirement set forth in section

¹Assembly ASL committee amendments adopted February 3, 2020.
2. (New section) a. The Commissioner of Community Affairs shall establish a certification program for zoning officers and land use board administrators within six months of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill).

   b. An applicant for a zoning officer certificate or land use board administrator certificate shall present to the commissioner a written application, on a form provided by the Department of Community Affairs, showing that the applicant is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a certificate or diploma issued after at least four years of study in an approved secondary school or has received an academic education considered and accepted by the Department of Education as fully equivalent, has completed the course of study in planning and zoning administration and enforcement required in subsection c. of this section, or is exempt therefrom pursuant to paragraph (3) of subsection d. of this section, and has completed at least two years of education at a college of recognized standing. For the purposes of this section, 30 college credits shall be considered equivalent to one year of college. The commissioner may allow an applicant who does not meet the two-year college requirement to substitute, on a year for year basis, full-time experience or the equivalent part-time experience in a position involving municipal land use, planning, and zoning. The commissioner, by rule and regulation, may establish additional requirements for certification that the commissioner determines to

   “Zoning officer” means an administrative officer authorized to issue permits, certificates, or authorizations pursuant to section 9 of P.L.1975, c.291 (C.40:55D-18).

   “Land use board administrator” means an administrative officer who is appointed by, and serves at the pleasure of, zoning board of adjustment, notwithstanding possible employment by the municipality in other positions or functions, and whose role is to assist and advise property owners, developers, and other interested persons in the practices and procedures of the land use board, to maintain the records of the board, its calendar, and public agendas, and to draft minutes of the board’s meetings. “Land use board administrator” shall include the administrative secretary of a municipal planning board and zoning board of adjustment or boards. If the governing body fails to make such a designation, the land use board administrator shall be the person appointed by the land use board as its administrative secretary.
be reasonable and appropriate to further the professionalism of the
position of zoning officer and land use board administrator. Each
completed application shall be accompanied by a fee in the amount
of $50 payable to the State Treasurer.

c. (1) A condition for issuance of a zoning officer certificate
or land use board administrator certificate shall include satisfactory
completion of a course of study in planning and zoning
administration or zoning enforcement. The course of study may be
taken in person, or online if the course provider makes the course of
study available in that manner. The commissioner shall work in
conjunction with a Land Use Education Advisory Board comprised
of representatives from the New Jersey Association of Planning and
Zoning Administrators, the New Jersey Planning Officials, the New
Jersey State League of Municipalities, the New Jersey Chapter of
the American Planning Association, the New Jersey Builders
Association, and the Center for Government Services at Rutgers,
the State University of New Jersey in establishing standards for
curriculum and administration of the courses of study.

(2) The curriculum for these courses of study shall include at
least 40 hours of instruction designed to prepare an individual to
perform the duties of a zoning officer, and at least 30 hours of
instruction designed to prepare an individual to perform the duties
of a land use board administrator, including coursework on:
(a) the technical and knowledge and skills necessary for
effective interpretation and enforcement of municipal zoning
ordinances and applications for development;
(b) the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.);
(c) the content and structure of zoning ordinances;
(d) the content and structure of master plans;
(e) site plan and subdivision review, including technical aspects
of plan review, administrative processing requirements, planning
and engineering terminology;
(f) ethical obligations; and
(g) record keeping and requirements for public access to
records.

The curriculum for zoning officers shall also include practical
issues, including enforcement actions, conducting site inspections,
and compliance options.

(3) The commissioner may determine the appropriate number of
courses to best impart the desired curriculum. At the completion of
each course, examinations shall be administered to each enrollee to
determine whether the enrollee has attained a satisfactory level of
knowledge of the course material. Course examinations shall be
taken in person before an agent of the course provider, regardless of
whether the course was taken by the enrollee in person or online.

(4) The commissioner may allow credit for coursework
completed prior to the effective date of this act if the commissioner
d. (1) Following the establishment of the certification program, pursuant to subsection a. of this section, the Director of the Office of Local Planning Services in the Department of Community Affairs, with the advice of the Land Use Education Advisory Board, shall hold examinations semiannually, and at such other times as may be deemed appropriate, for certification as zoning officer or land use board administrator, or both. The examination shall be written and shall be of such character as to fairly test and determine the qualifications, fitness, and ability of the person tested to actually perform the duties of zoning officer or land use board administrator.

(2) An applicant for examination shall furnish proof to the director, not less than 30 days before the examination that the applicant meets the qualifications in accordance with subsection b. and paragraph (2) of subsection c. of this section. Each completed application for the State examination shall be accompanied by a fee in the amount of $50 payable to the State Treasurer.

(3) A zoning officer or land use board administrator who is employed in that capacity on the effective date of P.L. , who has at least two years of experience in such a position, and who meets the qualifications set forth in subsection b. of paragraph (2) of subsection c. of this section shall be exempt from the State examination required under this subsection.

e. Upon a finding by the director that an applicant has successfully completed the State examination, or is exempt from the course of study and State examination pursuant to paragraph (3) of subsection d. of this section, the applicant may apply for a certificate pursuant to the provisions of subsection b. of this section.

f. Within 30 days of receipt of a complete application for certification, the commissioner shall provide the applicant with a zoning officer certificate or land use board administrator certificate, valid for a period of five years from the date of issuance, or a letter specifying the basis for refusing to issue a certificate.

3. (New section) a. The Commissioner of Community Affairs shall maintain a registry of zoning officer certificate and land use board administrator certificate holders and make access to the registry available on the Department of Community Affair’s Internet website.

