

52:27D-131

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 457
NJSA: 52:27D-131 (Limits duration of construction permits)
BILL NO: A1420 (Substituted for S1295)

SPONSOR(S): DeCroce and Weingarten

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Housing

SENATE: ----

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 17, 2001

SENATE: January 7, 2002

DATE OF APPROVAL: January 14, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

A1420

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENTS: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S1295

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

(Bill and Sponsors Statement identical to A1420)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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ASSEMBLY, No. 1420

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman JOEL WEINGARTEN

District 21 (Essex and Union)

SYNOPSIS

Limits duration of construction permits under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the duration of construction permits and
2 amending P.L.1975, c.217.

3

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

6

7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If application is denied in whole or in part,
16 the enforcing agency shall set forth the reasons therefor in writing. If
17 an enforcing agency fails to grant, in whole or in part, or deny an
18 application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law.
25 Except as otherwise provided in this act or the code, the construction
26 or alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or
33 unusual hazards to public safety, establish regulations designating the
34 department as the enforcing agency for purposes of approving plans
35 and specifications. A municipal enforcing agency shall not grant an
36 occupancy permit for any such class or type of construction unless the
37 applicant submits appropriate plans and specifications certified or
38 approved by the department. Upon submission by an applicant of
39 such certified approved plans and specifications, the enforcing agency
40 shall recognize the approval when deciding whether to approve the
41 application for a construction permit.

42 b. A construction permit, issued in accordance with the foregoing
43 provisions, pursuant to which no construction has been undertaken

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 above the foundation walls within 1 year from the time of issuance,
2 shall expire.

3 c. The enforcing agency may revoke or cancel a construction
4 permit in the event the project for which the permit is obtained is not
5 completed by the second anniversary of the date of issuance of the
6 construction permit. Notwithstanding the provisions of any other law,
7 rule or regulation to the contrary, the enforcing agency may revoke or
8 cancel a construction permit in effect on the effective date of P.L.
9 , c. (C.) (now pending before the Legislature as this
10 bill), if the project for which the construction permit was obtained is
11 not completed by the second anniversary of the effective date of PL.
12 , c. (C.) (now pending before the Legislature as
13 this bill).

14 If the project for which the permit is obtained is not completed as
15 required by this section, the permittee shall be given 20 days to submit
16 a construction schedule to the enforcing agency for review. If the
17 construction schedule is approved by the enforcing agency, the permit
18 shall be extended as set forth in the construction schedule. If the
19 construction schedule is not approved or if the permittee fails to
20 adhere to an approved construction schedule, the enforcing agency
21 shall take all appropriate action up to and including demolition of the
22 uncompleted structure.

23 The provisions of this subsection shall not apply to a permit
24 obtained: (1) to construct improvements to the interior of a residential
25 property in which the permittee is currently residing that are not visible
26 from the outside of the residential property, or (2) for any building of
27 which the exterior and all required site improvements have been fully
28 constructed.

29 The enforcing agency may suspend, revoke or cancel a construction
30 permit in case of neglect or failure to comply with the provisions of
31 this act or the code, or upon a finding by it that a false statement or
32 representation has been made in the application for the construction
33 permit.

34 (cf: P.L.1975, c.217, s.13)

35

36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill provides that the enforcing agency may revoke or cancel
42 a construction permit in the event the project for which the permit is
43 obtained is not completed by the second anniversary of the date of
44 issuance of the construction permit. For those construction permits
45 granted prior to the effective date of the bill, the time frame for
46 completion would be extended to the second anniversary of the bill's

1 effective date. Under current law, a construction permit for which no
2 construction has occurred above the foundation walls expires within
3 one year from the date of issuance. This one-year time frame is often
4 extended indefinitely by unscrupulous builders who simply do the most
5 minimal amount of construction necessary in order to keep the permit
6 alive. The result in many cases is residential and commercial
7 construction projects that remain unfinished for many years and
8 become eyesores and attractive nuisances inimical to the health and
9 safety of innocent, law-abiding neighbors.

10 Under the bill's provisions, a permittee will be given 20 days to
11 submit a construction schedule to the enforcing agency for review, if
12 the construction is not completed within the required time period. If
13 approved by the enforcing agency, the permit will be extended as set
14 forth in the construction schedule. If the construction schedule is not
15 approved, or upon the failure of the permittee to adhere to an
16 approved construction schedule, the enforcing agency will take all
17 appropriate action up to and including demolition of the uncompleted
18 structure.

19 The provisions of the bill will not apply to a permit obtained: (1)
20 to construct improvements that are not visible from the outside to the
21 interior of a residential property in which the permittee is currently
22 residing or (2) for any building of which the exterior and all required
23 site improvements have been fully constructed.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1420

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2000

The Assembly Housing Committee reports favorably Assembly Bill No. 1420.

