

[Second Reprint]

ASSEMBLY, No. 4881

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 26, 2020

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

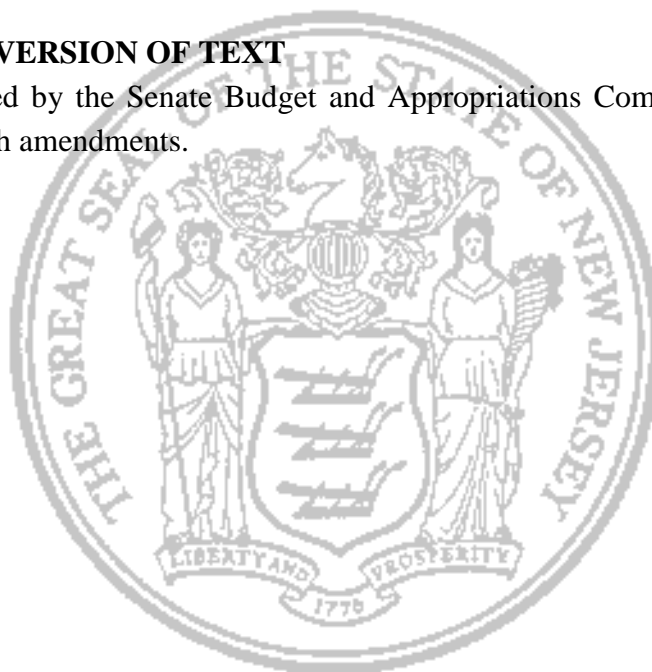
Assemblywoman Chaparro and Assemblyman Calabrese

SYNOPSIS

Prohibits appeal of land use decision related to holding meeting electronically.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 17, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning appeals of electronic meetings held under the
 2 “Municipal Land Use Law” during ¹**[a declared]** the¹ emergency
 3 ¹**[**, and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)**]**
 4 declared in response to the COVID-19 pandemic¹.

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

8
 9 ¹**[**1. Notwithstanding any provision of law, rule, or regulation to
 10 the contrary, a decision of a municipal agency based, in whole or in
 11 part, on a meeting held by means of communication or other
 12 electronic equipment, in a manner consistent with section 1 of
 13 P.L.2020, c.11 (C.10:4-9.3), shall not be appealable on grounds
 14 attributable to convening the meeting by means of communication
 15 or other electronic equipment, including but not limited to, lack of a
 16 physical quorum, lack of proper notice, or lack of a reasonable
 17 opportunity to be heard, provided that reasonable public notice and
 18 provision for public input were made under the circumstances,
 19 consistent with: section 8 of P.L.2020, c.34 (C.52:27D-18.11); and
 20 with guidance documents issued by the Division of Local
 21 Government Services in the Department of Community Affairs and
 22 published on the division’s website on or before the date of the
 23 meeting.**]**¹

24
 25 ¹1. Notwithstanding any provision of law, rule, or regulation to
 26 the contrary, a decision of a municipal agency ²made at, or² based,
 27 in whole or in part, on a meeting ²or proceeding² held by means of
 28 communication or other electronic equipment ²such that some or all
 29 participants are not in the same physical location² shall not be
 30 appealable on grounds attributable to convening the meeting ²or
 31 proceeding² by means of communication or other electronic
 32 equipment, including but not limited to, lack of a physical quorum,
 33 lack of proper notice, conduct of the meeting ²or proceeding² , or
 34 lack of a reasonable opportunity to be heard or otherwise participate
 35 in the meeting ²or proceeding² , provided that notice of the meeting
 36 ²or proceeding² , and the conduct of the meeting ²or proceeding² , is
 37 consistent with this section, and with guidance documents issued
 38 by, or rules or regulation promulgated by, the Department of
 39 Community Affairs and published on the department’s Internet
 40 website on the date ²**[**the applicant requested the list pursuant to
 41 subsection c. of section 7.1 of P.L.1975, c.291 (C. 40:55D-12)**]**
 42 such notice was given² . All notices required by the "Municipal
 43 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) shall include

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:

¹Assembly ASL committee amendments adopted March 17, 2021.

²Senate SBA committee amendments adopted June 17, 2021.

1 directions for remote access by the public ²[as] if² provided to the
2 applicant by the municipal agency.¹ ²The applicant shall be entitled
3 to rely upon such directions for remote access provided by the
4 municipal agency and the applicant's reliance on such directions shall
5 not invalidate any meeting or proceeding or any decision of a
6 municipal agency made at, or based, in whole or in part, on such
7 meeting or proceeding.²

8
9 2. This act shall take effect immediately and shall be applicable
10 to a meeting ²or proceeding² conducted by a municipal agency on or
11 after March 9, 2020 and during a period declared ¹, in response to
12 the COVID-19 pandemic,¹ pursuant to the laws of this State as a
13 state of emergency, public health emergency, or both, or for a
14 reasonable period of time following cessation of a declared
15 emergency, if so provided by executive order.