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RWH/CL

P.L. 2020, CHAPTER 53, *approved July 1, 2020*  
Assembly, No. 3919 (*Second Reprint*)

1 AN ACT extending certain <sup>1</sup>governmental<sup>1</sup> permits <sup>1</sup>, approvals, and  
2 deadlines during the public health emergency created by the  
3 COVID-19 emergency<sup>1</sup> and <sup>2</sup>**[amending P.L.2008, c.78 <sup>1</sup>and]**<sup>2</sup>  
4 supplementing Title 40 of the Revised Statutes<sup>1</sup>.

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

8  
9 1. <sup>2</sup>**[**Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended  
10 to read as follows:**]** P.L. .c. (C. ) (pending before the  
11 Legislature as this bill) shall be known and may be cited as the  
12 “Permit Extension Act of 2020.”<sup>2</sup>

13  
14 2. The Legislature finds and declares that:

15 a. <sup>2</sup>**[**The most recent national recession has caused one of the  
16 longest economic downturns since the Great Depression of the  
17 1930s and has drastically affected various segments of the New  
18 Jersey economy, but none as severely as the State's banking, real  
19 estate and construction sectors.

20 b. The real estate finance sector of the economy is in severe  
21 decline due to the sub-prime mortgage problem and the resultant  
22 widening mortgage finance crisis. The extreme tightening of  
23 lending standards for home buyers and other real estate borrowers  
24 has reduced access to the capital markets.

25 c. As a result of the crisis in the real estate finance sector of the  
26 economy, real estate developers and redevelopers, including  
27 homebuilders, and commercial, office, and industrial developers,  
28 have experienced an industry-wide decline, including reduced  
29 demand, cancelled orders, declining sales and rentals, price  
30 reductions, increased inventory, fewer buyers who qualify to  
31 purchase homes, layoffs, and scaled back growth plans.

32 d. The process of obtaining planning board and zoning board of  
33 adjustment approvals for subdivisions, site plans, and variances can  
34 be difficult, time consuming and expensive, both for private  
35 applicants and government bodies.

**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:

<sup>1</sup>Assembly AAP committee amendments adopted May 11, 2020.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's recommendations June 25, 2020.

1 e. The process of obtaining the myriad other government  
2 approvals, required pursuant to legislative enactments and their  
3 implementing rules and regulations, such as wetlands permits,  
4 treatment works approvals, on-site wastewater disposal permits,  
5 stream encroachment permits, flood hazard area permits, highway  
6 access permits, and numerous waivers and variances, also can be  
7 difficult and expensive; further, changes in the law can render these  
8 approvals, if expired or lapsed, impossible to renew or re-obtain.

9 f. County and municipal governments obtain determinations of  
10 master plan consistency, conformance, or endorsement with State or  
11 regional plans, from State and regional government entities which  
12 may expire or lapse without implementation due to the state of the  
13 economy.

14 g. The most recent national recession has severely weakened  
15 the building industry, and many landowners and developers are  
16 seeing their life's work destroyed by the lack of credit and dearth of  
17 buyers and tenants, due to the crisis in real estate financing and the  
18 building industry, uncertainty over the state of the economy, and  
19 increasing levels of unemployment in the construction industry.

20 h. The construction industry and related trades are sustaining  
21 severe economic losses, and the lapsing of government development  
22 approvals would, if not addressed, exacerbate those losses.

23 i. Financial institutions that lent money to property owners,  
24 builders, and developers are experiencing erosion of collateral and  
25 depreciation of their assets as permits and approvals expire, and the  
26 extension of these permits and approvals is necessary to maintain  
27 the value of the collateral and the solvency of financial institutions  
28 throughout the State.

29 j. Due to the current inability of builders and their purchasers  
30 to obtain financing, under existing economic conditions, more and  
31 more once-approved permits are expiring or lapsing and, as these  
32 approvals lapse, lenders must re-appraise and thereafter  
33 substantially lower real estate valuations established in conjunction  
34 with approved projects, thereby requiring the reclassification of  
35 numerous loans which, in turn, affects the stability of the banking  
36 system and reduces the funds available for future lending, thus  
37 creating more severe restrictions on credit and leading to a vicious  
38 cycle of default.

39 k. As a result of the continued downturn of the economy, and  
40 the continued expiration of approvals which were granted by State  
41 and local governments, it is possible that thousands of government  
42 actions will be undone by the passage of time.

43 l. Obtaining an extension of an approval pursuant to existing  
44 statutory or regulatory provisions can be both costly in terms of  
45 time and financial resources, and insufficient to cope with the  
46 extent of the present financial situation; moreover, the costs  
47 imposed fall on the public as well as the private sector.

1 m. It is the purpose of this act to prevent the wholesale  
2 abandonment of approved projects and activities due to the present  
3 unfavorable economic conditions, by tolling the term of these  
4 approvals for a period of time, thereby preventing a waste of public  
5 and private resources.

6 n. Due to the need to implement strict social distancing  
7 measures and take other precautions in order to limit the spread of  
8 COVID-19 and minimize its public health impacts, much business  
9 and government activity has been halted, disrupted, or delayed.  
10 This has in turn resulted in a severe downturn in the economy. It is  
11 therefore appropriate to toll the term of approvals during a new  
12 COVID-19 extension period in order to prevent the abandonment of  
13 approved projects and activities, and the waste of public and private  
14 resources that comes with it, as well as to be ready to quickly  
15 resume projects when it is safe to restart normal business and  
16 government activity.

17 (cf: P.L.2014, c.84, s.1) COVID-19 is a contagious, and at times,  
18 fatal, respiratory disease caused by the SARS-CoV-2 virus first  
19 discovered in the city of Wuhan, Hubei Province, People's Republic of  
20 China, and quickly spread to multiple other countries, including the  
21 United States, and has severely impacted residents of the State of New  
22 Jersey;

23 b. Due to the potential risk of COVID-19 to residents of New  
24 Jersey, by way of Executive Order No. 103, Governor Philip D.  
25 Murphy declared that a State of Emergency and a Public Health  
26 Emergency exists in the State of New Jersey;

27 c. To limit the spread of COVID-19, it has become imperative for  
28 governments, institutions, businesses, organizations, and people  
29 throughout New Jersey to implement strict social distancing measures  
30 and take other precautions to reduce the public health impacts of the  
31 disease;

32 d. Due to the impacts of COVID-19, and protective measures  
33 necessary to avoid its further spread, much government, business, and  
34 economic activity has been halted, disrupted, or delayed;

