

40:55D-18

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 49
NJSA: 40:55D-18 (Municipalities issue zoning permits within 10 days)
BILL NO: A2403 (Substituted for S1338)

SPONSOR(S): DiGaetano and Doria

DATE INTRODUCED: May 11, 2000

COMMITTEE: **ASSEMBLY:** Local Government
SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 29, 2000
SENATE: March 29, 2001

DATE OF APPROVAL: April 4, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

A2403

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

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S1338

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

Bill and Sponsors Statement identical to A2403

COMMITTEE STATEMENT:

ASSEMBLY: No

SENATE: Yes

Identical to Senate Statement for A2403

FLOOR AMENDMENT STATEMENTS: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Zoning boards get time limit for action," 4-5-2001 Atlantic City Press, p.C1

ASSEMBLY, No. 2403

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 11, 2000

Sponsored by:

Assemblyman PAUL DIGAETANO

District 36 (Bergen, Essex and Passaic)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

SYNOPSIS

Requires municipality to issue zoning permit within seven calendar days.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the issuance of zoning permits and amending
2 P.L.1975, c.291.

3

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

6

7 1. Section 9 of P.L.1975, c.291 (C.40:55D-18) is amended to read
8 as follows:

9 9. Enforcement. The governing body of a municipality shall
10 enforce this act and any ordinance or regulation made and adopted
11 hereunder. To that end, the governing body may require the issuance
12 of specified permits, certificates or authorizations as a condition
13 precedent to (1) the erection, construction, alteration, repair,
14 remodeling, conversion, removal or destruction of any building or
15 structure, (2) the use or occupancy of any building, structure or land,
16 and (3) the subdivision or resubdivision of any land; and shall establish
17 an administrative officer and offices for the purpose of issuing such
18 permits, certificates or authorizations; and may condition the issuance
19 of such permits, certificates and authorizations upon the submission of
20 such data, materials, plans, plats and information as is authorized
21 hereunder and upon the express approval of the appropriate State,
22 county or municipal agencies; and may establish reasonable fees to
23 cover administrative costs for the issuance of such permits, certificates
24 and authorizations. The administrative officer shall issue or deny a
25 zoning permit within seven calendar days of receipt of a request
26 therefor. If the administrative officer fails to grant or deny a zoning
27 permit within this period, the failure shall be deemed to be an approval
28 of the application for the zoning permit. In case any building or
29 structure is erected, constructed, altered, repaired, converted, or
30 maintained, or any building, structure or land is used in violation of
31 this act or of any ordinance or other regulation made under authority
32 conferred hereby, the proper local authorities of the municipality or an
33 interested party, in addition to other remedies, may institute any
34 appropriate action or proceedings to prevent such unlawful erection,
35 construction, reconstruction, alteration, repair, conversion,
36 maintenance or use, to restrain, correct or abate such violation, to
37 prevent the occupancy of said building, structure or land, or to prevent
38 any illegal act, conduct, business or use in or about such premises.

39 (cf: P.L.1975, c.291, s.9)

40

41 2. This act shall take effect 90th day after enactment.

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.

STATEMENT

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Section 9 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-18) authorizes the administrative officer to issue permits as a condition precedent to building construction, remodeling or repair, occupancy or land subdivision or resubdivision. Unlike most other sections of the "Municipal Land Use Law," section 9 does not specify a time frame for action by the administrative officer. This bill requires the administrative officer to act on a request for a zoning permit within seven calendar days.

Failure on the part of the administrative officer to act on such a request within the requisite time period shall be deemed to be approval of the application for the zoning permit.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2403

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Assembly Local Government Committee reports favorably Assembly Bill No. 2403.

Section 9 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-18) authorizes the administrative officer to issue permits as a condition precedent to building construction, remodeling or repair, occupancy or land subdivision or resubdivision. Unlike most other sections of the "Municipal Land Use Law," section 9 does not specify a time frame for action by the administrative officer. This bill requires the administrative officer to act on a request for a zoning permit within seven calendar days.

Failure on the part of the administrative officer to act on such a request within the requisite time period shall be deemed to be an approval of the application for the zoning permit.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2403

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2000

The Senate Community and Urban Affairs Committee reports without recommendation Assembly Bill No. 2403.

