

SENATE, No. 2346

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator TROY SINGLETON

District 7 (Burlington)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

**Senators Addiego, Bateman, Cardinale, Oroho, O'Scanlon, Pennacchio,
Singer and Thompson**

SYNOPSIS

Extends certain permits during COVID-19 emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/13/2020)

1 AN ACT extending certain permits and amending P.L.2008, c.78.

2

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

5

6 1. Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to
7 read as follows:

8 2. The Legislature finds and declares that:

9 a. The most recent national recession has caused one of the
10 longest economic downturns since the Great Depression of the
11 1930s and has drastically affected various segments of the New
12 Jersey economy, but none as severely as the State's banking, real
13 estate and construction sectors.

14 b. The real estate finance sector of the economy is in severe
15 decline due to the sub-prime mortgage problem and the resultant
16 widening mortgage finance crisis. The extreme tightening of
17 lending standards for home buyers and other real estate borrowers
18 has reduced access to the capital markets.

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

26 d. The process of obtaining planning board and zoning board of
27 adjustment approvals for subdivisions, site plans, and variances can
28 be difficult, time consuming and expensive, both for private
29 applicants and government bodies.

30 e. The process of obtaining the myriad other government
31 approvals, required pursuant to legislative enactments and their
32 implementing rules and regulations, such as wetlands permits,
33 treatment works approvals, on-site wastewater disposal permits,
34 stream encroachment permits, flood hazard area permits, highway
35 access permits, and numerous waivers and variances, also can be
36 difficult and expensive; further, changes in the law can render these
37 approvals, if expired or lapsed, impossible to renew or re-obtain.

38 f. County and municipal governments obtain determinations of
39 master plan consistency, conformance, or endorsement with State or
40 regional plans, from State and regional government entities which
41 may expire or lapse without implementation due to the state of the
42 economy.

43 g. The most recent national recession has severely weakened
44 the building industry, and many landowners and developers are
45 seeing their life's work destroyed by the lack of credit and dearth of

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.

1 buyers and tenants, due to the crisis in real estate financing and the
2 building industry, uncertainty over the state of the economy, and
3 increasing levels of unemployment in the construction industry.

4 h. The construction industry and related trades are sustaining
5 severe economic losses, and the lapsing of government development
6 approvals would, if not addressed, exacerbate those losses.

7 i. Financial institutions that lent money to property owners,
8 builders, and developers are experiencing erosion of collateral and
9 depreciation of their assets as permits and approvals expire, and the
10 extension of these permits and approvals is necessary to maintain
11 the value of the collateral and the solvency of financial institutions
12 throughout the State.

13 j. Due to the current inability of builders and their purchasers
14 to obtain financing, under existing economic conditions, more and
15 more once-approved permits are expiring or lapsing and, as these
16 approvals lapse, lenders must re-appraise and thereafter
17 substantially lower real estate valuations established in conjunction
18 with approved projects, thereby requiring the reclassification of
19 numerous loans which, in turn, affects the stability of the banking
20 system and reduces the funds available for future lending, thus
21 creating more severe restrictions on credit and leading to a vicious
22 cycle of default.

23 k. As a result of the continued downturn of the economy, and
24 the continued expiration of approvals which were granted by State
25 and local governments, it is possible that thousands of government
26 actions will be undone by the passage of time.

27 l. Obtaining an extension of an approval pursuant to existing
28 statutory or regulatory provisions can be both costly in terms of
29 time and financial resources, and insufficient to cope with the
30 extent of the present financial situation; moreover, the costs
31 imposed fall on the public as well as the private sector.

32 m. It is the purpose of this act to prevent the wholesale
33 abandonment of approved projects and activities due to the present
34 unfavorable economic conditions, by tolling the term of these
35 approvals for a period of time, thereby preventing a waste of public
36 and private resources.

37 n. Due to the need to implement strict social distancing
38 measures and take other precautions in order to limit the spread of
39 COVID-19 and minimize its public health impacts, much business
40 and government activity has been halted, disrupted, or delayed.
41 This has in turn resulted in a severe downturn in the economy. It is
42 therefore appropriate to toll the term of approvals during a new
43 COVID-19 extension period in order to prevent the abandonment of
44 approved projects and activities, and the waste of public and private
45 resources that comes with it, as well as to be ready to quickly
46 resume projects when it is safe to restart normal business and
47 government activity.

