

SENATE, No. 368

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Permits municipalities to require developers to make contributions for mass transit improvements.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



1 AN ACT concerning developers and mass transit improvements and
2 amending P.L.1975, c.291.

3

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

6

7 1. Section 30 of P.L.1975, c.291 (C.40:55D-42) is amended to
8 read as follows:

9 30. Contribution for off-tract water, sewer, drainage, and street
10 improvements. The governing body may by ordinance adopt
11 regulations requiring a developer, as a condition for approval of a
12 subdivision or site plan, to pay the pro-rata share of the cost of
13 providing only reasonable and necessary street and, if applicable,
14 mass transit improvements and water, sewerage and drainage
15 facilities, and easements therefor, located off-tract but necessitated
16 or required by construction or improvements within such
17 subdivision or development. Such regulations shall be based on
18 circulation and comprehensive utility service plans pursuant to
19 **【subsections 19b.(4) and 19b.(5)】** paragraphs (4) and (5) of
20 subsection b. of section 19 of 【this act】 P.L.1975, c.291 (C.40:55D-
21 28), respectively, and shall establish fair and reasonable standards
22 to determine the proportionate or pro-rata amount of the cost of
23 such facilities that shall be borne by each developer or owner within
24 a related and common area, which standards shall not be altered
25 subsequent to preliminary approval. Any regulations requiring a
26 developer to pay a share of the cost of mass transit improvements
27 shall be adopted in consultation with each agency providing mass
28 transit service within the municipality.

29 Where a developer pays the amount determined as **【his】** the pro-
30 rata share under protest **【he】** , the developer shall institute legal
31 action within one year of such payment in order to preserve the
32 right to a judicial determination as to the fairness and
33 reasonableness of such amount.

34 (cf: P.L.1998, c.95, s.8)

35

36 2. This act shall take effect immediately.

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.