35 e. These delays have adversely impacted real estate developers  
36 and redevelopers, including homebuilders and commercial, office, and  
37 industrial developers, whose projects may be held in abeyance as a  
38 result of the COVID-19 pandemic. Many of these projects have  
39 already received myriad governmental permits and approvals, which  
40 are expensive and time-consuming to obtain;

41 f. Obtaining an extension of an approval pursuant to existing  
42 statutory or regulatory provisions can be both costly in terms of time  
43 and financial resources; moreover, the costs imposed may fall on the  
44 public as well as the private sector; and

45 g. It is therefore appropriate, and the purpose of  
46 P.L. c. (C. ) (pending before the Legislature as this bill), to toll  
47 the term of certain permits and approvals during the COVID-19  
48 extension period in order to prevent the wholesale abandonment of  
49 approved projects and activities due to the present unfavorable

1 economic conditions, thereby preventing a waste of public and private  
2 resources and allowing for the quick resumption of projects when it is  
3 safe to restart normal business and government activity.<sup>2</sup>

4  
5 <sup>2</sup>【2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to  
6 read as follows:】<sup>2</sup>

7 3. As used in <sup>2</sup>【P.L.2008, c.78 (C.40:55D-136.1 et seq.)】  
8 P.L. ,c. (C. )(pending before the Legislature as this bill)<sup>2</sup>:

9 "Approval" means, except as otherwise provided in <sup>2</sup>【section 4  
10 of P.L.2008, c.78 (C.40:55D-136.4)】 sections 4 through 11 of  
11 P.L. ,c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>,  
12 any approval of a soil erosion and sediment control plan granted by  
13 a local soil conservation district under the authority conferred by  
14 R.S.4:24-22 et seq., waterfront development permit issued pursuant  
15 to R.S.12:5-1 et seq., permit issued pursuant to "The Wetlands Act  
16 of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), permit issued  
17 pursuant to the "Freshwater Wetlands Protection Act," P.L.1987,  
18 c.156 (C.13:9B-1 et al.), approval of an application for development  
19 granted by the Delaware and Raritan Canal Commission pursuant to  
20 the "Delaware and Raritan Canal State Park Law of 1974,"  
21 P.L.1974, c.118 (C.13:13A-1 et seq.), permit issued <sup>2</sup>【by the New  
22 Jersey Meadowlands Commission】<sup>2</sup> pursuant to the "Hackensack  
23 Meadowlands Reclamation and Development Act," P.L.1968, c.404  
24 (C.13:17-1 et al.), approval of an application for development  
25 granted by the Pinelands Commission and determination of  
26 municipal and county plan conformance pursuant to the "Pinelands  
27 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), permit  
28 issued and center designations pursuant to the "Coastal Area  
29 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic  
30 approval granted pursuant to Title 26 of the Revised Statutes,  
31 permit granted pursuant to R.S.27:7-1 et seq. or any supplement  
32 thereto, right-of-way permit issued by the Department of  
33 Transportation pursuant to paragraph (3) of subsection (h) of  
34 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a  
35 sewerage authority pursuant to the "sewerage authorities law,"  
36 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a  
37 municipal authority pursuant to the "municipal and county utilities  
38 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), an  
39 agreement with a municipality, county, municipal authority,  
40 sewerage authority, or other governmental authority for the use or  
41 reservation of sewerage capacity, approval issued by a county  
42 planning board pursuant to chapter 27 of Title 40 of the Revised  
43 Statutes, preliminary and final approval granted in connection with  
44 an application for development pursuant to the "Municipal Land  
45 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), permit granted  
46 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
47 c.217 (C.52:27D-119 et seq.), plan endorsement and center

1 designations pursuant to the "State Planning Act," P.L.1985, c.398  
2 (C.52:18A-196 et al.), permit or certification issued pursuant to the  
3 "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et  
4 al.), permit granted authorizing the drilling of a well pursuant to  
5 P.L.1947, c.377 (C.58:4A-5 et seq.), certification or permit granted,  
6 exemption from a sewerage connection ban granted, wastewater  
7 management plan approved, and pollution discharge elimination  
8 system permit pursuant to the "Water Pollution Control Act,"  
9 P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted pursuant  
10 to "The Realty Improvement Sewerage and Facilities Act (1954),"  
11 P.L.1954, c.199 (C.58:11-23 et seq.), certification or approval  
12 granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),  
13 certification issued and water quality management plan approved  
14 pursuant to the "Water Quality Planning Act," P.L.1977, c.75  
15 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe  
16 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit  
17 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,  
18 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or  
19 State approval or permit granted under the general authority  
20 conferred by State law or rule or regulation, or any other  
21 government authorization of any development application or any  
22 permit related thereto whether that authorization is in the form of a  
23 permit, approval, license, certification, permission, determination,  
24 interpretation, exemption, variance, exception, waiver, letter of  
25 interpretation, no further action letter, agreement or any other  
26 executive or administrative decision which allows a development or  
27 governmental project to proceed <sup>2</sup>; provided that, for all of the  
28 foregoing, the approval was validly issued, and the term of such  
29 approval was unexpired as of March 9, 2020<sup>2</sup>.

30 "COVID-19" means the coronavirus disease 2019, as announced  
31 by the World Health Organization on February 11, 2020, and first  
32 identified in Wuhan, China.

33 "COVID-19 extension period" means the period beginning  
34 March 9, 2020 and continuing for as long as a public health  
35 emergency, pursuant to the "Emergency Health Powers Act,"  
36 P.L.2005, c.222 (C.26:13-1 et seq.), <sup>2</sup>[or a state of emergency,  
37 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both,]<sup>2</sup> that  
38 has been declared by the Governor in response to COVID-19, is in  
39 effect.

40 "Development" means the division of a parcel of land into two or  
41 more parcels, the construction, reconstruction, conversion,  
42 structural alteration, relocation or enlargement of any building or  
43 other structure or facility, or of any grading, soil removal or  
44 relocation, excavation or landfill or any use or change in the use of  
45 any building or other structure or land or extension of the use of  
46 land.

1       <sup>2</sup>["Environmentally sensitive area" means an area designated  
2 pursuant to the State Development and Redevelopment Plan  
3 adopted, as of the effective date of P.L.2008, c.78 (C.40:55D-136.1  
4 et seq.), pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as  
5 Planning Area 4B (Rural/Environmentally Sensitive), Planning  
6 Area 5 (Environmentally Sensitive), or a critical environmental site,  
7 but shall not include any extension area as defined in this section.