This bill would require the administrative officer of a municipality to issue or deny a zoning permit within seven calendar days of receiving a request for a permit.

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2403. Section 9 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-18) authorizes the administrative officer to issue permits as a condition precedent to building construction, remodeling or repair, occupancy or land subdivision or resubdivision. Unlike most other sections of the "Municipal Land Use Law," section 9 does not specify a time frame for action by the administrative officer.

This bill would require the administrative officer to act on a request for a zoning permit within seven calendar days. Failure on the part of the administrative officer to act on such a request within the requisite time period would be deemed to be an approval of the application for the zoning permit.

This bill is identical to Senate No. 1338 which also was reported by the committee on October 19, 2000.

STATEMENT TO
ASSEMBLY, No. 2403

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: MARCH 26, 2001

This amendment would require an administrative officer to act on a request for a zoning permit within 10 business days rather than seven calendar days, as would have been the case under the bill in its current form.

[First Reprint]

ASSEMBLY, No. 2403

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 11, 2000

Sponsored by:

Assemblyman PAUL DIGAETANO

District 36 (Bergen, Essex and Passaic)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Co-Sponsored by:

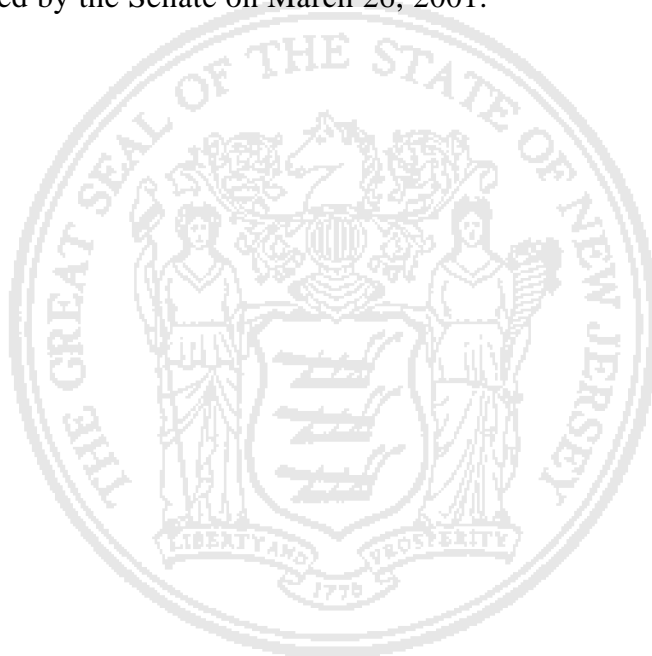
Senators Ciesla, Matheussen, Allen, Bucco, Kosco, Sinagra and Palaia

SYNOPSIS

Requires municipality to issue zoning permit within 10 business days.

CURRENT VERSION OF TEXT

As amended by the Senate on March 26, 2001.



(Sponsorship Updated As Of: 3/30/2001)

1 AN ACT concerning the issuance of zoning permits and amending
2 P.L.1975, c.291.

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

6
7 1. Section 9 of P.L.1975, c.291 (C.40:55D-18) is amended to read
8 as follows:

9 9. Enforcement. The governing body of a municipality shall
10 enforce this act and any ordinance or regulation made and adopted
11 hereunder. To that end, the governing body may require the issuance
12 of specified permits, certificates or authorizations as a condition
13 precedent to (1) the erection, construction, alteration, repair,
14 remodeling, conversion, removal or destruction of any building or
15 structure, (2) the use or occupancy of any building, structure or land,
16 and (3) the subdivision or resubdivision of any land; and shall establish
17 an administrative officer and offices for the purpose of issuing such
18 permits, certificates or authorizations; and may condition the issuance
19 of such permits, certificates and authorizations upon the submission of
20 such data, materials, plans, plats and information as is authorized
21 hereunder and upon the express approval of the appropriate State,
22 county or municipal agencies; and may establish reasonable fees to
23 cover administrative costs for the issuance of such permits, certificates
24 and authorizations. The administrative officer shall issue or deny a
25 zoning permit within¹ [seven calendar] 10 business¹ days of receipt
26 of a request therefor. If the administrative officer fails to grant or
27 deny a zoning permit within this period, the failure shall be deemed to
28 be an approval of the application for the zoning permit. In case any
29 building or structure is erected, constructed, altered, repaired,
30 converted, or maintained, or any building, structure or land is used in
31 violation of this act or of any ordinance or other regulation made
32 under authority conferred hereby, the proper local authorities of the
33 municipality or an interested party, in addition to other remedies, may
34 institute any appropriate action or proceedings to prevent such
35 unlawful erection, construction, reconstruction, alteration, repair,
36 conversion, maintenance or use, to restrain, correct or abate such
37 violation, to prevent the occupancy of said building, structure or land,
38 or to prevent any illegal act, conduct, business or use in or about such
39 premises.

