

P.L. 2020, CHAPTER 53, *approved July 1, 2020*  
Assembly, No. 3919 (*Second Reprint*)

1 AN ACT extending certain <sup>1</sup>governmental<sup>1</sup> permits <sup>1</sup>, approvals, and  
2 deadlines during the public health emergency created by the  
3 COVID-19 emergency<sup>1</sup> and <sup>2</sup>**[amending P.L.2008, c.78 <sup>1</sup>and]**<sup>2</sup>  
4 supplementing Title 40 of the Revised Statutes<sup>1</sup>.

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

8  
9 1. <sup>2</sup>**[**Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended  
10 to read as follows:**]** P.L. ,c. (C. ) (pending before the  
11 Legislature as this bill) shall be known and may be cited as the  
12 “Permit Extension Act of 2020.”<sup>2</sup>

13  
14 2. The Legislature finds and declares that:

15 a. <sup>2</sup>**[**The most recent national recession has caused one of the  
16 longest economic downturns since the Great Depression of the  
17 1930s and has drastically affected various segments of the New  
18 Jersey economy, but none as severely as the State's banking, real  
19 estate and construction sectors.

20 b. The real estate finance sector of the economy is in severe  
21 decline due to the sub-prime mortgage problem and the resultant  
22 widening mortgage finance crisis. The extreme tightening of  
23 lending standards for home buyers and other real estate borrowers  
24 has reduced access to the capital markets.

25 c. As a result of the crisis in the real estate finance sector of the  
26 economy, real estate developers and redevelopers, including  
27 homebuilders, and commercial, office, and industrial developers,  
28 have experienced an industry-wide decline, including reduced  
29 demand, cancelled orders, declining sales and rentals, price  
30 reductions, increased inventory, fewer buyers who qualify to  
31 purchase homes, layoffs, and scaled back growth plans.

32 d. The process of obtaining planning board and zoning board of  
33 adjustment approvals for subdivisions, site plans, and variances can  
34 be difficult, time consuming and expensive, both for private  
35 applicants and government bodies.

**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:

<sup>1</sup>Assembly AAP committee amendments adopted May 11, 2020.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's  
recommendations June 25, 2020.

- 1 e. The process of obtaining the myriad other government  
2 approvals, required pursuant to legislative enactments and their  
3 implementing rules and regulations, such as wetlands permits,  
4 treatment works approvals, on-site wastewater disposal permits,  
5 stream encroachment permits, flood hazard area permits, highway  
6 access permits, and numerous waivers and variances, also can be  
7 difficult and expensive; further, changes in the law can render these  
8 approvals, if expired or lapsed, impossible to renew or re-obtain.
- 9 f. County and municipal governments obtain determinations of  
10 master plan consistency, conformance, or endorsement with State or  
11 regional plans, from State and regional government entities which  
12 may expire or lapse without implementation due to the state of the  
13 economy.
- 14 g. The most recent national recession has severely weakened  
15 the building industry, and many landowners and developers are  
16 seeing their life's work destroyed by the lack of credit and dearth of  
17 buyers and tenants, due to the crisis in real estate financing and the  
18 building industry, uncertainty over the state of the economy, and  
19 increasing levels of unemployment in the construction industry.
- 20 h. The construction industry and related trades are sustaining  
21 severe economic losses, and the lapsing of government development  
22 approvals would, if not addressed, exacerbate those losses.
- 23 i. Financial institutions that lent money to property owners,  
24 builders, and developers are experiencing erosion of collateral and  
25 depreciation of their assets as permits and approvals expire, and the  
26 extension of these permits and approvals is necessary to maintain  
27 the value of the collateral and the solvency of financial institutions  
28 throughout the State.
- 29 j. Due to the current inability of builders and their purchasers  
30 to obtain financing, under existing economic conditions, more and  
31 more once-approved permits are expiring or lapsing and, as these  
32 approvals lapse, lenders must re-appraise and thereafter  
33 substantially lower real estate valuations established in conjunction  
34 with approved projects, thereby requiring the reclassification of  
35 numerous loans which, in turn, affects the stability of the banking  
36 system and reduces the funds available for future lending, thus  
37 creating more severe restrictions on credit and leading to a vicious  
38 cycle of default.
- 39 k. As a result of the continued downturn of the economy, and  
40 the continued expiration of approvals which were granted by State  
41 and local governments, it is possible that thousands of government  
42 actions will be undone by the passage of time.
- 43 l. Obtaining an extension of an approval pursuant to existing  
44 statutory or regulatory provisions can be both costly in terms of  
45 time and financial resources, and insufficient to cope with the  
46 extent of the present financial situation; moreover, the costs  
47 imposed fall on the public as well as the private sector.