This bill provides that the enforcing agency may revoke or cancel a construction permit in the event the project for which the permit is obtained is not completed by the second anniversary of the date of issuance of the construction permit. For those construction permits granted prior to the effective date of the bill, the time frame for completion would be extended to the second anniversary of the bill's effective date. Under current law, a construction permit for which no construction has occurred above the foundation walls expires within one year from the date of issuance. This one-year time frame is often extended indefinitely by unscrupulous builders who simply do the most minimal amount of construction necessary in order to keep the permit alive. The result in many cases is residential and commercial construction projects that remain unfinished for many years and become eyesores and attractive nuisances inimical to the health and safety of innocent, law-abiding neighbors.

Under the bill's provisions, a permittee will be given 20 days to submit a construction schedule to the enforcing agency for review, if the construction is not completed within the required time period. If approved by the enforcing agency, the permit will be extended as set forth in the construction schedule. If the construction schedule is not approved, or upon the failure of the permittee to adhere to an approved construction schedule, the enforcing agency will take all appropriate action up to and including demolition of the uncompleted structure.

The provisions of the bill will not apply to a permit obtained: (1) to construct improvements that are not visible from the outside to the interior of a residential property in which the permittee is currently residing or (2) for any building of which the exterior and all required site improvements have been fully constructed.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

ASSEMBLY, No. 1420

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman JOEL WEINGARTEN

District 21 (Essex and Union)

SYNOPSIS

Limits duration of construction permits under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee with technical review.



1 AN ACT concerning the duration of construction permits and
2 amending P.L.1975, c.217.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If application is denied in whole or in part,
16 the enforcing agency shall set forth the reasons therefor in writing. If
17 an enforcing agency fails to grant, in whole or in part, or deny an
18 application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law.
25 Except as otherwise provided in this act or the code, the construction
26 or alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or
33 unusual hazards to public safety, establish regulations designating the
34 department as the enforcing agency for purposes of approving plans
35 and specifications. A municipal enforcing agency shall not grant an
36 occupancy permit for any such class or type of construction unless the
37 applicant submits appropriate plans and specifications certified or
38 approved by the department. Upon submission by an applicant of such
39 certified approved plans and specifications, the enforcing agency shall
40 recognize the approval when deciding whether to approve the
41 application for a construction permit.

42 b. A construction permit, issued in accordance with the foregoing
43 provisions, pursuant to which no construction has been undertaken

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 above the foundation walls within 1 year from the time of issuance,
2 shall expire.

3 c. The enforcing agency may revoke or cancel a construction
4 permit in the event the project for which the permit is obtained is not
5 completed by the second anniversary of the date of issuance of the
6 construction permit. Notwithstanding the provisions of any other law,
7 rule or regulation to the contrary, the enforcing agency may revoke or
8 cancel a construction permit in effect on the effective date of P.L. ,
9 c. (C.) (now pending before the Legislature as this bill),
10 if the project for which the construction permit was obtained is not
11 completed by the second anniversary of the effective date of PL. ,
12 c. (C.) (now pending before the Legislature as this bill).

13 If the project for which the permit is obtained is not completed as
14 required by this section, the permittee shall be given 20 days to submit
15 a construction schedule to the enforcing agency for review. If the
16 construction schedule is approved by the enforcing agency, the permit
17 shall be extended as set forth in the construction schedule. If the
18 construction schedule is not approved or if the permittee fails to
19 adhere to an approved construction schedule, the enforcing agency
20 shall take all appropriate action up to and including demolition of the
21 uncompleted structure.

22 The provisions of this subsection shall not apply to a permit
23 obtained: (1) to construct improvements to the interior of a residential
24 property in which the permittee is currently residing that are not visible
25 from the outside of the residential property, or (2) for any building of
26 which the exterior and all required site improvements have been fully
27 constructed.

28 The enforcing agency may suspend, revoke or cancel a construction
29 permit in case of neglect or failure to comply with the provisions of
30 this act or the code, or upon a finding by it that a false statement or
31 representation has been made in the application for the construction
32 permit.

33 (cf: P.L.1975, c.217, s.13)

34

35 2. This act shall take effect immediately.

STATEMENT TO
ASSEMBLY, No. 1420

with Assembly Floor Amendments
(Proposed By Assemblyman DECROCE)

ADOPTED: JUNE 21, 2001

These amendments would provide that a construction permit could not be revoked or canceled prior to the third anniversary of the date of the issuance of the permit or the effective date of this bill. At that time the permittee would be authorized to apply for a one-year extension, approval of which may not be unreasonably withheld by the enforcing agency. A permittee could appeal denial of an extension request to the county construction board of appeals.

