

**ASSEMBLY, No. 4418**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED JULY 20, 2020

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman AURA K. DUNN**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Allows municipality to suspend certain zoning requirements during COVID-19 emergency.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/24/2020)**

1 AN ACT allowing municipalities to suspend certain zoning  
2 requirements during COVID-19 emergency.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Notwithstanding any provision of law to the contrary, a  
8 municipality may, by resolution, suspend or temporarily modify  
9 specific provisions of a zoning ordinance in order to facilitate the  
10 ability of a business to resume operation during the COVID-19  
11 emergency in accordance with requirements imposed, and authority  
12 granted, by executive order issued by the Governor under the  
13 Governor's emergency executive powers.

14 b. Notwithstanding any provision of law to the contrary, a  
15 municipality may, by resolution, authorize a business to submit an  
16 application to seek emergency temporary relief from the terms and  
17 conditions of a prior approval granted under the "Municipal Land  
18 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in order to  
19 facilitate the ability of the business to resume operation during the  
20 COVID-19 emergency in accordance with requirements imposed,  
21 and authority granted, by executive order issued by the Governor  
22 under the Governor's emergency executive powers.

23 c. (1) A resolution adopted pursuant to this section may  
24 establish a streamlined administrative procedure for the review of  
25 applications submitted by businesses seeking to resume operation  
26 during the COVID-19 emergency and may provide for the issuance  
27 of a temporary zoning permit as a condition precedent to a  
28 business's use or occupancy of any building, structure, or land in  
29 accordance with the resolution and requirements imposed, and  
30 authority granted, by executive order issued by the Governor under  
31 the Governor's emergency executive powers.

32 (2) A resolution adopted pursuant to this section may impose  
33 reasonable fees for the review of applications submitted pursuant to  
34 this section.

35 (3) The administrative officer shall issue or deny a temporary  
36 zoning permit within seven business days of receipt of a request  
37 therefor. If the administrative officer fails to grant or deny a  
38 temporary zoning permit within this period, the failure shall be  
39 deemed to be an approval of the application for the temporary  
40 zoning permit.

41 d. A municipality may, from time to time during the COVID-19  
42 emergency, adopt a resolution modifying a resolution previously  
43 adopted pursuant to this section to maintain consistency with  
44 requirements imposed, and authority granted, by subsequent  
45 executive orders.

46 e. A resolution adopted pursuant to this section may suspend or  
47 temporarily modify provisions of a zoning ordinance concerning the  
48 use or occupancy of a building, structure or land, and shall not

1 suspend or temporarily modify provisions of a zoning ordinance to  
2 authorize the erection, construction, alteration, repair, remodeling,  
3 conversion, removal, or destruction of a building or structure.

4 f. Authorization for a business to use or occupy a building,  
5 structure, or land, in accordance with suspensions or temporary  
6 modifications of zoning ordinance provisions pursuant to this  
7 section, shall expire at the point in time of expiration of an  
8 underlying requirement imposed by an executive order.

9 g. As used in this section:

10 "Administrative officer" means the administrative officer  
11 designated under the "Municipal Land Use Law," P.L.1975, c.291  
12 (C.40:55D-1 et seq.).

13 "COVID-19 emergency" means the period of time during which  
14 a state of emergency, a public health emergency, or both, are in  
15 effect due to the coronavirus disease 2019, as announced by the  
16 World Health Organization on February 11, 2020, is in effect.

17 "Resolution" means action taken by the governing body of a  
18 municipality required to be reduced to writing, but which may be  
19 finally passed at the meeting at which it is introduced.

20 "Temporary zoning permit" means a document, signed by the  
21 administrative officer, authorizing a business to use or occupy a  
22 building, structure, or land, in accordance with suspensions or  
23 temporary modifications of zoning ordinance provisions or a prior  
24 approval pursuant to a resolution adopted in accordance with this  
25 section.

26  
27 2. This act shall take effect immediately.  
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## 30 STATEMENT

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32 This bill would allow a municipality, by resolution, to suspend or  
33 temporarily modify specific provisions of a zoning ordinance, or  
34 grant temporary relief from the terms and conditions of a prior land  
35 approval, in order to facilitate the ability of a business to resume  
36 operation during the COVID-19 emergency. A resolution adopted  
37 under the bill could suspend or temporarily modify zoning  
38 ordinance provisions concerning the use or occupancy of a building,  
39 structure or land, but could not suspend or temporarily modify  
40 zoning ordinance provisions concerning the erection, construction,  
41 alteration, repair, remodeling, conversion, removal, or destruction  
42 of a building or structure. A resolution adopted under the bill must  
43 be consistent with requirements imposed, and authority granted, by  
44 executive order issued by the Governor under the Governor's  
45 emergency executive powers.

46 The bill would also allow a municipality to establish a  
47 streamlined administrative procedure for the review of an  
48 application submitted by a business during the COVID-19

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1 emergency, and to issue a business a “temporary zoning permit” to  
2 allow that business to operate in accordance with the terms of the  
3 resolution and the requirements imposed by the Governor’s  
4 executive order.

5 This bill would allow a resolution to impose a reasonable fee for  
6 the review of an application and would require an administrative  
7 officer to review and approve or deny an application within seven  
8 business days of receipt of the application.

9 The bill provides that a municipality may adopt a resolution  
10 modifying a previously adopted resolution in order to maintain  
11 consistency with requirements imposed, and authority granted, by  
12 subsequent executive orders. Under the bill, authorization for a  
13 business to use or occupy a building, structure, or land in  
14 accordance with suspensions or temporary modifications of zoning  
15 ordinance provisions would expire at the point in time of expiration  
16 of an underlying requirement imposed by an executive order.