

[First Reprint]

**SENATE, No. 3744**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 11, 2021

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Prohibits appeal of land use decision related to holding meeting electronically.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 17, 2021, with amendments.



1 AN ACT concerning appeals of electronic meetings held under the  
 2 “Municipal Land Use Law” during <sup>1</sup> **the** emergency  
 3 <sup>1</sup> **],** and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)  
 4 declared in response to the COVID-19 pandemic<sup>1</sup>.

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

8  
 9 1. Notwithstanding any provision of law, rule, or regulation to  
 10 the contrary, a decision of a municipal agency <sup>1</sup>made at, or<sup>1</sup> based,  
 11 in whole or in part, on a meeting <sup>1</sup>or proceeding<sup>1</sup> held by means of  
 12 communication or other electronic equipment <sup>1</sup>], in a manner  
 13 consistent with section 1 of P.L.2020, c.11 (C.10:4-9.3),] such that  
 14 some or all participants are not in the same physical location<sup>1</sup> shall  
 15 not be appealable on grounds attributable to convening the meeting  
 16 <sup>1</sup>or proceeding<sup>1</sup> by means of communication or other electronic  
 17 equipment, including but not limited to, lack of a physical quorum,  
 18 lack of proper notice, <sup>1</sup>conduct of the meeting or proceeding,<sup>1</sup> or  
 19 lack of a reasonable opportunity to be heard <sup>1</sup>or otherwise  
 20 participate in the meeting or proceeding<sup>1</sup> , provided that  
 21 <sup>1</sup>[reasonable public]<sup>1</sup> notice <sup>1</sup>of the meeting or proceeding,<sup>1</sup> and  
 22 <sup>1</sup>[provision for public input were made under the circumstances,]  
 23 the conduct of the meeting or proceeding, is<sup>1</sup> consistent with <sup>1</sup>[:]  
 24 this<sup>1</sup> section <sup>1</sup>[8 of P.L.2020, c.34 (C.52:27D-18.11);] ,<sup>1</sup> and with  
 25 guidance documents issued by <sup>1</sup>, or rules or regulation promulgated  
 26 by,<sup>1</sup> the <sup>1</sup>[Division of Local Government Services in the]<sup>1</sup>  
 27 Department of Community Affairs and published on the  
 28 <sup>1</sup>[division’s] department’s Internet<sup>1</sup> website on <sup>1</sup>[or before]<sup>1</sup> the  
 29 date <sup>1</sup>[of the meeting] such notice was given<sup>1</sup>. <sup>1</sup>All notices required  
 30 by the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et  
 31 seq.) shall include directions for remote access by the public if  
 32 provided to the applicant by the municipal agency. The applicant  
 33 shall be entitled to rely upon such directions for remote access  
 34 provided by the municipal agency and the applicant’s reliance on such  
 35 directions shall not invalidate any meeting or proceeding or any  
 36 decision of a municipal agency made at, or based, in whole or in part,  
 37 on such meeting or proceeding.<sup>1</sup>

38  
 39 2. This act shall take effect immediately and shall be applicable  
 40 to a meeting <sup>1</sup>or proceeding<sup>1</sup> conducted by a municipal agency on or  
 41 after March 9, 2020 and during a period declared <sup>1</sup>, in response to  
 42 the COVID-19 pandemic,<sup>1</sup> pursuant to the laws of this State as a  
 43 state of emergency, public health emergency, or both, or for a  
 44 reasonable period of time following cessation of a declared  
 45 emergency, if so provided by executive order.

**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:

<sup>1</sup>Senate SBA committee amendments adopted June 17, 2021.