The amendments also endeavor to hold public entities harmless from any costs incurred in removing or demolishing a structure should a permittee fail to comply with a removal or construction order issued by an enforcing agency.

Finally, the amendments would add an exception to the bill's provisions for projects while they are under the control of a mortgagee in possession.

[First Reprint]

ASSEMBLY, No. 1420

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman JOEL WEINGARTEN

District 21 (Essex and Union)

Co-Sponsored by:

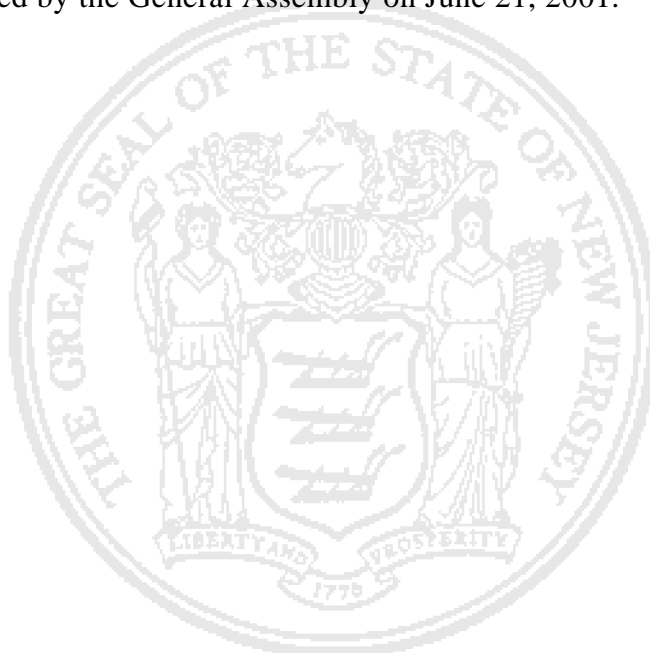
Senator O'Toole

SYNOPSIS

Limits duration of construction permits under certain circumstances.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 21, 2001.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT concerning the duration of construction permits and
2 amending ¹and supplementing¹ P.L.1975, c.217.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If application is denied in whole or in part,
16 the enforcing agency shall set forth the reasons therefor in writing. If
17 an enforcing agency fails to grant, in whole or in part, or deny an
18 application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law.
25 Except as otherwise provided in this act or the code, the construction
26 or alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or
33 unusual hazards to public safety, establish regulations designating the
34 department as the enforcing agency for purposes of approving plans
35 and specifications. A municipal enforcing agency shall not grant an
36 occupancy permit for any such class or type of construction unless the
37 applicant submits appropriate plans and specifications certified or
38 approved by the department. Upon submission by an applicant of
39 such certified approved plans and specifications, the enforcing agency
40 shall recognize the approval when deciding whether to approve the
41 application for a construction permit.

42 b. A construction permit, issued in accordance with the foregoing

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 21, 2001.

1 provisions, pursuant to which no construction has been undertaken
2 above the foundation walls within 1 year from the time of issuance,
3 shall expire.

4 c. The enforcing agency may revoke or cancel a construction
5 permit in the event the project for which the permit is obtained is not
6 completed by the ¹[second] ¹third¹ anniversary of the date of issuance
7 of the construction permit. Notwithstanding the provisions of any
8 other law, rule or regulation to the contrary, the enforcing agency may
9 revoke or cancel a construction permit in effect on the effective date
10 of P.L. _____, c. (C. _____) (now pending before the Legislature as this
11 bill), if the project for which the construction permit was obtained is
12 not completed by the ¹[second] ¹third¹ anniversary of the effective
13 date of P.L. _____, c. (C. _____) (now pending before the Legislature as
14 this bill).

15 ¹d. ¹If the project for which the permit is obtained is not completed
16 ¹[as required] ¹by ¹a deadline set forth in ¹this section, the permittee
17 ¹[shall be given 20 days to] ¹may¹ submit a ¹[construction
18 schedule]request for an extension of the permit¹ to the enforcing
19 agency for review. ¹[If the construction schedule is approved by
20 the]The¹ enforcing agency ¹[.]¹may extend¹ the permit ¹[shall be
21 extended as set forth in the construction schedule. If the construction
22 schedule is not approved or if the permittee fails to adhere to an
23 approved construction schedule.] for a period of one year. Approval
24 of the extension shall not be unreasonably withheld. Denial of a
25 request for an extension may be appealed to the county construction
26 board of appeals established pursuant to section 9 of P.L.1975, c.217
27 (C.52:27D-127). If a project is not completed within the deadline set
28 forth in this section,¹ the enforcing agency shall take all appropriate
29 action up to and including demolition of the uncompleted structure.