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

6 n. Due to the need to implement strict social distancing  
7 measures and take other precautions in order to limit the spread of  
8 COVID-19 and minimize its public health impacts, much business  
9 and government activity has been halted, disrupted, or delayed.  
10 This has in turn resulted in a severe downturn in the economy. It is  
11 therefore appropriate to toll the term of approvals during a new  
12 COVID-19 extension period in order to prevent the abandonment of  
13 approved projects and activities, and the waste of public and private  
14 resources that comes with it, as well as to be ready to quickly  
15 resume projects when it is safe to restart normal business and  
16 government activity.

17 (cf: P.L.2014, c.84, s.1) COVID-19 is a contagious, and at times,  
18 fatal, respiratory disease caused by the SARS-CoV-2 virus first  
19 discovered in the city of Wuhan, Hubei Province, People's Republic of  
20 China, and quickly spread to multiple other countries, including the  
21 United States, and has severely impacted residents of the State of New  
22 Jersey;

23 b. Due to the potential risk of COVID-19 to residents of New  
24 Jersey, by way of Executive Order No. 103, Governor Philip D.  
25 Murphy declared that a State of Emergency and a Public Health  
26 Emergency exists in the State of New Jersey;

27 c. To limit the spread of COVID-19, it has become imperative for  
28 governments, institutions, businesses, organizations, and people  
29 throughout New Jersey to implement strict social distancing measures  
30 and take other precautions to reduce the public health impacts of the  
31 disease;

32 d. Due to the impacts of COVID-19, and protective measures  
33 necessary to avoid its further spread, much government, business, and  
34 economic activity has been halted, disrupted, or delayed;

35 e. These delays have adversely impacted real estate developers  
36 and redevelopers, including homebuilders and commercial, office, and  
37 industrial developers, whose projects may be held in abeyance as a  
38 result of the COVID-19 pandemic. Many of these projects have  
39 already received myriad governmental permits and approvals, which  
40 are expensive and time-consuming to obtain;

41 f. Obtaining an extension of an approval pursuant to existing  
42 statutory or regulatory provisions can be both costly in terms of time  
43 and financial resources; moreover, the costs imposed may fall on the  
44 public as well as the private sector; and

45 g. It is therefore appropriate, and the purpose of  
46 P.L. c. (C. ) (pending before the Legislature as this bill), to toll  
47 the term of certain permits and approvals during the COVID-19  
48 extension period in order to prevent the wholesale abandonment of  
49 approved projects and activities due to the present unfavorable

1 economic conditions, thereby preventing a waste of public and private  
2 resources and allowing for the quick resumption of projects when it is  
3 safe to restart normal business and government activity.<sup>2</sup>

4  
5 <sup>2</sup>【2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to  
6 read as follows:】<sup>2</sup>

7 3. As used in <sup>2</sup>【P.L.2008, c.78 (C.40:55D-136.1 et seq.)】  
8 P.L. ,c. (C. )(pending before the Legislature as this bill)<sup>2</sup>:

