

[First Reprint]
SENATE, No. 3744

STATE OF NEW JERSEY
219th LEGISLATURE

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.



S3744 BEACH

2

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.

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 ¹ made at, or¹ based,
11 in whole or in part, on a meeting ¹ or proceeding¹ held by means of
12 communication or other electronic equipment ¹ **[**, 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 location¹ shall
15 not be appealable on grounds attributable to convening the meeting
16 or proceeding¹ by means of communication or other electronic
17 equipment, including but not limited to, lack of a physical quorum,
18 lack of proper notice, ¹ conduct of the meeting or proceeding,¹ or
19 lack of a reasonable opportunity to be heard ¹ or otherwise
20 participate in the meeting or proceeding¹ , provided that
21 ¹ **[reasonable public]**¹ notice ¹ of the meeting or proceeding,¹ and
22 ¹ **[provision for public input were made under the circumstances,**
23 the conduct of the meeting or proceeding, is¹ consistent with ¹ **[**:]
24 this¹ section ¹ **[8 of P.L.2020, c.34 (C.52:27D-18.11);**¹ , and with
25 guidance documents issued by ¹ , or rules or regulation promulgated
26 by,¹ the ¹ **[Division of Local Government Services in the]**¹
27 Department of Community Affairs and published on the
28 ¹ **[division’s]**¹ department’s Internet¹ website on ¹ **[or before]**¹ the
29 date ¹ **[of the meeting]**¹ such notice was given¹. ¹ 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.¹

38

39 2. This act shall take effect immediately and shall be applicable
40 to a meeting ¹ or proceeding¹ conducted by a municipal agency on or
41 after March 9, 2020 and during a period declared ¹ , in response to
42 the COVID-19 pandemic,¹ 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:

¹Senate SBA committee amendments adopted June 17, 2021.