48 (cf: P.L.2014, c.84, s.1)

1 2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
2 read as follows:

3 3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

4 "Approval" means, except as otherwise provided in section 4 of
5 P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and
6 sediment control plan granted by a local soil conservation district
7 under the authority conferred by R.S.4:24-22 et seq., waterfront
8 development permit issued pursuant to R.S.12:5-1 et seq., permit
9 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272
10 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater
11 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.),
12 approval of an application for development granted by the Delaware
13 and Raritan Canal Commission pursuant to the "Delaware and
14 Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-
15 1 et seq.), permit issued by the New Jersey Meadowlands
16 Commission pursuant to the "Hackensack Meadowlands
17 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et
18 al.), approval of an application for development granted by the
19 Pinelands Commission and determination of municipal and county
20 plan conformance pursuant to the "Pinelands Protection Act,"
21 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center
22 designations pursuant to the "Coastal Area Facility Review Act,"
23 P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted
24 pursuant to Title 26 of the Revised Statutes, permit granted
25 pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-
26 way permit issued by the Department of Transportation pursuant to
27 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301
28 (C.27:1A-5), approval granted by a sewerage authority pursuant to
29 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
30 seq.), approval granted by a municipal authority pursuant to the
31 "municipal and county utilities authorities law," P.L.1957, c.183
32 (C.40:14B-1 et seq.), an agreement with a municipality, county,
33 municipal authority, sewerage authority, or other governmental
34 authority for the use or reservation of sewerage capacity, approval
35 issued by a county planning board pursuant to chapter 27 of Title 40
36 of the Revised Statutes, preliminary and final approval granted in
37 connection with an application for development pursuant to the
38 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),
39 permit granted pursuant to the "State Uniform Construction Code
40 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement
41 and center designations pursuant to the "State Planning Act,"
42 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued
43 pursuant to the "Water Supply Management Act," P.L.1981, c.262
44 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well
45 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or
46 permit granted, exemption from a sewerage connection ban granted,
47 wastewater management plan approved, and pollution discharge
48 elimination system permit pursuant to the "Water Pollution Control

1 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted
2 pursuant to "The Realty Improvement Sewerage and Facilities Act
3 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or
4 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),
5 certification issued and water quality management plan approved
6 pursuant to the "Water Quality Planning Act," P.L.1977, c.75
7 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe
8 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit
9 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,
10 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or
11 State approval or permit granted under the general authority
12 conferred by State law or rule or regulation, or any other
13 government authorization of any development application or any
14 permit related thereto whether that authorization is in the form of a
15 permit, approval, license, certification, permission, determination,
16 interpretation, exemption, variance, exception, waiver, letter of
17 interpretation, no further action letter, agreement or any other
18 executive or administrative decision which allows a development or
19 governmental project to proceed.

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

23 "COVID-19 extension period" means the period beginning
24 March 9, 2020 and continuing for as long as a public health
25 emergency, pursuant to the "Emergency Health Powers Act,"
26 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
27 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both, that
28 has been declared by the Governor in response to COVID-19, is in
29 effect.

30 "Development" means the division of a parcel of land into two or
31 more parcels, the construction, reconstruction, conversion,
32 structural alteration, relocation or enlargement of any building or
33 other structure or facility, or of any grading, soil removal or
34 relocation, excavation or landfill or any use or change in the use of
35 any building or other structure or land or extension of the use of
36 land.

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

44 "Extension area" means an area designated pursuant to P.L.1985,
45 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),
46 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning
47 Area), Planning Area 4A (Rural Planning Area), a designated
48 center, or a designated growth center in an endorsed plan until June

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

29 "Extension period" means the period beginning January 1, 2007
30 and continuing through December 31, 2015; provided, however,
31 that the period in Superstorm Sandy-impacted counties shall
32 continue through December 31, 2016.

33 "Government" means any municipal, county, regional, or State
34 government, or any agency, department, commission or other
35 instrumentality thereof.

36 "Superstorm Sandy-impacted counties" means Atlantic, Bergen,
37 Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and
38 Union counties, as identified by the United States Department of
39 Housing and Urban Development.

40 "Superstorm Sandy-impacted extension period" means the period
41 beginning January 1, 2016 and continuing through December 31,
42 2016.

43 (cf: P.L.2016, c.14, s.1)

44

45 3. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to
46 read as follows:

47 4. a. (1) For any government approval in existence during the
48 extension period, the running of the period of approval is

1 automatically suspended for the extension period, except as
2 otherwise provided hereunder; however, the tolling provided for
3 herein shall not extend the government approval more than six
4 months beyond the conclusion of the extension period.