40 (cf: P.L.1975, c.291, s.9)

41
42 2. This act shall take effect ¹on the¹ 90th day after enactment.

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 March 26, 2001.

SENATE, No. 1338

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

SYNOPSIS

Requires municipality to issue zoning permit within seven calendar days.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the issuance of zoning permits and amending
2 P.L.1975, c.291.

3

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

6

7 1. Section 9 of P.L.1975, c.291 (C.40:55D-18) is amended to read
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15 structure, (2) the use or occupancy of any building, structure or land,
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17 an administrative officer and offices for the purpose of issuing such
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30 maintained, or any building, structure or land is used in violation of
31 this act or of any ordinance or other regulation made under authority
32 conferred hereby, the proper local authorities of the municipality or an
33 interested party, in addition to other remedies, may institute any
34 appropriate action or proceedings to prevent such unlawful erection,
35 construction, reconstruction, alteration, repair, conversion,
36 maintenance or use, to restrain, correct or abate such violation, to
37 prevent the occupancy of said building, structure or land, or to prevent
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1 STATEMENT

2

3 Section 9 of the "Municipal Land Use Law," P.L.1975, c.291
4 (C.40:55D-18) authorizes the administrative officer to issue permits
5 as a condition precedent to building construction, remodeling or
6 repair, occupancy or land subdivision or resubdivision. Unlike most
7 other sections of the "Municipal Land Use Law," section 9 does not
8 specify a time frame for action by the administrative officer. This bill
9 requires the administrative officer to act on a request for a zoning
10 permit within seven calendar days.

11 Failure on the part of the administrative officer to act on such a
12 request within the requisite time period shall be deemed to be approval
13 of the application for the zoning permit.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1338

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2000

The Senate Community and Urban Affairs Committee reports without recommendation Senate Bill No. 1338.

This bill would require the administrative officer of a municipality to issue or deny a zoning permit within seven calendar days of receiving a request for a permit.

Section 9 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-18) authorizes the administrative officer to issue permits as a condition precedent to building construction, remodeling or repair, occupancy or land subdivision or resubdivision. Unlike most other sections of the "Municipal Land Use Law," section 9 does not specify a time frame for action by the administrative officer.

This bill would require the administrative officer to act on a request for a zoning permit within seven calendar days. Failure on the part of the administrative officer to act on such a request within the requisite time period would be deemed to be approval of the application for the zoning permit.

This bill is identical to Assembly No. 2403 which also was reported by the committee on October 19, 2000.

STATEMENT TO
SENATE, No. 1338

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: FEBRUARY 15, 2001

This amendment would require an administrative officer to act on a request for a zoning permit within 10 business days rather than seven calendar days, as would have been the case under the bill in its current form.

[First Reprint]
SENATE, No. 1338

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Allen, Bucco, Kosco, Sinagra and Palaia

SYNOPSIS

Requires municipality to issue zoning permit within 10 business days.

CURRENT VERSION OF TEXT

As amended by the Senate on February 15, 2001.



(Sponsorship Updated As Of: 3/30/2001)

1 AN ACT concerning the issuance of zoning permits and amending
2 P.L.1975, c.291.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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31 violation of this act or of any ordinance or other regulation made
32 under authority conferred hereby, the proper local authorities of the
33 municipality or an interested party, in addition to other remedies, may
34 institute any appropriate action or proceedings to prevent such
35 unlawful erection, construction, reconstruction, alteration, repair,
36 conversion, maintenance or use, to restrain, correct or abate such
37 violation, to prevent the occupancy of said building, structure or land,
38 or to prevent any illegal act, conduct, business or use in or about such
39 premises.