30 The provisions of this subsection shall not apply to a permit
31 obtained: (1) to construct improvements to the interior of a residential
32 property in which the permittee is currently residing that are not visible
33 from the outside of the residential property, ¹[or]¹ (2) for any
34 building of which the exterior and all required site improvements have
35 been fully constructed ¹, or (3) for a project while that project is under
36 the control of a mortgagee in possession¹.

37 The enforcing agency may suspend, revoke or cancel a construction
38 permit in case of neglect or failure to comply with the provisions of
39 this act or the code, or upon a finding by it that a false statement or
40 representation has been made in the application for the construction
41 permit.

42 (cf: P.L.1975, c.217, s.13)

43

44 ¹2. (New section) a. If the owner of a building or structure fails
45 to comply with a removal or demolition order issued by an enforcing

1 agency under authority of P.L. , c. (C.) (pending before the
2 Legislature as this bill) or of P.L.1975, c.217 (C.52:27D-119 et seq.),
3 the enforcing agency may cause such building or structure to be
4 removed or demolished or may notify the governing body of the need
5 to contract for the removal or demolition thereof in accordance with
6 the provisions of the "Local Public Contracts Law," P.L.1971, c.198
7 (C.40A:11-1 et seq.). Such removal or demolition shall include the
8 clearance, and any necessary leveling, of the site.
9 b. The cost of any such removal or demolition, together with the
10 cost of filing legal papers, expert witnesses' fees, search fees and
11 advertising charges incurred in the course of any proceeding taken
12 under P.L. , c. (C.) (pending before the Legislature as this bill)
13 or under P.L.1975, c.217 (C.52:27D-119 et seq.), less any proceeds
14 received by the enforcing agency from the sale of the materials of the
15 building or structure, shall be a municipal lien against the real property
16 upon which such cost was incurred. In the event that costs were paid
17 by any governmental entity other than the municipality, the lien shall
18 be assigned to that governmental entity. The lien shall be filed and
19 shall be enforceable in the same manner as are other municipal liens.¹
20
21 ¹[2.] 3.¹ This act shall take effect immediately.

SENATE, No. 1295

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 18, 2000

Sponsored by:
Senator KEVIN J. O'TOOLE
District 21 (Essex and Union)

SYNOPSIS

Limits duration of construction permits under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2002)

S1295 O'TOOLE

2

1 AN ACT concerning the duration of construction permits and
2 amending P.L.1975, c.217.

3

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

6

7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If application is denied in whole or in part,
16 the enforcing agency shall set forth the reasons therefor in writing. If
17 an enforcing agency fails to grant, in whole or in part, or deny an
18 application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law.
25 Except as otherwise provided in this act or the code, the construction
26 or alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or
33 unusual hazards to public safety, establish regulations designating the
34 department as the enforcing agency for purposes of approving plans
35 and specifications. A municipal enforcing agency shall not grant an
36 occupancy permit for any such class or type of construction unless the
37 applicant submits appropriate plans and specifications certified or
38 approved by the department. Upon submission by an applicant of
39 such certified approved plans and specifications, the enforcing agency
40 shall recognize the approval when deciding whether to approve the
41 application for a construction permit.

42 b. A construction permit, issued in accordance with the foregoing
43 provisions, pursuant to which no construction has been undertaken
44 above the foundation walls within 1 year from the time of issuance,
45 shall expire.

46 c. The enforcing agency may revoke or cancel a construction

1 permit in the event the project for which the permit is obtained is not
2 completed by the second anniversary of the date of issuance of the
3 construction permit. Notwithstanding the provisions of any other law,
4 rule or regulation to the contrary, the enforcing agency may revoke or
5 cancel a construction permit in effect on the effective date of
6 P.L. _____, c. (C. _____) (now pending before the Legislature as this bill),
7 if the project for which the construction permit was obtained is not
8 completed by the second anniversary of the effective date of
9 P.L. _____, c. (C. _____) (now pending before the Legislature as this
10 bill).

11 If the project for which the permit is obtained is not completed as
12 required by this section, the permittee shall be given 20 days to submit
13 a construction schedule to the enforcing agency for review. If the
14 construction schedule is approved by the enforcing agency, the permit
15 shall be extended as set forth in the construction schedule. If the
16 construction schedule is not approved or if the permittee fails to
17 adhere to an approved construction schedule, the enforcing agency
18 shall take all appropriate action up to and including demolition of the
19 uncompleted structure.

