

[First Reprint]

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:

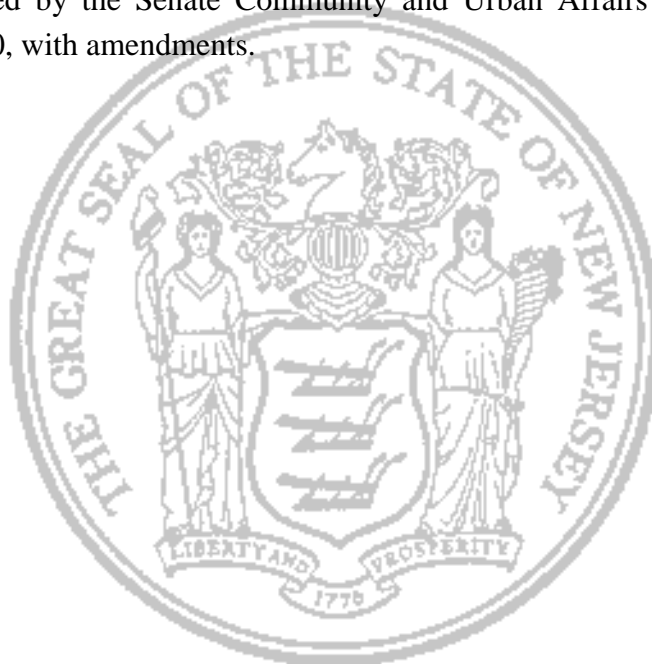
Senators Singleton, Greenstein, Addiego and A.M.Bucco

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on June 11, 2020, with amendments.



(Sponsorship Updated As Of: 6/15/2020)

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 Use
18 Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in order to facilitate the
19 ability of the business to resume operation during the COVID-19
20 emergency in accordance with requirements imposed, and authority
21 granted, by executive order issued by the Governor under the
22 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 of
27 a temporary zoning permit as a condition precedent to a business's use
28 or occupancy of any building, structure, or land in accordance with the
29 resolution and requirements imposed, and authority granted, by
30 executive order issued by the Governor under the Governor's
31 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 ¹**[seven]** 10¹ business days of receipt of a
37 request 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 zoning
40 permit.

41 d. A municipality may, from time to time during the COVID-19
42 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 executive
45 orders.

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:

¹Senate SCU committee amendments adopted June 11, 2020.

1 e. A resolution adopted pursuant to this section may suspend or
2 temporarily modify provisions of a zoning ordinance concerning the
3 use or occupancy of a building, structure or land, and shall not suspend
4 or temporarily modify provisions of a zoning ordinance to authorize
5 the erection, construction, alteration, repair, remodeling, conversion,
6 removal, or destruction of a building or structure.

7 f. Authorization for a business to use or occupy a building,
8 structure, or land, in accordance with suspensions or temporary
9 modifications of zoning ordinance provisions pursuant to this section,
10 shall expire at the point in time of expiration of an underlying
11 requirement imposed by an executive order ¹, or up to 60 days after
12 the conclusion of the COVID-19 emergency, as may be permitted
13 under a resolution adopted pursuant to this section¹.

14 g. As used in this section:

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

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

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

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

31
32 2. This act shall take effect immediately.