5 (2) For any government approval in existence on December 31,
6 2015 concerning lands located entirely within one or more of the
7 Superstorm Sandy-impacted counties, as defined in section 3 of
8 P.L.2008, c.78 (C.40:55D-136.3), the running of the period of
9 approval is automatically suspended for the Superstorm Sandy-
10 impacted extension period, except as otherwise provided hereunder;
11 however, the tolling provided for herein shall not extend the
12 government approval more than six months beyond the conclusion
13 of the Superstorm Sandy-impacted extension period.

14 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
15 shorten the duration that any approval would have had in the
16 absence of P.L.2008, c.78 (C.40:55D-136.1 et seq.), nor shall
17 P.L.2008, c.78 (C.40:55D-136.1 et seq.) prohibit the granting of
18 such additional extensions as are provided by law when the tolling
19 granted by P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall expire.
20 Notwithstanding any previously enacted provision of P.L.2008, c.78
21 (C.40:55D-136.1 et seq.), as amended and supplemented, the
22 running of the period of approval of all government approvals
23 which would have been extended pursuant to the definition of
24 "extension area," added by P.L.2012, c.48, shall be calculated,
25 using that definition, retroactive to the enactment of P.L.2008, c.78
26 (C.40:55D-136.1 et seq.).

27 (4) For any government approval either in existence on March 9,
28 2020, or granted during the COVID-19 extension period, the
29 running of the period of approval is automatically suspended for the
30 COVID-19 extension period, except as otherwise provided
31 hereunder; however, the tolling provided for herein shall not extend
32 the government approval more than six months beyond the
33 conclusion of the COVID-19 extension period, except that for any
34 construction project suspended pursuant to either the Governor's
35 Executive Order No. 122 or the order of a State, county, or
36 municipal government agency, the maximum tolling period shall be
37 twelve months beyond the conclusion of the COVID-19 extension
38 period.

39 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
40 deemed to extend or purport to extend:

41 (1) any permit or approval issued by the government of the
42 United States or any agency or instrumentality thereof, or any
43 permit or approval by whatever authority issued of which the
44 duration of effect or the date or terms of its expiration are specified
45 or determined by or pursuant to law or regulation of the federal
46 government or any of its agencies or instrumentalities;

47 (2) any permit or approval issued pursuant to the "Pinelands
48 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the

1 extension would result in a violation of federal law, or any State
2 rule or regulation requiring approval by the Secretary of the Interior
3 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

4 (3) any permit or approval issued within an environmentally
5 sensitive area;

6 (4) any permit or approval within an environmentally sensitive
7 area issued pursuant to the "Highlands Water Protection and
8 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or
9 approval issued within the preservation area of the Highlands
10 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

11 (5) any permit or approval issued by the Department of
12 Transportation pursuant to Title 27 of the Revised Statutes or under
13 the general authority conferred by State law, other than a right-of-
14 way permit issued pursuant to paragraph (3) of subsection (h) of
15 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted
16 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

17 (6) any permit or approval issued pursuant to the "Flood Hazard
18 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)
19 where work has commenced, in any phase or section of the
20 development, on any site improvement as defined in paragraph (1)
21 of subsection a. of section 41 of the "Municipal Land Use Law,"
22 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or
23 (b) where the permit or approval authorizes work on real property
24 owned by the government or the federal government;

25 (7) any coastal center designated pursuant to the "Coastal Area
26 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of
27 March 15, 2007 (a) had not submitted an application for plan
28 endorsement to the State Planning Commission, and (b) was not in
29 compliance with the provisions of the Coastal Zone Management
30 Rules at N.J.A.C.7:7E-5B.6; or

31 (8) any permit or approval within the Highlands planning area
32 located in a municipality subject to the "Highlands Water Protection
33 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,
34 2012, in accordance with the Highlands Water Protection and
35 Planning Council conformance approval, a Highlands master plan
36 element, a Highlands land use ordinance, or an environmental
37 resource inventory, except that the provisions of this paragraph
38 shall not apply to any permit or approval within a Highlands center
39 designated by the Highlands Water Protection and Planning
40 Council, notwithstanding the adoption by the municipality of a
41 Highlands master plan element, a Highlands land use ordinance, or
42 an environmental resource inventory.