20 The provisions of this subsection shall not apply to a permit
21 obtained: (1) to construct improvements to the interior of a residential
22 property in which the permittee is currently residing that are not visible
23 from the outside of the residential property, or (2) for any building of
24 which the exterior and all required site improvements have been fully
25 constructed.

26 The enforcing agency may suspend, revoke or cancel a construction
27 permit in case of neglect or failure to comply with the provisions of
28 this act or the code, or upon a finding by it that a false statement or
29 representation has been made in the application for the construction
30 permit.

31 (cf: P.L.1975, c.217, s.13)

32

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill provides that the enforcing agency may revoke or cancel
39 a construction permit in the event the project for which the permit is
40 obtained is not completed by the second anniversary of the date of
41 issuance of the construction permit. For those construction permits
42 granted prior to the effective date of the bill, the time frame for
43 completion would be extended to the second anniversary of the bill's
44 effective date. Under current law, a construction permit for which no
45 construction has occurred above the foundation walls expires within
46 one year from the date of issuance. This one-year time frame is often

S1295 O'TOOLE

1 extended indefinitely by unscrupulous builders who simply do the most
2 minimal amount of construction necessary in order to keep the permit
3 alive. The result in many cases is residential and commercial
4 construction projects that remain unfinished for many years and
5 become eyesores and attractive nuisances inimical to the health and
6 safety of innocent, law-abiding neighbors.

7 Under the bill's provisions, a permittee will be given 20 days to
8 submit a construction schedule to the enforcing agency for review, if
9 the construction is not completed within the required time period. If
10 approved by the enforcing agency, the permit will be extended as set
11 forth in the construction schedule. If the construction schedule is not
12 approved, or upon the failure of the permittee to adhere to an
13 approved construction schedule, the enforcing agency will take all
14 appropriate action up to and including demolition of the uncompleted
15 structure.

16 The provisions of the bill will not apply to a permit obtained: (1)
17 to construct improvements that are not visible from the outside to the
18 interior of a residential property in which the permittee is currently
19 residing or (2) for any building of which the exterior and all required
20 site improvements have been fully constructed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1295

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 2000

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1295.

This bill would authorize an enforcing agency under the "State Uniform Construction Code" to revoke or cancel a construction permit in the event the project for which the permit is obtained is not completed by the second anniversary of the date of issuance of the construction permit. For those construction permits granted prior to the effective date of the bill, the time frame for completion would be extended to the second anniversary of the bill's effective date.

Under current law, a construction permit for which no construction has occurred above the foundation walls expires within one year from the date of issuance. This one-year time frame is often extended indefinitely by unscrupulous builders who simply do the most minimal amount of construction necessary in order to keep the permit alive. The result in many cases is residential and commercial construction projects that remain unfinished for many years and become eyesores and attractive nuisances inimical to the health and safety of innocent, law-abiding neighbors.

Under the bill's provisions, a permittee would be given 20 days to submit a construction schedule to the enforcing agency for review, if the construction is not completed within the required time period. If approved by the enforcing agency, the permit will be extended as set forth in the construction schedule. If the construction schedule is not approved, or upon the failure of the permittee to adhere to an approved construction schedule, the enforcing agency will take all appropriate action up to and including demolition of the uncompleted structure.

The bill would not apply to a permit obtained: (1) to construct improvements that are not visible from the outside to the interior of a residential property in which the permittee is currently residing or (2) for any building of which the exterior and all required site improvements have been fully constructed.

STATEMENT TO
SENATE, No. 1295

with Senate Floor Amendments
(Proposed By Senator O'TOOLE)

ADOPTED: JANUARY 7, 2002

These amendments would provide that a construction permit could not be revoked or canceled prior to the third anniversary of the date of the issuance of the permit or the effective date of this bill. At that time the permittee would be authorized to apply for a one-year extension, approval of which may not be unreasonably withheld by the enforcing agency. A permittee could appeal denial of an extension request to the county construction board of appeals.

The amendments also endeavor to hold public entities harmless from any costs incurred in removing or demolishing a structure should a permittee fail to comply with a removal or construction order issued by an enforcing agency.

Finally, the amendments would add an exception to the bill's provisions for projects while they are under the control of a mortgagee in possession.

[First Reprint]

SENATE, No. 1295

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 18, 2000

Sponsored by:

Senator KEVIN J. O'TOOLE

District 21 (Essex and Union)

SYNOPSIS

Limits duration of construction permits under certain circumstances.

CURRENT VERSION OF TEXT

As amended by the Senate on January 7, 2002.