9 "Approval" means, except as otherwise provided in <sup>2</sup>【section 4  
10 of P.L.2008, c.78 (C.40:55D-136.4)】 sections 4 through 11 of  
11 P.L. ,c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>,  
12 any approval of a soil erosion and sediment control plan granted by  
13 a local soil conservation district under the authority conferred by  
14 R.S.4:24-22 et seq., waterfront development permit issued pursuant  
15 to R.S.12:5-1 et seq., permit issued pursuant to "The Wetlands Act  
16 of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), permit issued  
17 pursuant to the "Freshwater Wetlands Protection Act," P.L.1987,  
18 c.156 (C.13:9B-1 et al.), approval of an application for development  
19 granted by the Delaware and Raritan Canal Commission pursuant to  
20 the "Delaware and Raritan Canal State Park Law of 1974,"  
21 P.L.1974, c.118 (C.13:13A-1 et seq.), permit issued <sup>2</sup>【by the New  
22 Jersey Meadowlands Commission】<sup>2</sup> pursuant to the "Hackensack  
23 Meadowlands Reclamation and Development Act," P.L.1968, c.404  
24 (C.13:17-1 et al.), approval of an application for development  
25 granted by the Pinelands Commission and determination of  
26 municipal and county plan conformance pursuant to the "Pinelands  
27 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), permit  
28 issued and center designations pursuant to the "Coastal Area  
29 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic  
30 approval granted pursuant to Title 26 of the Revised Statutes,  
31 permit granted pursuant to R.S.27:7-1 et seq. or any supplement  
32 thereto, right-of-way permit issued by the Department of  
33 Transportation pursuant to paragraph (3) of subsection (h) of  
34 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a  
35 sewerage authority pursuant to the "sewerage authorities law,"  
36 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a  
37 municipal authority pursuant to the "municipal and county utilities  
38 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), an  
39 agreement with a municipality, county, municipal authority,  
40 sewerage authority, or other governmental authority for the use or  
41 reservation of sewerage capacity, approval issued by a county  
42 planning board pursuant to chapter 27 of Title 40 of the Revised  
43 Statutes, preliminary and final approval granted in connection with  
44 an application for development pursuant to the "Municipal Land  
45 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), permit granted  
46 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
47 c.217 (C.52:27D-119 et seq.), plan endorsement and center

1 designations pursuant to the "State Planning Act," P.L.1985, c.398  
2 (C.52:18A-196 et al.), permit or certification issued pursuant to the  
3 "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et  
4 al.), permit granted authorizing the drilling of a well pursuant to  
5 P.L.1947, c.377 (C.58:4A-5 et seq.), certification or permit granted,  
6 exemption from a sewerage connection ban granted, wastewater  
7 management plan approved, and pollution discharge elimination  
8 system permit pursuant to the "Water Pollution Control Act,"  
9 P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted pursuant  
10 to "The Realty Improvement Sewerage and Facilities Act (1954),"  
11 P.L.1954, c.199 (C.58:11-23 et seq.), certification or approval  
12 granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),  
13 certification issued and water quality management plan approved  
14 pursuant to the "Water Quality Planning Act," P.L.1977, c.75  
15 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe  
16 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit  
17 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,  
18 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or  
19 State approval or permit granted under the general authority  
20 conferred by State law or rule or regulation, or any other  
21 government authorization of any development application or any  
22 permit related thereto whether that authorization is in the form of a  
23 permit, approval, license, certification, permission, determination,  
24 interpretation, exemption, variance, exception, waiver, letter of  
25 interpretation, no further action letter, agreement or any other  
26 executive or administrative decision which allows a development or  
27 governmental project to proceed <sup>2</sup>; provided that, for all of the  
28 foregoing, the approval was validly issued, and the term of such  
29 approval was unexpired as of March 9, 2020<sup>2</sup>.

30 "COVID-19" means the coronavirus disease 2019, as announced  
31 by the World Health Organization on February 11, 2020, and first  
32 identified in Wuhan, China.