8       "Extension area" means an area designated pursuant to P.L.1985,  
9 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),  
10 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning  
11 Area), Planning Area 4A (Rural Planning Area), a designated  
12 center, or a designated growth center in an endorsed plan until June  
13 30, 2013, or until the State Planning Commission revises and  
14 readopts New Jersey's State Strategic Plan and adopts regulations to  
15 refine this definition as it pertains to Statewide planning areas,  
16 whichever is later; a smart growth area and planning area  
17 designated in a master plan adopted by the New Jersey  
18 Meadowlands Commission pursuant to subsection (i) of section 6 of  
19 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and  
20 towns, designated in the comprehensive management plan prepared  
21 and adopted by the Pinelands Commission pursuant to section 7 of  
22 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the  
23 planning area of the Highlands Region as defined in section 3 of the  
24 "Highlands Water Protection and Planning Act," P.L.2004, c.120  
25 (C.13:20-3), and any Highlands center designated by the Highlands  
26 Water Protection and Planning Council, established pursuant to  
27 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone  
28 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or  
29 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in  
30 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
31 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the  
32 Department of Community Affairs; or similar areas designated by  
33 the Department of Environmental Protection. "Extension area"  
34 shall not include an area designated pursuant to the State  
35 Development and Redevelopment Plan adopted, as of the effective  
36 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning  
37 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5  
38 (Environmentally Sensitive), except for any area within Planning  
39 Area 4B or Planning Area 5 that is a designated center, or a  
40 designated growth center in an endorsed plan.

41       "Extension period" means the period beginning January 1, 2007  
42 and continuing through December 31, 2015; provided, however,  
43 that the period in Superstorm Sandy-impacted counties shall  
44 continue through December 31, 2016. ]<sup>2</sup>

45       "Government" means any municipal, county, regional, or State  
46 government, or any agency, department, commission or other  
47 instrumentality thereof.



1       <sup>2</sup>["Superstorm Sandy-impacted counties" means Atlantic,  
2 Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean,  
3 and Union counties, as identified by the United States Department  
4 of Housing and Urban Development.

5       "Superstorm Sandy-impacted extension period" means the period  
6 beginning January 1, 2016 and continuing through December 31,  
7 2016.

8 (cf: P.L.2016, c.14, s.1)]<sup>2</sup>

9  
10       <sup>2</sup>[3. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to  
11 read as follows:]<sup>2</sup>

12       4. a. <sup>2</sup>[(1) For any government approval in existence during  
13 the extension period, the running of the period of approval is  
14 automatically suspended for the extension period, except as  
15 otherwise provided hereunder; however, the tolling provided for  
16 herein shall not extend the government approval more than six  
17 months beyond the conclusion of the extension period.

18       (2) For any government approval in existence on December 31,  
19 2015 concerning lands located entirely within one or more of the  
20 Superstorm Sandy-impacted counties, as defined in section 3 of  
21 P.L.2008, c.78 (C.40:55D-136.3), the running of the period of  
22 approval is automatically suspended for the Superstorm Sandy-  
23 impacted extension period, except as otherwise provided hereunder;  
24 however, the tolling provided for herein shall not extend the  
25 government approval more than six months beyond the conclusion  
26 of the Superstorm Sandy-impacted extension period.

27       (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall  
28 shorten the duration that any approval would have had in the  
29 absence of P.L.2008, c.78 (C.40:55D-136.1 et seq.), nor shall  
30 P.L.2008, c.78 (C.40:55D-136.1 et seq.) prohibit the granting of  
31 such additional extensions as are provided by law when the tolling  
32 granted by P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall expire.  
33 Notwithstanding any previously enacted provision of P.L.2008, c.78  
34 (C.40:55D-136.1 et seq.), as amended and supplemented, the  
35 running of the period of approval of all government approvals  
36 which would have been extended pursuant to the definition of  
37 "extension area," added by P.L.2012, c.48, shall be calculated,  
38 using that definition, retroactive to the enactment of P.L.2008, c.78  
39 (C.40:55D-136.1 et seq.).

40       (4)]<sup>2</sup> For any government approval in existence on March 9,  
41 2020, the running of the period of approval is automatically  
42 suspended for the COVID-19 extension period, <sup>1</sup>[except as  
43 otherwise provided hereunder;]<sup>1</sup> <sup>2</sup>except as otherwise provided  
44 hereunder;<sup>2</sup> however, the tolling provided for herein shall <sup>2</sup>[not]<sup>2</sup>  
45 extend the government approval <sup>2</sup>[more than] at least<sup>2</sup> six months  
46 beyond the conclusion of the COVID-19 extension period <sup>2</sup>[<sup>1</sup>,  
47 except that for a construction project suspended pursuant to either

1 the Governor's Executive Order No. 122 or any other government  
 2 order, the tolling period shall be 12 months beyond the conclusion  
 3 of the COVID-19 extension period.<sup>1</sup>

4 b.]

5 b. Nothing in P.L. , c. (C. ) (pending before the  
 6 Legislature as this bill) shall be construed to reduce the time period  
 7 of any approval in existence as of March 9, 2020.

8 c. Nothing in P.L. , c. (C. ) (pending before the  
 9 Legislature as this bill) shall be construed to extend the time period  
 10 of any government approval that expired before March 9, 2020.

11 d.<sup>2</sup> Nothing in <sup>2</sup>[P.L.2008, c.78 (C.40:55D-136.1 et seq.)]  
 12 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>  
 13 shall be deemed to extend or purport to extend:

14 (1) any permit or approval issued by the government of the  
 15 United States or any agency or instrumentality thereof, or any  
 16 permit or approval by whatever authority issued of which the  
 17 duration of effect or the date or terms of its expiration are specified  
 18 or determined by or pursuant to law or regulation of the federal  
 19 government or any of its agencies or instrumentalities;

20 (2) any permit or approval issued pursuant to the "Pinelands  
 21 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the  
 22 extension would result in a violation of federal law, or any State  
 23 rule or regulation requiring approval by the Secretary of the Interior  
 24 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

25 (3) <sup>2</sup>[any permit or approval issued within an environmentally  
 26 sensitive area;

27 (4) any permit or approval within an environmentally sensitive  
 28 area issued pursuant to the "Highlands Water Protection and  
 29 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or]<sup>2</sup> any permit  
 30 or approval issued within the preservation area of the Highlands  
 31 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

