

13:18A-12

6/16/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:18 A-12, 13:18A-15

"Pineland Protection Act"-- low and moderate housing requirements)

LAWS OF: 1987

CHAPTER: 267

Bill No: S850

Sponsor(s): Russo

Date Introduced: Pre-filed

Committee: Assembly: Regional Development and Agriculture
Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: August 3, 1987

Senate: December 18, 1987

Date of Approval: November 11, 1987

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill provides that the number of low or moderate income housing units proposed by an application for development in the pinelands area shall not be a criterion for approval or denial of said application.

(OVER)

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Comprehensive management plans, as mentioned in law;

974.901 New Jersey. Office of Legislative Services.
G53.4 Division of Budget and Program Review.
1981/82 Pinelands draft comprehensive management plan.

(In: New Jersey. Office of Fiscal Affairs. Division of Budget Review.
Analysis of the executive budget, 1981-82. p. D-1-10.

974.90 New Jersey. Pinelands Commission.
R336 Comprehensive management plan . . . November 21, 1980. New Lisbon, 1980.
1980m

974.90 New Jersey. Pinelands Commission.
R336 Draft comprehensive management plan. June, 1980. New Lisbon, 1980.
1980d

974.90 New Jersey. Pinelands Commission.
R336 New Jersey Pinelands comprehensive management plan: a progress report on
1983 the first three years of implementation. December, 1983.

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SENATE, No. 850

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator RUSSO

AN ACT to amend the "Pinelands Protection Act," approved June 28, 1979 (P. L. 1979, c. 111).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 **[1. Section 12 of P. L. 1979, c. 111 (C. 13:18A-13) is amended
2 to read as follows:

3 12. In order to assure that the actions, decisions, determinations
4 and rulings of the State, county and municipal governments shall,
5 to the maximum extent practicable and feasible, conform with the
6 comprehensive management plan adopted by the commission pur-
7 suant to section 7 of this act, the commission shall prepare,
8 periodically revise and transmit to all State, county or municipal
9 agencies empowered to finance or construct any capital project
10 within the pinelands area, and to all State agencies empowered to
11 grant or deny any approval, certificate, license, consent, or permit
12 for the construction of any structure or the disturbance of land
13 therein, such guidelines for the location and construction of such
14 capital projects or for the granting of any such approval, certificate,
15 license, consent, permit, or financial assistance, as the case may be,
16 as the commission deems necessary and appropriate.

17 *The guidelines shall include a provision stating that the number*
18 *of low or moderate income housing units provided by a capital*
19 *project ***[is]*** *or the construction of any structure shall* not *be*
20 *used as* a ****[criterion]*** *criterion* to grant or deny any approval*
21 **certificate*, license, consent or permit.】****

1 **1. Section 11 of P. L. 1979, c. 111 (C. 13:18A-12) is amended
2 to read as follows:

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 22, 1986.

**—Senate amendment adopted December 15, 1986.

3 11. a. The provisions of any other law, ordinance, rule or regula-
4 tion to the contrary notwithstanding, within one year of the date of
5 the adoption of the comprehensive management plan, or any re-
6 vision thereof, each county located in whole or in part in the pine-
7 lands area shall submit to the commission such revisions of the
8 county master plan as may be necessary in order to implement the
9 objectives of the comprehensive management plan and conform
10 with the minimum standards contained therein. After receiving
11 and reviewing such revisions, as applicable to the development and
12 use of land in the pinelands area, the commission shall approve,
13 reject, or approve with conditions said revised plans, as it deems
14 appropriate, after public hearing, within 60 days of the submission
15 thereof.

16 Upon rejecting or conditionally approving any such revised
17 plan, the commission shall identify such changes therein that it
18 deems necessary for commission approval thereof, and the relevant
19 county shall adopt and enforce such plan, as so changed.