33 "COVID-19 extension period" means the period beginning  
34 March 9, 2020 and continuing for as long as a public health  
35 emergency, pursuant to the "Emergency Health Powers Act,"  
36 P.L.2005, c.222 (C.26:13-1 et seq.), <sup>2</sup>[or a state of emergency,  
37 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both,]<sup>2</sup> that  
38 has been declared by the Governor in response to COVID-19, is in  
39 effect.

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

1       <sup>2</sup>["Environmentally sensitive area" means an area designated  
2 pursuant to the State Development and Redevelopment Plan  
3 adopted, as of the effective date of P.L.2008, c.78 (C.40:55D-136.1  
4 et seq.), pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as  
5 Planning Area 4B (Rural/Environmentally Sensitive), Planning  
6 Area 5 (Environmentally Sensitive), or a critical environmental site,  
7 but shall not include any extension area as defined in this section.

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

41       "Extension period" means the period beginning January 1, 2007  
42 and continuing through December 31, 2015; provided, however,  
43 that the period in Superstorm Sandy-impacted counties shall  
44 continue through December 31, 2016.】<sup>2</sup>

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

1       <sup>2</sup>["Superstorm Sandy-impacted counties" means Atlantic,  
 2       Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean,  
 3       and Union counties, as identified by the United States Department  
 4       of Housing and Urban Development.

5       "Superstorm Sandy-impacted extension period" means the period  
 6       beginning January 1, 2016 and continuing through December 31,  
 7       2016.

8       (cf: P.L.2016, c.14, s.1)]<sup>2</sup>

10       <sup>2</sup>[3.Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to  
 11       read as follows:]<sup>2</sup>

12       4. a. <sup>2</sup>[(1) For any government approval in existence during  
 13       the extension period, the running of the period of approval is  
 14       automatically suspended for the extension period, except as  
 15       otherwise provided hereunder; however, the tolling provided for  
 16       herein shall not extend the government approval more than six  
 17       months beyond the conclusion of the extension period.

18       (2) For any government approval in existence on December 31,  
 19       2015 concerning lands located entirely within one or more of the  
 20       Superstorm Sandy-impacted counties, as defined in section 3 of  
 21       P.L.2008, c.78 (C.40:55D-136.3), the running of the period of  
 22       approval is automatically suspended for the Superstorm Sandy-  
 23       impacted extension period, except as otherwise provided hereunder;  
 24       however, the tolling provided for herein shall not extend the  
 25       government approval more than six months beyond the conclusion  
 26       of the Superstorm Sandy-impacted extension period.

27       (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall  
 28       shorten the duration that any approval would have had in the  
 29       absence of P.L.2008, c.78 (C.40:55D-136.1 et seq.), nor shall  
 30       P.L.2008, c.78 (C.40:55D-136.1 et seq.) prohibit the granting of  
 31       such additional extensions as are provided by law when the tolling  
 32       granted by P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall expire.  
 33       Notwithstanding any previously enacted provision of P.L.2008, c.78  
 34       (C.40:55D-136.1 et seq.), as amended and supplemented, the  
 35       running of the period of approval of all government approvals  
 36       which would have been extended pursuant to the definition of  
 37       "extension area," added by P.L.2012, c.48, shall be calculated,  
 38       using that definition, retroactive to the enactment of P.L.2008, c.78  
 39       (C.40:55D-136.1 et seq.).

40       (4)]<sup>2</sup> For any government approval in existence on March 9,  
 41       2020, the running of the period of approval is automatically  
 42       suspended for the COVID-19 extension period, <sup>1</sup>[except as  
 43       otherwise provided hereunder;]<sup>1</sup> <sup>2</sup>except as otherwise provided  
 44       hereunder;<sup>2</sup> however, the tolling provided for herein shall <sup>2</sup>[not]<sup>2</sup>  
 45       extend the government approval <sup>2</sup>[more than] at least<sup>2</sup> six months  
 46       beyond the conclusion of the COVID-19 extension period <sup>2</sup>[<sup>1</sup>,  
 47       except that for a construction project suspended pursuant to either

1 the Governor's Executive Order No. 122 or any other government  
 2 order, the tolling period shall be 12 months beyond the conclusion  
 3 of the COVID-19 extension period.<sup>1</sup>

4 b.】

5 b. Nothing in P.L. , c. (C. ) (pending before the  
 6 Legislature as this bill) shall be construed to reduce the time period  
 7 of any approval in existence as of March 9, 2020.