32 <sup>2</sup>[(5)] (4)<sup>2</sup> any permit or approval issued by the Department of  
 33 Transportation pursuant to Title 27 of the Revised Statutes or under  
 34 the general authority conferred by State law, other than a right-of-  
 35 way permit issued pursuant to paragraph (3) of subsection (h) of  
 36 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted  
 37 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

38 <sup>2</sup>[(6)] (5)<sup>2</sup> any permit or approval issued pursuant to the "Flood  
 39 Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.),  
 40 except (a) where work has commenced, in any phase or section of  
 41 the development, on any site improvement as defined in paragraph  
 42 (1) of subsection a. of section 41 of the "Municipal Land Use Law,"  
 43 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or  
 44 (b) where the permit or approval authorizes work on real property  
 45 owned by the government or the federal government;

46 <sup>2</sup>[(7)] (6)<sup>2</sup> any coastal center designated pursuant to the "Coastal  
 47 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) <sup>2</sup>[],

1 that as of March 15, 2007 (a) had not submitted an application for  
2 plan endorsement to the State Planning Commission, and (b) was  
3 not in compliance with the provisions of the Coastal Zone  
4 Management Rules at N.J.A.C.7:7E-5B.6<sup>2</sup>; or

5 <sup>2</sup>~~[(8)]~~ <sup>2</sup>~~(7)~~ any permit or approval within the Highlands planning  
6 area located in a municipality subject to the "Highlands Water  
7 Protection and Planning Act," P.L.2004, c.120, that has adopted,  
8 <sup>2</sup>~~[as of May 1, 2012,]~~ in accordance with the Highlands Water  
9 Protection and Planning Council conformance approval, a  
10 Highlands master plan element, a Highlands land use ordinance, or  
11 an environmental resource inventory, except that the provisions of  
12 this paragraph shall not apply to any permit or approval within a  
13 Highlands center designated by the Highlands Water Protection and  
14 Planning Council, notwithstanding the adoption by the municipality  
15 of a Highlands master plan element, a Highlands land use  
16 ordinance, or an environmental resource inventory.

17  
18 <sup>2</sup>~~[c. P.L.2008, c.78 (C.40:55D-136.1 et seq.)]~~ <sup>2</sup>~~5.~~ P.L. \_\_\_\_\_,  
19 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>2</sup> shall not  
20 affect any administrative consent order issued by the Department of  
21 Environmental Protection in effect or issued during the <sup>2</sup>~~[extension~~  
22 ~~period or]~~ <sup>2</sup>~~COVID-19 extension period,~~ nor shall it be construed to  
23 extend any approval in connection with a resource recovery facility  
24 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

25  
26 <sup>2</sup>~~[d.]~~ <sup>2</sup>~~6.~~ Nothing in <sup>2</sup>~~[P.L.2008, c.78 (C.40:55D-136.1 et~~  
27 ~~seq.)]~~ P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
28 ~~bill)~~<sup>2</sup> shall affect the ability of the Commissioner of Environmental  
29 Protection to revoke or modify a specific permit or approval, or  
30 extension thereof pursuant to <sup>2</sup>~~[P.L.2008, c.78 (C.40:55D-136.1 et~~  
31 ~~seq.)]~~ P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
32 ~~bill)~~<sup>2</sup>, when that specific permit or approval <sup>2</sup>~~or the commissioner's~~  
33 ~~underlying statutory or regulatory authority~~<sup>2</sup> contains language  
34 authorizing the modification or revocation of the permit or approval  
35 by the department.

36  
37 <sup>2</sup>~~[e.]~~ <sup>2</sup>~~7.~~ In the event that any approval tolled pursuant to  
38 <sup>2</sup>~~[P.L.2008, c.78 (C.40:55D-136.1 et seq.)]~~ P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
39 ~~(pending before the Legislature as this bill)~~<sup>2</sup> is based upon the  
40 connection to a sanitary sewer system, the approval's extension  
41 shall be contingent upon the availability of sufficient capacity, on  
42 the part of the treatment facility, to accommodate the development  
43 whose approval has been extended. If sufficient capacity is not  
44 available, those permit holders whose approvals have been extended  
45 shall have priority with regard to the further allocation of gallonage  
46 over those approval holders who have not received approval of a

1 hookup prior to <sup>2</sup>[the date of enactment of P.L.2008, c.78  
2 (C.40:55D-136.1 et seq.)] March 9, 2020<sup>2</sup>. Priority regarding the  
3 distribution of further gallonage to any permit holder who has  
4 received the extension of an approval pursuant to <sup>2</sup>[P.L.2008, c.78  
5 (C.40:55D-136.1 et seq.)] P.L. , c. (C. ) (pending before the  
6 Legislature as this bill)<sup>2</sup> shall be allocated in order of the granting  
7 of the original approval of the connection.

8  
9 <sup>2</sup>[f. P.L.2008, c.78 (C.40:55D-136.1 et seq.)] 8. P.L. ,  
10 c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> shall not  
11 toll any approval issued under the "Municipal Land Use Law,"  
12 P.L.1975, c.291 (C.40:55D-1 et seq.) in connection with an  
13 application for development involving a residential use where,  
14 subsequent to the expiration of the permit but prior to <sup>2</sup>[January 1,  
15 2007] March 9, 2020<sup>2</sup> , an amendment has been adopted to the  
16 master plan and the zoning ordinance to rezone the property to  
17 industrial or commercial use when the permit was issued for  
18 residential use.

19  
20 <sup>2</sup>[g.] 9.<sup>2</sup> Nothing in <sup>2</sup>[P.L.2008, c.78 (C.40:55D-136.1 et  
21 seq.)] P.L. , c. (C. ) (pending before the Legislature as this  
22 bill)<sup>2</sup> shall be construed or implemented in such a way as to modify  
23 any requirement of law that is necessary to retain federal delegation  
24 to, or assumption by, the State of the authority to implement a  
25 federal law or program.

26  
27 <sup>2</sup>[h.] 10.<sup>2</sup> Nothing in <sup>2</sup>[P.L.2008, c.78 (C.40:55D-136.1 et  
28 seq.)] P.L. , c. (C. ) (pending before the Legislature as this  
29 bill)<sup>2</sup> shall be deemed to extend the obligation of any wastewater  
30 management planning agency to submit a wastewater management  
31 plan or plan update, or the obligation of a municipality to submit a  
32 wastewater management plan or plan update, pursuant to the "Water  
33 Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the  
34 Water Quality Management Planning rules, N.J.A.C.7:15-1.1 et  
35 seq.<sup>2</sup>[, adopted by the Department of Environmental Protection,  
36 effective July 7, 2008.