Within 60 days of the effective date of P.L. , the
commissioner shall survey each municipality for the name of any
person serving as zoning officer and land use board administrator in
the municipality. The registry shall be constructed so that it may be
searchable by the name of the certificate holder and the name of the
employing municipality.

b. Commencing 30 days after the effective date of P.L.    ,
c. (C  ) (pending before the Legislature as this bill), a person
shall not accept an appointment or reappointment as a zoning
officer or land use board administrator without first notifying the
commissioner of the appointment or reappointment. If the
prospective appointee serves as a zoning officer or land use board
administrator in any other municipality or also serves as a
construction official or subcode official in the appointing
municipality or in any other municipality, the appointee shall notify
the commissioner of the terms, conditions, and duties associated
with each appointment.

c. The commissioner shall analyze the submitted information,
and may request additional detail, investigate, and determine that an
individual is unable to fulfill the terms, conditions, and duties of the
multiple employments. The commissioner may enter into
discussions and agreements with the employing municipalities and
the individual in order to ensure that the employment of a zoning
officer or land use board administrator does not result in
understaffing in a municipality due to competing obligations of the
individual.

d. A zoning officer certificate or land use board administrator
certificate may be revoked or suspended by the commissioner for
dishonest practices, or willful or intentional failure, neglect, or
refusal to comply with the Constitution of the State of New Jersey
or laws relating to the duties of the zoning officer or land use board
administrator, or other good cause. The governing body or chief
executive officer of any municipality, or any aggrieved individual,
may request a review by the commissioner of the practices of a
zoning officer or land use board administrator. The commissioner
may also initiate a review of the behavior or practices of a zoning
officer or land use board administrator if the commissioner finds it
advisable to do so through the normal exercise of the
commissioner’s statutory duties and responsibilities. A zoning
officer certificate or land use board administrator certificate shall
not be revoked or suspended except upon a proper hearing before
the commissioner or the commissioner’s designee after due notice.
If a zoning officer or land use board administrator certificate is
removed from office by the commissioner, the office shall be
declared vacant, and the person shall not be eligible to hold that
office, or make application for recertification, for a period of five
years from the date of the revocation.]
4. (New section) The Commissioner of Community Affairs shall issue an endorsement renewing a zoning officer certificate or land use board administrator certificate within 30 days of receipt of a complete application for renewal. A $50 fee payable to the State Treasurer, and upon verification that the applicant has satisfactorily completed at least 20 hours of continuing education in subject areas related to the duties of zoning officer or land use board administrator. The Director of the Office of Local Planning Services in the Department of Community Affairs shall work in conjunction with the Land Use Education Advisory Board to establish acceptable continuing education courses and to recognize suitable course offerings that may be afforded continuing education credit. This advisory board also shall establish the curriculum areas and the number of hours in each curriculum area that a zoning officer or land use board administrator shall complete in order to renew a certificate.

Each renewal endorsement shall be for a period of 5 years from the expiration date of the original certificate or most recent renewal endorsement.

5. (New section) The Commissioner of Community Affairs shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) as may be necessary to effectuate the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill).

6. (New section) Nothing in P.L. , c. (C. ) (pending before the Legislature as this bill) shall be construed as requiring a municipal governing body to pay any of the costs an individual may incur in complying with the requirements for obtaining or renewing a zoning officer certificate or land use board administrator certificate. A municipal governing body, by resolution, may determine to reimburse an individual for all or any portion of the costs an individual may incur. For the purposes of this section, the term “costs” shall include but not be limited to the costs associated with course registration, application fees, transportation and leaves of absences.

7. Section 9 of P.L. 1975, c.291 (C.40:55D-18) is amended to read as follows:

9. Enforcement. The governing body of a municipality shall enforce this act and any ordinance or regulation made and adopted hereunder. To that end, the governing body may require the issuance of specified permits, certificates or authorizations as a condition precedent to (1) the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure, (2) the use or occupancy of any building, structure or land, and (3) the subdivision or resubdivision of any
land; and shall establish an administrative officer and offices for the
purpose of issuing such permits, certificates or authorizations; and
may condition the issuance of such permits, certificates and
authorizations upon the submission of such data, materials, plans,
plats and information as is authorized hereunder and upon the
express approval of the appropriate State, county or municipal
agencies; and may establish reasonable fees to cover administrative
costs for the issuance of such permits, certificates and
authorizations. In addition to covering the administrative costs for
the issuance of permits, certificates and authorizations, these fees
may be used to [defray the cost of] reimburse zoning officers and
land use board administrators for any cost incurred by those persons
related to satisfying the certification, examinations, and educational requirements for those positions established pursuant
to P.L. , c. (C.) (pending before the Legislature in this bill).

The administrative officer shall issue or deny a zoning permit
within 10 business days of receipt of a request therefor. If the
administrative officer fails to grant or deny a zoning permit within
this period, the failure shall be deemed to be an approval of the
application for the zoning permit. In case any building or structure
is erected, constructed, altered, repaired, converted, or maintained,
or any building, structure or land is used in violation of this act or
of any ordinance or other regulation made under authority conferred
hereby, the proper local authorities of the municipality or an
interested party, in addition to other remedies, may institute any
appropriate action or proceedings to prevent such unlawful erection,
construction, reconstruction, alteration, repair, conversion,
maintenance or use, to restrain, correct or abate such violation, to
prevent the occupancy of said building, structure or land, or to
prevent any illegal act, conduct, business or use in or about such
premises.
(cf: P.L.2001, c.49, s.1)

8. This act shall take effect immediately.