8 c. Nothing in P.L. , c. (C. ) (pending before the  
 9 Legislature as this bill) shall be construed to extend the time period  
 10 of any government approval that expired before March 9, 2020.

11 d.<sup>2</sup> Nothing in <sup>2</sup>【P.L.2008, c.78 (C.40:55D-136.1 et seq.)】  
 12 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>  
 13 shall be deemed to extend or purport to extend:

14 (1) any permit or approval issued by the government of the  
 15 United States or any agency or instrumentality thereof, or any  
 16 permit or approval by whatever authority issued of which the  
 17 duration of effect or the date or terms of its expiration are specified  
 18 or determined by or pursuant to law or regulation of the federal  
 19 government or any of its agencies or instrumentalities;

20 (2) any permit or approval issued pursuant to the "Pinelands  
 21 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the  
 22 extension would result in a violation of federal law, or any State  
 23 rule or regulation requiring approval by the Secretary of the Interior  
 24 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

25 (3) <sup>2</sup>【any permit or approval issued within an environmentally  
 26 sensitive area;

27 (4) any permit or approval within an environmentally sensitive  
 28 area issued pursuant to the "Highlands Water Protection and  
 29 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or<sup>2</sup> any permit  
 30 or approval issued within the preservation area of the Highlands  
 31 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

32 <sup>2</sup>【(5)】 (4)<sup>2</sup> any permit or approval issued by the Department of  
 33 Transportation pursuant to Title 27 of the Revised Statutes or under  
 34 the general authority conferred by State law, other than a right-of-  
 35 way permit issued pursuant to paragraph (3) of subsection (h) of  
 36 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted  
 37 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

38 <sup>2</sup>【(6)】 (5)<sup>2</sup> any permit or approval issued pursuant to the "Flood  
 39 Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.),  
 40 except (a) where work has commenced, in any phase or section of  
 41 the development, on any site improvement as defined in paragraph  
 42 (1) of subsection a. of section 41 of the "Municipal Land Use Law,"  
 43 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or  
 44 (b) where the permit or approval authorizes work on real property  
 45 owned by the government or the federal government;

46 <sup>2</sup>【(7)】 (6)<sup>2</sup> any coastal center designated pursuant to the "Coastal  
 47 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) <sup>2</sup>【,



1 that as of March 15, 2007 (a) had not submitted an application for  
 2 plan endorsement to the State Planning Commission, and (b) was  
 3 not in compliance with the provisions of the Coastal Zone  
 4 Management Rules at N.J.A.C.7:7E-5B.6<sup>2</sup>; or

5 <sup>2</sup>[(8)] (7)<sup>2</sup> any permit or approval within the Highlands planning  
 6 area located in a municipality subject to the "Highlands Water  
 7 Protection and Planning Act," P.L.2004, c.120, that has adopted,  
 8 <sup>2</sup>[as of May 1, 2012,]<sup>2</sup> in accordance with the Highlands Water  
 9 Protection and Planning Council conformance approval, a  
 10 Highlands master plan element, a Highlands land use ordinance, or  
 11 an environmental resource inventory, except that the provisions of  
 12 this paragraph shall not apply to any permit or approval within a  
 13 Highlands center designated by the Highlands Water Protection and  
 14 Planning Council, notwithstanding the adoption by the municipality  
 15 of a Highlands master plan element, a Highlands land use  
 16 ordinance, or an environmental resource inventory.