(Sponsorship Updated As Of: 1/8/2002)

S1295 [1R] O'TOOLE

2

1 AN ACT concerning the duration of construction permits and
2 amending ¹and supplementing¹ P.L.1975, c.217.

3

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

6

7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If application is denied in whole or in part,
16 the enforcing agency shall set forth the reasons therefor in writing. If
17 an enforcing agency fails to grant, in whole or in part, or deny an
18 application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law.
25 Except as otherwise provided in this act or the code, the construction
26 or alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or
33 unusual hazards to public safety, establish regulations designating the
34 department as the enforcing agency for purposes of approving plans
35 and specifications. A municipal enforcing agency shall not grant an
36 occupancy permit for any such class or type of construction unless the
37 applicant submits appropriate plans and specifications certified or
38 approved by the department. Upon submission by an applicant of
39 such certified approved plans and specifications, the enforcing agency
40 shall recognize the approval when deciding whether to approve the
41 application for a construction permit.

42 b. A construction permit, issued in accordance with the foregoing

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted January 7, 2002.

1 provisions, pursuant to which no construction has been undertaken
2 above the foundation walls within 1 year from the time of issuance,
3 shall expire.

4 c. The enforcing agency may revoke or cancel a construction
5 permit in the event the project for which the permit is obtained is not
6 completed by the ¹[second] ¹third¹ anniversary of the date of issuance
7 of the construction permit. Notwithstanding the provisions of any
8 other law, rule or regulation to the contrary, the enforcing agency may
9 revoke or cancel a construction permit in effect on the effective date
10 of P.L. _____, c. (C. _____) (now pending before the Legislature as this
11 bill), if the project for which the construction permit was obtained is
12 not completed by the ¹[second] ¹third¹ anniversary of the effective
13 date of P.L. _____, c. (C. _____) (now pending before the Legislature as
14 this bill).

15 ¹d.¹ If the project for which the permit is obtained is not completed
16 ¹[as required]¹ by ¹a deadline set forth in¹ this section, the permittee
17 ¹[shall be given 20 days to]may¹ submit a ¹[construction
18 schedule]request for an extension of the permit¹ to the enforcing
19 agency for review. ¹[If the construction schedule is approved by
20 the]The¹ enforcing agency ¹[.]may extend¹ the permit ¹[shall be
21 extended as set forth in the construction schedule. If the construction
22 schedule is not approved or if the permittee fails to adhere to an
23 approved construction schedule.] for a period of one year. Approval
24 of the extension shall not be unreasonably withheld. Denial of a
25 request for an extension may be appealed to the county construction
26 board of appeals established pursuant to section 9 of P.L.1975, c.217
27 (C.52:27D-127). If a project is not completed within the deadline set
28 forth in this section,¹ the enforcing agency shall take all appropriate
29 action up to and including demolition of the uncompleted structure.

30 The provisions of this subsection shall not apply to a permit
31 obtained: (1) to construct improvements to the interior of a residential
32 property in which the permittee is currently residing that are not visible
33 from the outside of the residential property, ¹[or]¹ (2) for any
34 building of which the exterior and all required site improvements have
35 been fully constructed¹, or (3) for a project while that project is under
36 the control of a mortgagee in possession¹.

37 The enforcing agency may suspend, revoke or cancel a construction
38 permit in case of neglect or failure to comply with the provisions of
39 this act or the code, or upon a finding by it that a false statement or
40 representation has been made in the application for the construction
41 permit.

42 (cf: P.L.1975, c.217, s.13)

43

44 ¹2. (New section) a. If the owner of a building or structure fails
45 to comply with a removal or demolition order issued by an enforcing

1 agency under authority of P.L. , c. (C.) (pending before the
2 Legislature as this bill) or of P.L.1975, c.217 (C.52:27D-119 et seq.),
3 the enforcing agency may cause such building or structure to be
4 removed or demolished or may notify the governing body of the need
5 to contract for the removal or demolition thereof in accordance with
6 the provisions of the "Local Public Contracts Law," P.L.1971, c.198
7 (C.40A:11-1 et seq.). Such removal or demolition shall include the
8 clearance, and any necessary leveling, of the site.

9 b. The cost of any such removal or demolition, together with the
10 cost of filing legal papers, expert witnesses' fees, search fees and
11 advertising charges incurred in the course of any proceeding taken
12 under P.L. , c. (C.) (pending before the Legislature as this bill)
13 or under P.L.1975, c.217 (C.52:27D-119 et seq.), less any proceeds
14 received by the enforcing agency from the sale of the materials of the
15 building or structure, shall be a municipal lien against the real property
16 upon which such cost was incurred. In the event that costs were paid
17 by any governmental entity other than the municipality, the lien shall
18 be assigned to that governmental entity. The lien shall be filed and
19 shall be enforceable in the same manner as are other municipal liens.¹

20

21 ¹[2.] 3.¹ This act shall take effect immediately.

