

P.L. 2021, CHAPTER 230, *approved September 24, 2021*
Assembly, No. 4881 (*Second Reprint*)

1 AN ACT concerning appeals of electronic meetings held under the
2 “Municipal Land Use Law” during ¹**[a declared]** the¹ emergency
3 ¹**[**, and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)**]**
4 declared in response to the COVID-19 pandemic¹.

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

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9 ¹**[**1. Notwithstanding any provision of law, rule, or regulation to
10 the contrary, a decision of a municipal agency based, in whole or in
11 part, on a meeting held by means of communication or other
12 electronic equipment, in a manner consistent with section 1 of
13 P.L.2020, c.11 (C.10:4-9.3), shall not be appealable on grounds
14 attributable to convening the meeting by means of communication
15 or other electronic equipment, including but not limited to, lack of a
16 physical quorum, lack of proper notice, or lack of a reasonable
17 opportunity to be heard, provided that reasonable public notice and
18 provision for public input were made under the circumstances,
19 consistent with: section 8 of P.L.2020, c.34 (C.52:27D-18.11); and
20 with guidance documents issued by the Division of Local
21 Government Services in the Department of Community Affairs and
22 published on the division’s website on or before the date of the
23 meeting.**]**¹

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25 ¹1. Notwithstanding any provision of law, rule, or regulation to
26 the contrary, a decision of a municipal agency ²made at, or² based,
27 in whole or in part, on a meeting ²or proceeding² held by means of
28 communication or other electronic equipment ²such that some or all
29 participants are not in the same physical location² shall not be
30 appealable on grounds attributable to convening the meeting ²or
31 proceeding² by means of communication or other electronic
32 equipment, including but not limited to, lack of a physical quorum,
33 lack of proper notice, conduct of the meeting ²or proceeding² , or
34 lack of a reasonable opportunity to be heard or otherwise participate
35 in the meeting ²or proceeding² , provided that notice of the meeting
36 ²or proceeding² , and the conduct of the meeting ²or proceeding² , is
37 consistent with this section, and with guidance documents issued
38 by, or rules or regulation promulgated by, the Department of
39 Community Affairs and published on the department’s Internet

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:

¹Assembly ASL committee amendments adopted March 17, 2021.

²Senate SBA committee amendments adopted June 17, 2021.

1 website on the date ²[the applicant requested the list pursuant to
2 subsection c. of section 7.1 of P.L.1975, c.291 (C. 40:55D-12)]
3 such notice was given² . All notices required by the "Municipal
4 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) shall include
5 directions for remote access by the public ²[as] if² provided to the
6 applicant by the municipal agency.¹ ²The applicant shall be entitled
7 to rely upon such directions for remote access provided by the
8 municipal agency and the applicant's reliance on such directions shall
9 not invalidate any meeting or proceeding or any decision of a
10 municipal agency made at, or based, in whole or in part, on such
11 meeting or proceeding.²

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13 2. This act shall take effect immediately and shall be applicable
14 to a meeting ²or proceeding² conducted by a municipal agency on or
15 after March 9, 2020 and during a period declared ¹, in response to
16 the COVID-19 pandemic,¹ pursuant to the laws of this State as a
17 state of emergency, public health emergency, or both, or for a
18 reasonable period of time following cessation of a declared
19 emergency, if so provided by executive order.

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