37  
38 i.] 11.<sup>2</sup> All underlying municipal, county, and State permits or  
39 approvals within the <sup>2</sup>[extension area as defined in section 3 of  
40 P.L.2008, c.78 (C.40:55D-136.3), as amended,] regional growth  
41 areas, villages, and towns, designated in the comprehensive  
42 management plan prepared and adopted by the Pinelands  
43 Commission pursuant to section 7 of the "Pinelands Protection  
44 Act," P.L.1979, c.111 (C.13:18A-8),<sup>2</sup> are extended <sup>2</sup>[in the  
45 Pinelands Area as designated pursuant to the "Pinelands Protection  
46 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

1 (cf: P.L.2016, c.14, s.2)]<sup>2</sup>

2

3 <sup>2</sup>[4. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to  
4 read as follows:

5 5. a. State agencies shall, within 30 days after the effective  
6 date of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days  
7 after the effective date of any subsequent amendment and  
8 supplement thereto, place a notice in the New Jersey Register  
9 tolling approvals in the Superstorm Sandy-impacted counties, as  
10 defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3) in  
11 conformance with P.L.2008, c.78 (C.40:55D-136.1 et seq.).

12 b.] 12. a.<sup>2</sup> State agencies shall, within 30 days after the  
13 effective date of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill), place a notice in the New Jersey Register  
15 tolling approvals in conformance with <sup>2</sup>[P.L.2008, c.78 (C.40:55D-  
16 136.1 et seq.).

17 (P.L.2016, c.14, s.3)] P.L. , c. (C. ) (pending before the  
18 Legislature as this bill).

19 b. Any government approval subject to the automatic  
20 suspension of the running period of such approval for the COVID-  
21 19 extension period shall be registered with the department within  
22 30 days of the notice in the New Jersey register.

23 c. The running period of any approval not registered pursuant  
24 to this section shall not be suspended for the COVID-19 extension  
25 period.

26 d. The department shall publish on its website a list of  
27 government approvals for which the running of the period of such  
28 approvals are suspended for the COVID-19 extension period within  
29 14 days of receipt of the government approval registration pursuant  
30 to this section.<sup>2</sup>

31

32 <sup>2</sup>[<sup>15</sup>. (New Section) Any] 13. The running of the period of  
33 any<sup>2</sup> registration, application, or licensing requirement or timeframe  
34 imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.),  
35 applicable to a person who performs soil and fill recycling services  
36 related to road or bridge construction activities, shall be suspended  
37 as of March 9, 2020 and the calculation of any registration,  
38 application filing, and licensing dates and the requirements related  
39 thereto, shall resume on the 60th day after the conclusion of the  
40 COVID-19 extension period.<sup>1</sup>

41

42 <sup>2</sup>[<sup>16</sup>. (New Section)] 14.<sup>2</sup> Notwithstanding any provision of  
43 P.L.1975, c.291 (C.40:55D-1 et seq.) to the contrary,

44 a. The 45-day period for an application for development to a  
45 municipal agency to be certified as complete pursuant to section 5  
46 of P.L.1984, c.20 (C.40:55D-10.3) shall be extended to either <sup>2</sup>[90]  
47 120<sup>2</sup> days after March 9, 2020, or 60 days after the date the

1 application for development is submitted to the municipal agency,  
2 whichever date is later, for any application:

3 (1) awaiting certification as a complete application by a  
4 municipal agency as of March 9, 2020; or

5 (2) submitted by an applicant during the COVID-19 extension  
6 period.

7 b. The time periods <sup>2</sup>for a municipal agency to either grant or  
8 deny any other application for development<sup>2</sup> required under  
9 P.L.1975, c.291 (C.40:55D-1 et seq.) <sup>2</sup>[for any municipal agency to  
10 either grant or deny any application for development]<sup>2</sup> shall be  
11 extended by <sup>2</sup>[60] 120<sup>2</sup> days for any application:

12 (1) awaiting certification as a complete application by a  
13 municipal agency as of March 9, 2020; or

14 (2) pending before a municipal agency as of March 9, 2020 <sup>2</sup>;  
15 or

16 (3) .

17 c. The time periods for a municipal agency to either grant or  
18 deny any other application for development required under  
19 P.L.1975, c.291 (C.40:55D-1) shall be extended to either 120 days  
20 after March 9, 2020, or 60 days after the application for  
21 development is certified as complete by the municipal agency,  
22 whichever date is later, for any application<sup>2</sup> submitted by an  
23 applicant during the COVID-19 extension period.<sup>1</sup>

24

25 <sup>1</sup>[5.] <sup>2</sup>[7.1] 15.<sup>2</sup> This act shall take effect immediately and  
26 shall be retroactive to March 9, 2020.

27

28

29

30

31 \_\_\_\_\_  
32 Extends certain permits, approvals, and deadlines during  
COVID-19 emergency.

# ASSEMBLY, No. 3919

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

**Sponsored by:**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblymen Wirths, Space, Assemblywoman Swain, Assemblyman  
Tully, Assemblywomen Pinkin, Dunn and Reynolds-Jackson**

**SYNOPSIS**

Extends certain permits during COVID-19 emergency.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/11/2020)**

1 AN ACT extending certain permits and amending P.L.2008, c.78.

2

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

5

6 1. Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to  
7 read as follows:

8 2. The Legislature finds and declares that:

9 a. The most recent national recession has caused one of the  
10 longest economic downturns since the Great Depression of the  
11 1930s and has drastically affected various segments of the New  
12 Jersey economy, but none as severely as the State's banking, real  
13 estate and construction sectors.

14 b. The real estate finance sector of the economy is in severe  
15 decline due to the sub-prime mortgage problem and the resultant  
16 widening mortgage finance crisis. The extreme tightening of  
17 lending standards for home buyers and other real estate borrowers  
18 has reduced access to the capital markets.

19 c. As a result of the crisis in the real estate finance sector of the  
20 economy, real estate developers and redevelopers, including  
21 homebuilders, and commercial, office, and industrial developers,  
22 have experienced an industry-wide decline, including reduced  
23 demand, cancelled orders, declining sales and rentals, price  
24 reductions, increased inventory, fewer buyers who qualify to  
25 purchase homes, layoffs, and scaled back growth plans.

26 d. The process of obtaining planning board and zoning board of  
27 adjustment approvals for subdivisions, site plans, and variances can  
28 be difficult, time consuming and expensive, both for private  
29 applicants and government bodies.