P.L. 2001, CHAPTER 457, *approved January 14, 2002*
Assembly, No. 1420 (*First Reprint*)

1 AN ACT concerning the duration of construction permits and
2 amending ¹and supplementing¹ P.L.1975, c.217.

3

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

6

7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If application is denied in whole or in part,
16 the enforcing agency shall set forth the reasons therefor in writing. If
17 an enforcing agency fails to grant, in whole or in part, or deny an
18 application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law.
25 Except as otherwise provided in this act or the code, the construction
26 or alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or
33 unusual hazards to public safety, establish regulations designating the
34 department as the enforcing agency for purposes of approving plans
35 and specifications. A municipal enforcing agency shall not grant an
36 occupancy permit for any such class or type of construction unless the
37 applicant submits appropriate plans and specifications certified or
38 approved by the department. Upon submission by an applicant of
39 such certified approved plans and specifications, the enforcing agency
40 shall recognize the approval when deciding whether to approve the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 21, 2001.

1 application for a construction permit.

2 b. A construction permit, issued in accordance with the foregoing
3 provisions, pursuant to which no construction has been undertaken
4 above the foundation walls within 1 year from the time of issuance,
5 shall expire.

6 c. The enforcing agency may revoke or cancel a construction
7 permit in the event the project for which the permit is obtained is not
8 completed by the ¹[second] ¹third¹ anniversary of the date of issuance
9 of the construction permit. Notwithstanding the provisions of any
10 other law, rule or regulation to the contrary, the enforcing agency may
11 revoke or cancel a construction permit in effect on the effective date
12 of P.L. _____, c. (C. _____) (now pending before the Legislature as this
13 bill), if the project for which the construction permit was obtained is
14 not completed by the ¹[second] ¹third¹ anniversary of the effective
15 date of P.L. _____, c. (C. _____) (now pending before the Legislature as
16 this bill).

17 ¹d.¹ If the project for which the permit is obtained is not completed
18 ¹[as required]¹ by ¹a deadline set forth in¹ this section, the permittee
19 ¹[shall be given 20 days to]may¹ submit a ¹[construction
20 schedule]request for an extension of the permit¹ to the enforcing
21 agency for review. ¹[If the construction schedule is approved by
22 the]The¹ enforcing agency ¹[.]may extend¹ the permit ¹[shall be
23 extended as set forth in the construction schedule. If the construction
24 schedule is not approved or if the permittee fails to adhere to an
25 approved construction schedule.] for a period of one year. Approval
26 of the extension shall not be unreasonably withheld. Denial of a
27 request for an extension may be appealed to the county construction
28 board of appeals established pursuant to section 9 of P.L.1975, c.217
29 (C.52:27D-127). If a project is not completed within the deadline set
30 forth in this section,¹ the enforcing agency shall take all appropriate
31 action up to and including demolition of the uncompleted structure.

32 The provisions of this subsection shall not apply to a permit
33 obtained: (1) to construct improvements to the interior of a residential
34 property in which the permittee is currently residing that are not visible
35 from the outside of the residential property, ¹[or] ¹(2) for any
36 building of which the exterior and all required site improvements have
37 been fully constructed ¹, or (3) for a project while that project is under
38 the control of a mortgagee in possession¹.

39 The enforcing agency may suspend, revoke or cancel a construction
40 permit in case of neglect or failure to comply with the provisions of
41 this act or the code, or upon a finding by it that a false statement or
42 representation has been made in the application for the construction
43 permit.

44 (cf: P.L.1975, c.217, s.13)

1 ¹2. (New section) a. If the owner of a building or structure fails
2 to comply with a removal or demolition order issued by an enforcing
3 agency under authority of P.L. , c. (C.) (pending before the
4 Legislature as this bill) or of P.L.1975, c.217 (C.52:27D-119 et seq.),
5 the enforcing agency may cause such building or structure to be
6 removed or demolished or may notify the governing body of the need
7 to contract for the removal or demolition thereof in accordance with
8 the provisions of the "Local Public Contracts Law," P.L.1971, c.198
9 (C.40A:11-1 et seq.). Such removal or demolition shall include the
10 clearance, and any necessary leveling, of the site.

11 b. The cost of any such removal or demolition, together with the
12 cost of filing legal papers, expert witnesses' fees, search fees and
13 advertising charges incurred in the course of any proceeding taken
14 under P.L. , c. (C.) (pending before the Legislature as this bill)
15 or under P.L.1975, c.217 (C.52:27D-119 et seq.), less any proceeds
16 received by the enforcing agency from the sale of the materials of the
17 building or structure, shall be a municipal lien against the real property
18 upon which such cost was incurred. In the event that costs were paid
19 by any governmental entity other than the municipality, the lien shall
20 be assigned to that governmental entity. The lien shall be filed and
21 shall be enforceable in the same manner as are other municipal liens.¹

22
23 ¹[2.] 3.¹ This act shall take effect immediately.