17  
 18 <sup>2</sup>[c.P.L.2008, c.78 (C.40:55D-136.1 et seq.)] 5. P.L. \_\_\_\_\_,  
 19 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup> shall not  
 20 affect any administrative consent order issued by the Department of  
 21 Environmental Protection in effect or issued during the <sup>2</sup>[extension  
 22 period or]<sup>2</sup> COVID-19 extension period, nor shall it be construed to  
 23 extend any approval in connection with a resource recovery facility  
 24 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

25  
 26 <sup>2</sup>[d.] 6.<sup>2</sup> Nothing in <sup>2</sup>[P.L.2008, c.78 (C.40:55D-136.1 et  
 27 seq.)] P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
 28 bill)<sup>2</sup> shall affect the ability of the Commissioner of Environmental  
 29 Protection to revoke or modify a specific permit or approval, or  
 30 extension thereof pursuant to <sup>2</sup>[P.L.2008, c.78 (C.40:55D-136.1 et  
 31 seq.)] P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
 32 bill)<sup>2</sup>, when that specific permit or approval <sup>2</sup>or the commissioner's  
 33 underlying statutory or regulatory authority<sup>2</sup> contains language  
 34 authorizing the modification or revocation of the permit or approval  
 35 by the department.

36  
 37 <sup>2</sup>[e.] 7.<sup>2</sup> In the event that any approval tolled pursuant to  
 38 <sup>2</sup>[P.L.2008, c.78 (C.40:55D-136.1 et seq.)] P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
 39 (pending before the Legislature as this bill)<sup>2</sup> is based upon the  
 40 connection to a sanitary sewer system, the approval's extension  
 41 shall be contingent upon the availability of sufficient capacity, on  
 42 the part of the treatment facility, to accommodate the development  
 43 whose approval has been extended. If sufficient capacity is not  
 44 available, those permit holders whose approvals have been extended  
 45 shall have priority with regard to the further allocation of gallorage  
 46 over those approval holders who have not received approval of a

hookup prior to <sup>2</sup>the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.) <sup>2</sup>March 9, 2020<sup>2</sup>. Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to <sup>2</sup>P.L.2008, c.78 (C.40:55D-136.1 et seq.) <sup>2</sup>P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> shall be allocated in order of the granting of the original approval of the connection.

<sup>2</sup>f. P.L.2008, c.78 (C.40:55D-136.1 et seq.) <sup>2</sup>8. P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> shall not toll any approval issued under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in connection with an application for development involving a residential use where, subsequent to the expiration of the permit but prior to <sup>2</sup>January 1, 2007 <sup>2</sup>March 9, 2020<sup>2</sup> , an amendment has been adopted to the master plan and the zoning ordinance to rezone the property to industrial or commercial use when the permit was issued for residential use.

<sup>2</sup>g. <sup>2</sup>9.<sup>2</sup> Nothing in <sup>2</sup>P.L.2008, c.78 (C.40:55D-136.1 et seq.) <sup>2</sup>P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> shall be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program.

<sup>2</sup>h. <sup>2</sup>10.<sup>2</sup> Nothing in <sup>2</sup>P.L.2008, c.78 (C.40:55D-136.1 et seq.) <sup>2</sup>P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> shall be deemed to extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.<sup>2</sup>, adopted by the Department of Environmental Protection, effective July 7, 2008.

i. <sup>2</sup>11.<sup>2</sup> All underlying municipal, county, and State permits or approvals within the <sup>2</sup>extension area as defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3), as amended, <sup>2</sup>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),<sup>2</sup> are extended <sup>2</sup>in the Pinelands Area as designated pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

1 (cf: P.L.2016, c.14, s.2)]<sup>2</sup>

2

3 <sup>2</sup>[4. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to  
4 read as follows:

5 5. a. State agencies shall, within 30 days after the effective  
6 date of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days  
7 after the effective date of any subsequent amendment and  
8 supplement thereto, place a notice in the New Jersey Register  
9 tolling approvals in the Superstorm Sandy-impacted counties, as  
10 defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3) in  
11 conformance with P.L.2008, c.78 (C.40:55D-136.1 et seq.).