43 c. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not affect any
44 administrative consent order issued by the Department of
45 Environmental Protection in effect or issued during the extension
46 period or COVID-19 extension period, nor shall it be construed to
47 extend any approval in connection with a resource recovery facility
48 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

- 1 d. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
2 affect the ability of the Commissioner of Environmental Protection
3 to revoke or modify a specific permit or approval, or extension
4 thereof pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.), when
5 that specific permit or approval contains language authorizing the
6 modification or revocation of the permit or approval by the
7 department.
- 8 e. In the event that any approval tolled pursuant to P.L.2008,
9 c.78 (C.40:55D-136.1 et seq.) is based upon the connection to a
10 sanitary sewer system, the approval's extension shall be contingent
11 upon the availability of sufficient capacity, on the part of the
12 treatment facility, to accommodate the development whose approval
13 has been extended. If sufficient capacity is not available, those
14 permit holders whose approvals have been extended shall have
15 priority with regard to the further allocation of gallonage over those
16 approval holders who have not received approval of a hookup prior
17 to the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.).
18 Priority regarding the distribution of further gallonage to any permit
19 holder who has received the extension of an approval pursuant to
20 P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be allocated in order
21 of the granting of the original approval of the connection.
- 22 f. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not toll any
23 approval issued under the "Municipal Land Use Law," P.L.1975,
24 c.291 (C.40:55D-1 et seq.) in connection with an application for
25 development involving a residential use where, subsequent to the
26 expiration of the permit but prior to January 1, 2007, an amendment
27 has been adopted to the master plan and the zoning ordinance to
28 rezone the property to industrial or commercial use when the permit
29 was issued for residential use.
- 30 g. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
31 construed or implemented in such a way as to modify any
32 requirement of law that is necessary to retain federal delegation to,
33 or assumption by, the State of the authority to implement a federal
34 law or program.
- 35 h. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
36 deemed to extend the obligation of any wastewater management
37 planning agency to submit a wastewater management plan or plan
38 update, or the obligation of a municipality to submit a wastewater
39 management plan or plan update, pursuant to the "Water Quality
40 Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water
41 Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.,
42 adopted by the Department of Environmental Protection, effective
43 July 7, 2008.
- 44 i. All underlying municipal, county, and State permits or
45 approvals within the extension area as defined in section 3 of
46 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the

1 Pinelands Area as designated pursuant to the "Pinelands Protection
2 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

3 (cf: P.L.2016, c.14, s.2)

4

5 4. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to
6 read as follows:

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

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

18 (cf: P.L.2016, c.14, s.3).

19

20 5. (New section) Notwithstanding any provision of P.L.1975,
21 c.291 (C.40:55D-1 et seq.) to the contrary,

22 a. The 45-day period for an application for development to a
23 municipal agency to be certified as complete pursuant to section 5
24 of P.L.1984, c.20 (C.40:55D-10.3) shall be extended to either 90
25 days after March 9, 2020, or 60 days after the date the application
26 for development is submitted to the municipal agency, whichever
27 date is later, for any application:

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

30 (2) submitted by an applicant during the COVID-19 extension
31 period.

32 b. The 120-day time of decision period for an application to a
33 planning board or zoning board of adjustment pursuant to section 57
34 of P.L.1975, c.291 (C.40:55D-70 et seq.) shall be extended to either
35 180 days after the date the application is certified as complete by
36 the municipal agency, or 60 days after the date the public health
37 emergency or state of emergency declared by the Governor in
38 response to COVID-19 is rescinded, whichever date is later, for any
39 application:

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

42 (2) pending before a planning board or zoning board of
43 adjustment as of March 9, 2020; or

44 (3) submitted by an applicant during the COVID-19 extension
45 period.

46 c. As used in this section:

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

4 "COVID-19 extension period" means the period beginning
5 March 9, 2020 and continuing for as long as a public health
6 emergency, pursuant to the "Emergency Health Powers Act,"
7 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
8 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both, that
9 has been declared by the Governor in response to COVID-19, is in
10 effect.

11

12 6. This act shall take effect immediately and shall be
13 retroactive to March 9, 2020.

14

15

16

STATEMENT

17

18 This bill would extend certain State, regional, county, and
19 municipal agency permit approvals for the duration of the COVID-
20 19 emergency. This bill would create a new extension period under
21 the "Permit Extension Act of 2008" that covers permits in existence
22 during the period in which the COVID-19 public health emergency
23 or state of emergency is in effect. Such approvals cannot be
24 extended beyond six months after the conclusion of the extension
25 period.

26 In order to limit the spread of COVID-19 and minimize its public
27 health impacts, strict social distancing and other precautionary
28 measures have been implemented. This has caused much
29 businesses and government activity to be halted, disrupted, or
30 delayed, resulting in a severe economic downturn. This bill would
31 toll the term of approvals during the course of the COVID-19
32 emergency in order to prevent the abandonment of approved
33 projects, and the concomitant waste of public and private resources,
34 as well as to be ready to quickly resume these projects when it is
35 safe to restart normal levels of business and government activity.

36 The bill also would extend certain timeframes by which planning
37 and zoning boards have to grant or deny any applications pursuant
38 to the "Municipal Land Use Law."