

SENATE, No. 2542

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Singleton and Greenstein

SYNOPSIS

Allows municipality to suspend certain zoning requirements during COVID-19 emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2020)

1 AN ACT allowing municipalities to suspend certain zoning
2 requirements during COVID-19 emergency.

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

6
7 1. a. Notwithstanding any provision of law to the contrary, a
8 municipality may, by resolution, suspend or temporarily modify
9 specific provisions of a zoning ordinance in order to facilitate the
10 ability of a business to resume operation during the COVID-19
11 emergency in accordance with requirements imposed, and authority
12 granted, by executive order issued by the Governor under the
13 Governor's emergency executive powers.

14 b. Notwithstanding any provision of law to the contrary, a
15 municipality may, by resolution, authorize a business to submit an
16 application to seek emergency temporary relief from the terms and
17 conditions of a prior approval granted under the "Municipal Land
18 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in order to
19 facilitate the ability of the business to resume operation during the
20 COVID-19 emergency in accordance with requirements imposed,
21 and authority granted, by executive order issued by the Governor
22 under the Governor's emergency executive powers.

23 c. (1) A resolution adopted pursuant to this section may
24 establish a streamlined administrative procedure for the review of
25 applications submitted by businesses seeking to resume operation
26 during the COVID-19 emergency and may provide for the issuance
27 of a temporary zoning permit as a condition precedent to a
28 business's use or occupancy of any building, structure, or land in
29 accordance with the resolution and requirements imposed, and
30 authority granted, by executive order issued by the Governor under
31 the Governor's emergency executive powers.

32 (2) A resolution adopted pursuant to this section may impose
33 reasonable fees for the review of applications submitted pursuant to
34 this section.

35 (3) The administrative officer shall issue or deny a temporary
36 zoning permit within seven business days of receipt of a request
37 therefor. If the administrative officer fails to grant or deny a
38 temporary zoning permit within this period, the failure shall be
39 deemed to be an approval of the application for the temporary
40 zoning permit.

41 d. A municipality may, from time to time during the COVID-
42 19 emergency, adopt a resolution modifying a resolution previously
43 adopted pursuant to this section to maintain consistency with
44 requirements imposed, and authority granted, by subsequent
45 executive orders.

46 e. A resolution adopted pursuant to this section may suspend or
47 temporarily modify provisions of a zoning ordinance concerning the
48 use or occupancy of a building, structure or land, and shall not

1 suspend or temporarily modify provisions of a zoning ordinance to
2 authorize the erection, construction, alteration, repair, remodeling,
3 conversion, removal, or destruction of a building or structure.

4 f. Authorization for a business to use or occupy a building,
5 structure, or land, in accordance with suspensions or temporary
6 modifications of zoning ordinance provisions pursuant to this
7 section, shall expire at the point in time of expiration of an
8 underlying requirement imposed by an executive order.

9 g. As used in this section:

10 "Administrative officer" means the administrative officer
11 designated under the "Municipal Land Use Law," P.L.1975, c.291
12 (C.40:55D-1 et seq.).

13 "COVID-19 emergency" means the period of time during which
14 a state of emergency, a public health emergency, or both, are in
15 effect due to the coronavirus disease 2019, as announced by the
16 World Health Organization on February 11, 2020, is in effect.

17 "Resolution" means action taken by the governing body of a
18 municipality required to be reduced to writing, but which may be
19 finally passed at the meeting at which it is introduced.

20 "Temporary zoning permit" means a document, signed by the
21 administrative officer, authorizing a business to use or occupy a
22 building, structure, or land, in accordance with suspensions or
23 temporary modifications of zoning ordinance provisions or a prior
24 approval pursuant to a resolution adopted in accordance with this
25 section.

26
27 2. This act shall take effect immediately.
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30 STATEMENT
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32 This bill would allow a municipality, by resolution, to suspend or
33 temporarily modify specific provisions of a zoning ordinance, or
34 grant temporary relief from the terms and conditions of a prior land
35 approval, in order to facilitate the ability of a business to resume
36 operation during the COVID-19 emergency. A resolution adopted
37 under the bill could suspend or temporarily modify zoning
38 ordinance provisions concerning the use or occupancy of a building,
39 structure or land, but could not suspend or temporarily modify
40 zoning ordinance provisions concerning the erection, construction,
41 alteration, repair, remodeling, conversion, removal, or destruction
42 of a building or structure. A resolution adopted under the bill must
43 be consistent with requirements imposed, and authority granted, by
44 executive order issued by the Governor under the Governor's
45 emergency executive powers.

46 The bill would also allow a municipality to establish a
47 streamlined administrative procedure for the review of an
48 application submitted by a business during the COVID-19

1 emergency, and to issue a business a “temporary zoning permit” to
2 allow that business to operate in accordance with the terms of the
3 resolution and the requirements imposed by the Governor’s
4 executive order.

5 This bill would allow a resolution to impose a reasonable fee for
6 the review of an application and would require an administrative
7 officer to review and approve or deny an application within seven
8 business days of receipt of the application.

9 The bill provides that a municipality may adopt a resolution
10 modifying a previously adopted resolution in order to maintain
11 consistency with requirements imposed, and authority granted, by
12 subsequent executive orders. Under the bill, authorization for a
13 business to use or occupy a building, structure, or land in
14 accordance with suspensions or temporary modifications of zoning
15 ordinance provisions would expire at the point in time of expiration
16 of an underlying requirement imposed by an executive order.