12 b.] 12. a.<sup>2</sup> State agencies shall, within 30 days after the  
13 effective date of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill), place a notice in the New Jersey Register  
15 tolling approvals in conformance with <sup>2</sup>[P.L.2008, c.78 (C.40:55D-  
16 136.1 et seq.).

17 (P.L.2016, c.14, s.3)] P.L. , c. (C. ) (pending before the  
18 Legislature as this bill).

19 b. Any government approval subject to the automatic  
20 suspension of the running period of such approval for the COVID-  
21 19 extension period shall be registered with the department within  
22 30 days of the notice in the New Jersey register.

23 c. The running period of any approval not registered pursuant  
24 to this section shall not be suspended for the COVID-19 extension  
25 period.

26 d. The department shall publish on its website a list of  
27 government approvals for which the running of the period of such  
28 approvals are suspended for the COVID-19 extension period within  
29 14 days of receipt of the government approval registration pursuant  
30 to this section.<sup>2</sup>

31

32 <sup>2</sup>[<sup>1</sup>5. (New Section) Any] 13. The running of the period of  
33 any<sup>2</sup> registration, application, or licensing requirement or timeframe  
34 imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.),  
35 applicable to a person who performs soil and fill recycling services  
36 related to road or bridge construction activities, shall be suspended  
37 as of March 9, 2020 and the calculation of any registration,  
38 application filing, and licensing dates and the requirements related  
39 thereto, shall resume on the 60th day after the conclusion of the  
40 COVID-19 extension period.<sup>1</sup>

41

42 <sup>2</sup>[<sup>1</sup>6. (New Section)] 14.<sup>2</sup> Notwithstanding any provision of  
43 P.L.1975, c.291 (C.40:55D-1 et seq.) to the contrary,

44 a. The 45-day period for an application for development to a  
45 municipal agency to be certified as complete pursuant to section 5  
46 of P.L.1984, c.20 (C.40:55D-10.3) shall be extended to either <sup>2</sup>[90]  
47 120<sup>2</sup> days after March 9, 2020, or 60 days after the date the

1 application for development is submitted to the municipal agency,  
2 whichever date is later, for any application:

3 (1) awaiting certification as a complete application by a  
4 municipal agency as of March 9, 2020; or

5 (2) submitted by an applicant during the COVID-19 extension  
6 period.

7 b. The time periods <sup>2</sup>for a municipal agency to either grant or  
8 deny any other application for development<sup>2</sup> required under  
9 P.L.1975, c.291 (C.40:55D-1 et seq.) <sup>2</sup>[for any municipal agency to  
10 either grant or deny any application for development]<sup>2</sup> shall be  
11 extended by <sup>2</sup>[60] 120<sup>2</sup> days for any application:

12 (1) awaiting certification as a complete application by a  
13 municipal agency as of March 9, 2020; or

14 (2) pending before a municipal agency as of March 9, 2020 <sup>2</sup>[:  
15 or

16 (3)] .

17 c. The time periods for a municipal agency to either grant or  
18 deny any other application for development required under  
19 P.L.1975, c.291 (C.40:55D-1) shall be extended to either 120 days  
20 after March 9, 2020, or 60 days after the application for  
21 development is certified as complete by the municipal agency,  
22 whichever date is later, for any application<sup>2</sup> submitted by an  
23 applicant during the COVID-19 extension period.<sup>1</sup>

24  
25 <sup>1</sup>[5.] <sup>2</sup>[7.<sup>1</sup>] 15.<sup>2</sup> This act shall take effect immediately and  
26 shall be retroactive to March 9, 2020.

27  
28  
29  
30  
31 Extends certain permits, approvals, and deadlines during  
32 COVID-19 emergency.