20 b. Within one year of the date of the adoption of the compre-
21 hensive management plan, or any revision thereof, each municipal-
22 ity located in whole or in part in the pinelands area shall submit to
23 the commission such revisions of the municipal master plan and
24 local land use ordinances as may be necessary in order to imple-
25 ment the objectives of the comprehensive management plan and
26 conform with the minimum standards contained therein. After
27 receiving and reviewing such revisions, as applicable to the develop-
28 ment and use of land in the pinelands area, the commission shall
29 approve, reject, or approve with conditions said revised plans and
30 ordinances, as it deems appropriate, after public hearing, within
31 120 days of the date of the submission thereof. *The number of low*
32 *or moderate income housing units provided for in the revised plan*
33 *shall not be used by the commission as a criterion for the approval,*
34 *rejection, or conditional approval of the revised plan.*

35 Upon rejecting or conditionally approving any such revised plan
36 or ordinance, the commission shall identify such changes therein
37 that it deems necessary for commission approval thereof, and the
38 relevant municipality shall adopt and enforce such plan or ordi-
39 nance, as so changed.

40 The commission may, as herein provided, delegate the review
41 of any municipal master plan or land use ordinance to the planning
42 board of the county wherein such municipality is located. Any
43 such delegation shall be made only: (1) upon a finding by the com-
44 mission that such delegation is consistent with the purposes and
45 provisions of this act and the Federal Act; (2) if the commission

46 has approved the master plan for such county; and (3) at the
 47 request of the governing body of such county. The results of any
 48 such county planning board review shall be transmitted to the com-
 49 mission prior to the commission's review and approval of any such
 50 municipal master plan or ordinance.

51 c. In the event that any county or municipality fails to adopt or
 52 enforce an approved revised master plan or implementing land
 53 use ordinances, as the case may be, including any condition thereto
 54 imposed by the commission, the commission shall adopt and enforce
 55 such rules and regulations as may be necessary to implement the
 56 minimum standards contained in the comprehensive management
 57 plan as applicable to any such county or municipality.

58 d. Any approval of any application for development granted by
 59 any municipality, county, or agency thereof in violation of the
 60 provisions of this section shall be null and void and of no force
 61 and effect at law or equity.**

1 2. Section 14 of P. L. 1979, c. 111 (C. 13:18A-15) is amended
 2 to read as follows:

3 14. Subsequent to the adoption of the comprehensive manage-
 4 ment plan, the commission is hereby authorized to commence a
 5 review, within 15 days after any final municipal or county approval
 6 thereof, of any application for development in the pinelands area.
 7 Upon determining to exercise such authority, the commission shall
 8 transmit, by certified mail, written notice thereof to the person who
 9 submitted such application. The commission shall, after public
 10 hearing thereon, approve, reject, or approve with conditions any
 11 such application within 45 days of transmitting such notice; pro-
 12 vided, however, that such application shall not be rejected or con-
 13 ditionally approved unless the commission determines that such
 14 development does not conform with the comprehensive management
 15 plan or the minimum standards contained therein, as applicable to
 16 the county or municipality wherein such development is located,
 17 or that such development could result in substantial impairment
 18 of the resources of the pinelands area. Such approval, rejection
 19 or conditional approval shall be binding upon the person who sub-
 20 mitted such application, shall supersede any municipal or county
 21 approval of any such development, and shall be subject only to
 22 judicial review as provided in section 19 of this act.

23 *The number of low or moderate income housing units provided*
 24 *for in the application for development ***[is]*** *shall* not *be used**
 25 *as a criterion for the approval or rejection of the application.*

1 3. This act shall take effect immediately.

NATURAL RESOURCES

Prohibits Pinelands Commission from using low and moderate income housing as criterion for development permits.

ASSEMBLY ECONOMIC DEVELOPMENT AND
AGRICULTURE COMMITTEE

STATEMENT TO
SENATE, No. 850

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STATE OF NEW JERSEY

DATED: MAY 21, 1987

This bill amends the "Pinelands Protection Act," P. L. 1979, c. 111 (C. 13:18A-1 et seq.) to provide that the Pinelands Commission, in reviewing an application for development in the Pinelands area, may not use the number of low or moderate income housing units which would be provided by the development as a criterion for approving or denying the application for development.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 850

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 1986

The Senate Energy and Environment Committee favorably reports Senate Bill No. 850 with Senate committee amendments.

This bill amends the "Pinelands Protection Act," P. L. 1979, c. 111 (C. 13:18A-1 et seq.) to provide that the Pinelands Commission, in reviewing an application for development in the Pinelands area, shall not use the number of low or moderate income housing units which would be provided by the development as a criterion for approving or denying the application for development.

The committee made purely technical amendments to the bill.