

SENATE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2346

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MAY 11, 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, Thompson, Diegnan, T.Kean and Cruz-Perez**

SYNOPSIS

Extends certain permits, approvals, and deadlines during COVID-19 emergency.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



(Sponsorship Updated As Of: 5/14/2020)

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

5

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

8

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

11 2. The Legislature finds and declares that:

12 a. The most recent national recession has caused one of the
13 longest economic downturns since the Great Depression of the
14 1930s and has drastically affected various segments of the New
15 Jersey economy, but none as severely as the State's banking, real
16 estate and construction sectors.

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

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

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

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

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

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 g. The most recent national recession has severely weakened
2 the building industry, and many landowners and developers are
3 seeing their life's work destroyed by the lack of credit and dearth of
4 buyers and tenants, due to the crisis in real estate financing and the
5 building industry, uncertainty over the state of the economy, and
6 increasing levels of unemployment in the construction industry.

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

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

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

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

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

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

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

1 resume projects when it is safe to restart normal business and
2 government activity.

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

4

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

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

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

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

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

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

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

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

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

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

38 "Government" means any municipal, county, regional, or State
39 government, or any agency, department, commission or other
40 instrumentality thereof.

41 "Superstorm Sandy-impacted counties" means Atlantic, Bergen,
42 Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and
43 Union counties, as identified by the United States Department of
44 Housing and Urban Development.

45 "Superstorm Sandy-impacted extension period" means the period
46 beginning January 1, 2016 and continuing through December 31,
47 2016.

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

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

3 4. a. (1) For any government approval in existence during the
4 extension period, the running of the period of approval is
5 automatically suspended for the extension period, except as
6 otherwise provided hereunder; however, the tolling provided for
7 herein shall not extend the government approval more than six
8 months beyond the conclusion of the extension period.

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

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

31 (4) For any government approval in existence on March 9, 2020,
32 the running of the period of approval is automatically suspended for
33 the COVID-19 extension period, however, the tolling provided for
34 herein shall not extend the government approval more than six
35 months beyond the conclusion of the COVID-19 extension period,
36 except that for a construction project suspended pursuant to either
37 the Governor's Executive Order No. 122 or any other government
38 order, the tolling period shall be 12 months beyond the conclusion
39 of the COVID-19 extension period.

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

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

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

6 (3) any permit or approval issued within an environmentally
7 sensitive area;

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

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

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

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

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

45 c. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not affect any
46 administrative consent order issued by the Department of
47 Environmental Protection in effect or issued during the extension
48 period or COVID-19 extension period, nor shall it be construed to

- 1 extend any approval in connection with a resource recovery facility
2 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).
- 3 d. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
4 affect the ability of the Commissioner of Environmental Protection
5 to revoke or modify a specific permit or approval, or extension
6 thereof pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.), when
7 that specific permit or approval contains language authorizing the
8 modification or revocation of the permit or approval by the
9 department.
- 10 e. In the event that any approval tolled pursuant to P.L.2008,
11 c.78 (C.40:55D-136.1 et seq.) is based upon the connection to a
12 sanitary sewer system, the approval's extension shall be contingent
13 upon the availability of sufficient capacity, on the part of the
14 treatment facility, to accommodate the development whose approval
15 has been extended. If sufficient capacity is not available, those
16 permit holders whose approvals have been extended shall have
17 priority with regard to the further allocation of gallonage over those
18 approval holders who have not received approval of a hookup prior
19 to the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.).
20 Priority regarding the distribution of further gallonage to any permit
21 holder who has received the extension of an approval pursuant to
22 P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be allocated in order
23 of the granting of the original approval of the connection.
- 24 f. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not toll any
25 approval issued under the "Municipal Land Use Law," P.L.1975,
26 c.291 (C.40:55D-1 et seq.) in connection with an application for
27 development involving a residential use where, subsequent to the
28 expiration of the permit but prior to January 1, 2007, an amendment
29 has been adopted to the master plan and the zoning ordinance to
30 rezone the property to industrial or commercial use when the permit
31 was issued for residential use.
- 32 g. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
33 construed or implemented in such a way as to modify any
34 requirement of law that is necessary to retain federal delegation to,
35 or assumption by, the State of the authority to implement a federal
36 law or program.
- 37 h. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
38 deemed to extend the obligation of any wastewater management
39 planning agency to submit a wastewater management plan or plan
40 update, or the obligation of a municipality to submit a wastewater
41 management plan or plan update, pursuant to the "Water Quality
42 Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water
43 Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.,
44 adopted by the Department of Environmental Protection, effective
45 July 7, 2008.
- 46 i. All underlying municipal, county, and State permits or
47 approvals within the extension area as defined in section 3 of
48 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
15 of P.L. , c. (C.) (pending before the Legislature as this
16 bill), 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 (P.L.2016, c.14, s.3).
19

20 5. (New Section) Any registration, application, or licensing
21 requirement or timeframe imposed pursuant to P.L.2019, c.397
22 (C.13:1E-127.1 et al.), applicable to a person who performs soil and
23 fill recycling services related to road or bridge construction
24 activities, shall be suspended as of March 9, 2020 and the
25 calculation of any registration, application filing, and licensing
26 dates and the requirements related thereto, shall resume on the 60th
27 day after the conclusion of the COVID-19 extension period.
28

29 6. (New Section) Notwithstanding any provision of P.L.1975,
30 c.291 (C.40:55D-1 et seq.) to the contrary,

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

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

39 (2) submitted by an applicant during the COVID-19 extension
40 period.

41 b. The time periods required under P.L.1975, c.291 (C.40:55D-
42 1 et seq.) for any municipal agency to either grant or deny any
43 application for development shall be extended by 60 days for any
44 application:

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

1 (2) pending before a municipal agency as of March 9, 2020; or
2 (3) submitted by an applicant during the COVID-19 extension
3 period.

4
5 7. This act shall take effect immediately and shall be
6 retroactive to March 9, 2020.