24

25

26

27

28 Limits duration of construction permits under certain circumstances.

CHAPTER 457

AN ACT concerning the duration of construction permits and amending and supplementing P.L.1975, c.217.

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

1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to read as follows:

C.52:27D-131 Construction permits; application, approval, expiration, cancellation, extension.

13. a. The enforcing agency shall examine each application for a construction permit. If the application conforms with this act, the code, and the requirements of other applicable laws and ordinances, the enforcing agency shall approve the application and shall issue a construction permit to the applicant. Every application for a construction permit shall be granted, in whole or in part, or denied within 20 business days. If application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application for a construction permit within the period of time prescribed herein, such failure shall be deemed a denial of the application for purposes of an appeal to the construction board of appeals unless such period of time has been extended with the consent of the applicant. The enforcing agency may approve changes in plans and specifications previously approved by it, if the plans and specifications when so changed remain in conformity with law. Except as otherwise provided in this act or the code, the construction or alteration of a building or structure shall not be commenced until a construction permit has been issued. The construction of a building or structure shall be in compliance with the approved application for a construction permit; and the enforcing agency shall insure such compliance in the manner set forth in section 14 of this act.

The commissioner, after consultation with the code advisory board, may, for certain classes or types of occupancy posing special or unusual hazards to public safety, establish regulations designating the department as the enforcing agency for purposes of approving plans and specifications. A municipal enforcing agency shall not grant an occupancy permit for any such class or type of construction unless the applicant submits appropriate plans and specifications certified or approved by the department. Upon submission by an applicant of such certified approved plans and specifications, the enforcing agency shall recognize the approval when deciding whether to approve the application for a construction permit.

b. A construction permit, issued in accordance with the foregoing provisions, pursuant to which no construction has been undertaken above the foundation walls within one year from the time of issuance, shall expire.

c. The enforcing agency may revoke or cancel a construction permit in the event the project for which the permit is obtained is not completed by the third anniversary of the date of issuance of the construction permit. Notwithstanding the provisions of any other law, rule or regulation to the contrary, the enforcing agency may revoke or cancel a construction permit in effect on the effective date of P.L.2001, c.457 (C.52:27D-131.1 et al.), if the project for which the construction permit was obtained is not completed by the third anniversary of the effective date of P.L.2001, c.457 (C.52:27D-131.1 et al.).

d. If the project for which the permit is obtained is not completed by a deadline set forth in this section, the permittee may submit a request for an extension of the permit to the enforcing agency for review. The enforcing agency may extend the permit for a period of one year. Approval of the extension shall not be unreasonably withheld. Denial of a request for an extension may be appealed to the county construction board of appeals established pursuant to section 9 of P.L.1975, c.217 (C.52:27D-127). If a project is not completed within the deadline set forth in this section, the enforcing agency shall take all appropriate action up to and including demolition of the uncompleted structure.

The provisions of this subsection shall not apply to a permit obtained: (1) to construct improvements to the interior of a residential property in which the permittee is currently residing that are not visible from the outside of the residential property, (2) for any building of which the exterior and all required site improvements have been fully constructed, or (3) for a project while that project is under the control of a mortgagee in possession.

The enforcing agency may suspend, revoke or cancel a construction permit in case of neglect or failure to comply with the provisions of this act or the code, or upon a finding by it that a

false statement or representation has been made in the application for the construction permit.

C.52:27D-131.1 Removal, demolition of certain building, structure.

2. a. If the owner of a building or structure fails to comply with a removal or demolition order issued by an enforcing agency under authority of P.L.2001, c.457 (C.52:27D-131.1 et al.) or of P.L.1975, c.217 (C.52:27D-119 et seq.), the enforcing agency may cause such building or structure to be removed or demolished or may notify the governing body of the need to contract for the removal or demolition thereof in accordance with the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.). Such removal or demolition shall include the clearance, and any necessary leveling, of the site.

b. The cost of any such removal or demolition, together with the cost of filing legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under P.L.2001, c.457 (C.52:27D-131.1 et al.) or under P.L.1975, c.217 (C.52:27D-119 et seq.), less any proceeds received by the enforcing agency from the sale of the materials of the building or structure, shall be a municipal lien against the real property upon which such cost was incurred. In the event that costs were paid by any governmental entity other than the municipality, the lien shall be assigned to that governmental entity. The lien shall be filed and shall be enforceable in the same manner as are other municipal liens.

3. This act shall take effect immediately.

Approved January 14, 2002.