30 e. The process of obtaining the myriad other government  
31 approvals, required pursuant to legislative enactments and their  
32 implementing rules and regulations, such as wetlands permits,  
33 treatment works approvals, on-site wastewater disposal permits,  
34 stream encroachment permits, flood hazard area permits, highway  
35 access permits, and numerous waivers and variances, also can be  
36 difficult and expensive; further, changes in the law can render these  
37 approvals, if expired or lapsed, impossible to renew or re-obtain.

38 f. County and municipal governments obtain determinations of  
39 master plan consistency, conformance, or endorsement with State or  
40 regional plans, from State and regional government entities which  
41 may expire or lapse without implementation due to the state of the  
42 economy.

43 g. The most recent national recession has severely weakened  
44 the building industry, and many landowners and developers are  
45 seeing their life's work destroyed by the lack of credit and dearth of

**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.**



1 buyers and tenants, due to the crisis in real estate financing and the  
2 building industry, uncertainty over the state of the economy, and  
3 increasing levels of unemployment in the construction industry.

4 h. The construction industry and related trades are sustaining  
5 severe economic losses, and the lapsing of government development  
6 approvals would, if not addressed, exacerbate those losses.

7 i. Financial institutions that lent money to property owners,  
8 builders, and developers are experiencing erosion of collateral and  
9 depreciation of their assets as permits and approvals expire, and the  
10 extension of these permits and approvals is necessary to maintain  
11 the value of the collateral and the solvency of financial institutions  
12 throughout the State.

13 j. Due to the current inability of builders and their purchasers  
14 to obtain financing, under existing economic conditions, more and  
15 more once-approved permits are expiring or lapsing and, as these  
16 approvals lapse, lenders must re-appraise and thereafter  
17 substantially lower real estate valuations established in conjunction  
18 with approved projects, thereby requiring the reclassification of  
19 numerous loans which, in turn, affects the stability of the banking  
20 system and reduces the funds available for future lending, thus  
21 creating more severe restrictions on credit and leading to a vicious  
22 cycle of default.

23 k. As a result of the continued downturn of the economy, and  
24 the continued expiration of approvals which were granted by State  
25 and local governments, it is possible that thousands of government  
26 actions will be undone by the passage of time.

27 l. Obtaining an extension of an approval pursuant to existing  
28 statutory or regulatory provisions can be both costly in terms of  
29 time and financial resources, and insufficient to cope with the  
30 extent of the present financial situation; moreover, the costs  
31 imposed fall on the public as well as the private sector.

32 m. It is the purpose of this act to prevent the wholesale  
33 abandonment of approved projects and activities due to the present  
34 unfavorable economic conditions, by tolling the term of these  
35 approvals for a period of time, thereby preventing a waste of public  
36 and private resources.

37 n. Due to the need to implement strict social distancing  
38 measures and take other precautions in order to limit the spread of  
39 COVID-19 and minimize its public health impacts, much business  
40 and government activity has been halted, disrupted, or delayed.  
41 This has in turn resulted in a severe downturn in the economy. It is  
42 therefore appropriate to toll the term of approvals during a new  
43 COVID-19 extension period in order to prevent the abandonment of  
44 approved projects and activities, and the waste of public and private  
45 resources that comes with it, as well as to be ready to quickly  
46 resume projects when it is safe to restart normal business and  
47 government activity.

48 (cf: P.L.2014, c.84, s.1)

1       2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to  
2 read as follows:

3       3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

4       "Approval" means, except as otherwise provided in section 4 of  
5 P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and  
6 sediment control plan granted by a local soil conservation district  
7 under the authority conferred by R.S.4:24-22 et seq., waterfront  
8 development permit issued pursuant to R.S.12:5-1 et seq., permit  
9 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272  
10 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater  
11 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.),  
12 approval of an application for development granted by the Delaware  
13 and Raritan Canal Commission pursuant to the "Delaware and  
14 Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-  
15 1 et seq.), permit issued by the New Jersey Meadowlands  
16 Commission pursuant to the "Hackensack Meadowlands  
17 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et  
18 al.), approval of an application for development granted by the  
19 Pinelands Commission and determination of municipal and county  
20 plan conformance pursuant to the "Pinelands Protection Act,"  
21 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center  
22 designations pursuant to the "Coastal Area Facility Review Act,"  
23 P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted  
24 pursuant to Title 26 of the Revised Statutes, permit granted  
25 pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-  
26 way permit issued by the Department of Transportation pursuant to  
27 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301  
28 (C.27:1A-5), approval granted by a sewerage authority pursuant to  
29 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et  
30 seq.), approval granted by a municipal authority pursuant to the  
31 "municipal and county utilities authorities law," P.L.1957, c.183  
32 (C.40:14B-1 et seq.), an agreement with a municipality, county,  
33 municipal authority, sewerage authority, or other governmental  
34 authority for the use or reservation of sewerage capacity, approval  
35 issued by a county planning board pursuant to chapter 27 of Title 40  
36 of the Revised Statutes, preliminary and final approval granted in  
37 connection with an application for development pursuant to the  
38 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),  
39 permit granted pursuant to the "State Uniform Construction Code  
40 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement  
41 and center designations pursuant to the "State Planning Act,"  
42 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued  
43 pursuant to the "Water Supply Management Act," P.L.1981, c.262  
44 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well  
45 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or  
46 permit granted, exemption from a sewerage connection ban granted,  
47 wastewater management plan approved, and pollution discharge  
48 elimination system permit pursuant to the "Water Pollution Control

1 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted  
2 pursuant to "The Realty Improvement Sewerage and Facilities Act  
3 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or  
4 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),  
5 certification issued and water quality management plan approved  
6 pursuant to the "Water Quality Planning Act," P.L.1977, c.75  
7 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe  
8 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit  
9 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,  
10 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or  
11 State approval or permit granted under the general authority  
12 conferred by State law or rule or regulation, or any other  
13 government authorization of any development application or any  
14 permit related thereto whether that authorization is in the form of a  
15 permit, approval, license, certification, permission, determination,  
16 interpretation, exemption, variance, exception, waiver, letter of  
17 interpretation, no further action letter, agreement or any other  
18 executive or administrative decision which allows a development or  
19 governmental project to proceed.

20 "COVID-19" means the coronavirus disease 2019, as announced  
21 by the World Health Organization on February 11, 2020, and first  
22 identified in Wuhan, China.

23 "COVID-19 extension period" means the period beginning  
24 March 9, 2020 and continuing for as long as a public health  
25 emergency, pursuant to the "Emergency Health Powers Act,"  
26 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,  
27 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both, that  
28 has been declared by the Governor in response to COVID-19, is in  
29 effect.