40 (cf: P.L.1975, c.291, s.9)

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¹ Senate floor amendments adopted February 15, 2001.

P.L. 2001, CHAPTER 49, *approved April 4, 2001*
Assembly, No. 2403 (*First Reprint*)

1 AN ACT concerning the issuance of zoning permits and amending
2 P.L.1975, c.291.

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30 converted, or maintained, or any building, structure or land is used in
31 violation of this act or of any ordinance or other regulation made
32 under authority conferred hereby, the proper local authorities of the
33 municipality or an interested party, in addition to other remedies, may
34 institute any appropriate action or proceedings to prevent such
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36 conversion, maintenance or use, to restrain, correct or abate such
37 violation, to prevent the occupancy of said building, structure or land,
38 or to prevent any illegal act, conduct, business or use in or about such
39 premises.

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¹ Senate floor amendments adopted March 26, 2001.

1 2. This act shall take effect ¹on the¹ 90th day after enactment.

2

3

4

5

6 Requires municipality to issue zoning permit within 10 business days.

CHAPTER 49

AN ACT concerning the issuance of zoning permits and amending P.L.1975, c.291.

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

1. Section 9 of P.L.1975, c.291 (C.40:55D-18) is amended to read as follows:

C.40:55D-18 Enforcement.

9. Enforcement. The governing body of a municipality shall enforce this act and any ordinance or regulation made and adopted hereunder. To that end, the governing body may require the issuance of specified permits, certificates or authorizations as a condition precedent to (1) the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure, (2) the use or occupancy of any building, structure or land, and (3) the subdivision or resubdivision of any land; and shall establish an administrative officer and offices for the purpose of issuing such permits, certificates or authorizations; and may condition the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized hereunder and upon the express approval of the appropriate State, county or municipal agencies; and may establish reasonable fees to cover administrative costs for the issuance of such permits, certificates and authorizations. The administrative officer shall issue or deny a zoning permit within 10 business days of receipt of a request therefor. If the administrative officer fails to grant or deny a zoning permit within this period, the failure shall be deemed to be an approval of the application for the zoning permit. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

2. This act shall take effect on the 90th day after enactment.

Approved April 4, 2001.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: April 4 , 2001

ACTING GOVERNOR SIGNS BILL TO SPEED ZONING PROCESS

Acting Governor Donald T. DiFrancesco signed legislation today at the New Jersey Builders Association Convention that requires zoning permits to be issued within ten business days of a request.

"Ten days is a reasonable amount of time to render a decision, and it's only fair that you get efficient turnaround on projects when more time means more expense for consumers," said the Acting Governor.

A-2403 amends a current law to require an administrative officer to act on a request for a zoning permit within ten business days. Failure of the administrative officer to act on a request in the required 10-day period will result in automatic approval of the application. The bill will take effect 90 days after enactment.

"Some regulations are good and proper, such as those that provide for open space or ensure safety. Yet, I also recognize that duplication and overlap in requirements by state, county, and local agencies can drive up costs without any real benefit. We need to do all we can to streamline the building process so that these properties are more affordable," said DiFrancesco.

Assemblymen Paul DiGaetano (R-Bergen/Essex/Passaic), Joseph Doria (R-Hudson) and Senators Andrew Ciesla (R-Monmouth/Ocean) and John Matheussen (R-Camden/Gloucester) sponsored bill A-2403.

The Acting Governor also told the audience that In order to make buying a home more affordable for all New Jerseyans he has dedicated himself to lowering New Jersey's property tax. He has proposed the largest property tax relief program in New Jersey history. The Property Tax Relief NOW program increases the homestead rebate for seniors, and gives an additional \$100 million to mayors and councils that they must, by law, use for property tax relief.

The Acting Governor also reaffirmed his commitment to smart growth as well as smart preservation. DiFrancesco has sponsored the Garden State Preservation Trust Act as well as coordinating the Green Acres and Farmland Preservation efforts. In addition, he has directed his Policy Chief, Connie O. Hughes to work with a task force of state executives to design a series of smart-growth incentives.

"I am committed to smart growth. I have made the protection of our state's drinking water a major part of my agenda as Acting Governor. I am equally committed to bringing all sides of these vital issues to the table so that New Jersey grows in ways that make sense for everyone," said DiFrancesco.