30 "Development" means the division of a parcel of land into two or  
31 more parcels, the construction, reconstruction, conversion,  
32 structural alteration, relocation or enlargement of any building or  
33 other structure or facility, or of any grading, soil removal or  
34 relocation, excavation or landfill or any use or change in the use of  
35 any building or other structure or land or extension of the use of  
36 land.

37 "Environmentally sensitive area" means an area designated  
38 pursuant to the State Development and Redevelopment Plan  
39 adopted, as of the effective date of P.L.2008, c.78 (C.40:55D-136.1  
40 et seq.), pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as  
41 Planning Area 4B (Rural/Environmentally Sensitive), Planning  
42 Area 5 (Environmentally Sensitive), or a critical environmental site,  
43 but shall not include any extension area as defined in this section.

44 "Extension area" means an area designated pursuant to P.L.1985,  
45 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),  
46 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning  
47 Area), Planning Area 4A (Rural Planning Area), a designated  
48 center, or a designated growth center in an endorsed plan until June

1 30, 2013, or until the State Planning Commission revises and  
2 readopts New Jersey's State Strategic Plan and adopts regulations to  
3 refine this definition as it pertains to Statewide planning areas,  
4 whichever is later; a smart growth area and planning area  
5 designated in a master plan adopted by the New Jersey  
6 Meadowlands Commission pursuant to subsection (i) of section 6 of  
7 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and  
8 towns, designated in the comprehensive management plan prepared  
9 and adopted by the Pinelands Commission pursuant to section 7 of  
10 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the  
11 planning area of the Highlands Region as defined in section 3 of the  
12 "Highlands Water Protection and Planning Act," P.L.2004, c.120  
13 (C.13:20-3), and any Highlands center designated by the Highlands  
14 Water Protection and Planning Council, established pursuant to  
15 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone  
16 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or  
17 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in  
18 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
19 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the  
20 Department of Community Affairs; or similar areas designated by  
21 the Department of Environmental Protection. "Extension area"  
22 shall not include an area designated pursuant to the State  
23 Development and Redevelopment Plan adopted, as of the effective  
24 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning  
25 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5  
26 (Environmentally Sensitive), except for any area within Planning  
27 Area 4B or Planning Area 5 that is a designated center, or a  
28 designated growth center in an endorsed plan.

29 "Extension period" means the period beginning January 1, 2007  
30 and continuing through December 31, 2015; provided, however,  
31 that the period in Superstorm Sandy-impacted counties shall  
32 continue through December 31, 2016.

33 "Government" means any municipal, county, regional, or State  
34 government, or any agency, department, commission or other  
35 instrumentality thereof.

36 "Superstorm Sandy-impacted counties" means Atlantic, Bergen,  
37 Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and  
38 Union counties, as identified by the United States Department of  
39 Housing and Urban Development.

40 "Superstorm Sandy-impacted extension period" means the period  
41 beginning January 1, 2016 and continuing through December 31,  
42 2016.

43 (cf: P.L.2016, c.14, s.1)

44

45 3. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to  
46 read as follows:

47 4. a. (1) For any government approval in existence during the  
48 extension period, the running of the period of approval is

1 automatically suspended for the extension period, except as  
2 otherwise provided hereunder; however, the tolling provided for  
3 herein shall not extend the government approval more than six  
4 months beyond the conclusion of the extension period.

5 (2) For any government approval in existence on December 31,  
6 2015 concerning lands located entirely within one or more of the  
7 Superstorm Sandy-impacted counties, as defined in section 3 of  
8 P.L.2008, c.78 (C.40:55D-136.3), the running of the period of  
9 approval is automatically suspended for the Superstorm Sandy-  
10 impacted extension period, except as otherwise provided hereunder;  
11 however, the tolling provided for herein shall not extend the  
12 government approval more than six months beyond the conclusion  
13 of the Superstorm Sandy-impacted extension period.

14 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall  
15 shorten the duration that any approval would have had in the  
16 absence of P.L.2008, c.78 (C.40:55D-136.1 et seq.), nor shall  
17 P.L.2008, c.78 (C.40:55D-136.1 et seq.) prohibit the granting of  
18 such additional extensions as are provided by law when the tolling  
19 granted by P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall expire.  
20 Notwithstanding any previously enacted provision of P.L.2008, c.78  
21 (C.40:55D-136.1 et seq.), as amended and supplemented, the  
22 running of the period of approval of all government approvals  
23 which would have been extended pursuant to the definition of  
24 "extension area," added by P.L.2012, c.48, shall be calculated,  
25 using that definition, retroactive to the enactment of P.L.2008, c.78  
26 (C.40:55D-136.1 et seq.).

27 (4) For any government approval in existence on March 9, 2020,  
28 the running of the period of approval is automatically suspended for  
29 the COVID-19 extension period, except as otherwise provided  
30 hereunder; however, the tolling provided for herein shall not extend  
31 the government approval more than six months beyond the  
32 conclusion of the COVID-19 extension period.

33 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be  
34 deemed to extend or purport to extend:

35 (1) any permit or approval issued by the government of the  
36 United States or any agency or instrumentality thereof, or any  
37 permit or approval by whatever authority issued of which the  
38 duration of effect or the date or terms of its expiration are specified  
39 or determined by or pursuant to law or regulation of the federal  
40 government or any of its agencies or instrumentalities;

41 (2) any permit or approval issued pursuant to the "Pinelands  
42 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the  
43 extension would result in a violation of federal law, or any State  
44 rule or regulation requiring approval by the Secretary of the Interior  
45 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

46 (3) any permit or approval issued within an environmentally  
47 sensitive area;

1 (4) any permit or approval within an environmentally sensitive  
2 area issued pursuant to the "Highlands Water Protection and  
3 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or  
4 approval issued within the preservation area of the Highlands  
5 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

6 (5) any permit or approval issued by the Department of  
7 Transportation pursuant to Title 27 of the Revised Statutes or under  
8 the general authority conferred by State law, other than a right-of-  
9 way permit issued pursuant to paragraph (3) of subsection (h) of  
10 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted  
11 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

12 (6) any permit or approval issued pursuant to the "Flood Hazard  
13 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)  
14 where work has commenced, in any phase or section of the  
15 development, on any site improvement as defined in paragraph (1)  
16 of subsection a. of section 41 of the "Municipal Land Use Law,"  
17 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or  
18 (b) where the permit or approval authorizes work on real property  
19 owned by the government or the federal government;

20 (7) any coastal center designated pursuant to the "Coastal Area  
21 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of  
22 March 15, 2007 (a) had not submitted an application for plan  
23 endorsement to the State Planning Commission, and (b) was not in  
24 compliance with the provisions of the Coastal Zone Management  
25 Rules at N.J.A.C.7:7E-5B.6; or

26 (8) any permit or approval within the Highlands planning area  
27 located in a municipality subject to the "Highlands Water Protection  
28 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,  
29 2012, in accordance with the Highlands Water Protection and  
30 Planning Council conformance approval, a Highlands master plan  
31 element, a Highlands land use ordinance, or an environmental  
32 resource inventory, except that the provisions of this paragraph  
33 shall not apply to any permit or approval within a Highlands center  
34 designated by the Highlands Water Protection and Planning  
35 Council, notwithstanding the adoption by the municipality of a  
36 Highlands master plan element, a Highlands land use ordinance, or  
37 an environmental resource inventory.

38 c. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not affect any  
39 administrative consent order issued by the Department of  
40 Environmental Protection in effect or issued during the extension  
41 period or COVID-19 extension period, nor shall it be construed to  
42 extend any approval in connection with a resource recovery facility  
43 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

44 d. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall  
45 affect the ability of the Commissioner of Environmental Protection  
46 to revoke or modify a specific permit or approval, or extension  
47 thereof pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.), when  
48 that specific permit or approval contains language authorizing the

1 modification or revocation of the permit or approval by the  
2 department.

3 e. In the event that any approval tolled pursuant to P.L.2008,  
4 c.78 (C.40:55D-136.1 et seq.) is based upon the connection to a  
5 sanitary sewer system, the approval's extension shall be contingent  
6 upon the availability of sufficient capacity, on the part of the  
7 treatment facility, to accommodate the development whose approval  
8 has been extended. If sufficient capacity is not available, those  
9 permit holders whose approvals have been extended shall have  
10 priority with regard to the further allocation of gallonage over those  
11 approval holders who have not received approval of a hookup prior  
12 to the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.).  
13 Priority regarding the distribution of further gallonage to any permit  
14 holder who has received the extension of an approval pursuant to  
15 P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be allocated in order  
16 of the granting of the original approval of the connection.

17 f. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not toll any  
18 approval issued under the "Municipal Land Use Law," P.L.1975,  
19 c.291 (C.40:55D-1 et seq.) in connection with an application for  
20 development involving a residential use where, subsequent to the  
21 expiration of the permit but prior to January 1, 2007, an amendment  
22 has been adopted to the master plan and the zoning ordinance to  
23 rezone the property to industrial or commercial use when the permit  
24 was issued for residential use.

25 g. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be  
26 construed or implemented in such a way as to modify any  
27 requirement of law that is necessary to retain federal delegation to,  
28 or assumption by, the State of the authority to implement a federal  
29 law or program.

30 h. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be  
31 deemed to extend the obligation of any wastewater management  
32 planning agency to submit a wastewater management plan or plan  
33 update, or the obligation of a municipality to submit a wastewater  
34 management plan or plan update, pursuant to the "Water Quality  
35 Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water  
36 Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.,  
37 adopted by the Department of Environmental Protection, effective  
38 July 7, 2008.

39 i. All underlying municipal, county, and State permits or  
40 approvals within the extension area as defined in section 3 of  
41 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the  
42 Pinelands Area as designated pursuant to the "Pinelands Protection  
43 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).  
44 (cf: P.L.2016, c.14, s.2)

45  
46 4. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to  
47 read as follows:





# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3919**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 11, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3919, with committee amendments.

This bill, as amended, would extend certain State, regional, county, and municipal agency permits, approvals, and deadlines during the COVID-19 emergency. In order to limit the spread of COVID-19 and minimize its public health impacts, strict social distancing and other precautionary measures were implemented. As a result, much businesses and government activity was halted, disrupted, or delayed, resulting in a severe economic downturn. This bill would toll the term of permits and approvals during the course of the COVID-19 emergency in order to prevent the abandonment of approved projects, and the concomitant waste of public and private resources, as well as to be ready to quickly resume these projects when it is safe to restart normal levels of business and government activity.

This bill would create a new extension period under the "Permit Extension Act of 2008" that covers permits in existence during the period in which the COVID-19 public health emergency or state of emergency is in effect. Such approvals would not extend beyond six months after the conclusion of the extension period, except that for a construction project suspended pursuant to either the Governor's Executive Order No. 122 or any other government order, the tolling period would be 12 months beyond the conclusion of the COVID-19 extension period.

The bill also suspends certain requirements and timeframes imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.), applicable to a person who performs soil and fill recycling services related to road or bridge construction activities.

The bill also would extend certain timeframes by which planning and zoning boards have to grant or deny certain applications pursuant to the "Municipal Land Use Law" in order to provide adequate time to evaluate projects already in the pipeline during a time in which it is difficult to conduct government business.

The bill also requires State agencies to place a notice in the New Jersey Register tolling approvals within 30 days of the effective date of the bill.

The bill takes effect immediately and is retroactive to March 9, 2020, when Executive Order No. 103 was issued, declaring a public health emergency and state of emergency in response to COVID-19.

COMMITTEE AMENDMENTS:

The committee amendments:

- provide that for a construction project suspended pursuant to either the Governor's Executive Order No. 122 or any other government order, the tolling period for approvals would be 12 months beyond the conclusion of the COVID-19 extension period.
- suspend certain requirements and timeframes imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.), applicable to a person who performs soil and fill recycling services related to road or bridge construction activities.
- extend certain timeframes by which planning and zoning boards have to grant or deny certain applications pursuant to the "Municipal Land Use Law" in order to provide adequate time to evaluate projects already in the pipeline during a time in which it is difficult to conduct government business.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local revenues from the extension of certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency and for up to twelve months thereafter in some cases. The bill defines the "COVID-19 extension period" to be the period beginning March 9, 2020 and continuing for as long as a public health emergency or state of emergency has been declared by the Governor in response to the pandemic.

The OLS notes that there are fees associated with the renewal of certain types of permits and applications. State and local entities would not collect these fees for permits and applications that would otherwise need renewal during the extension period.

Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of permit and application review fees that otherwise would have been paid by the business community.

Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits, as well as outstanding applications for development, having approval periods that would be suspended by this bill that would otherwise need to

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3919**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: MAY 7, 2020

**SUMMARY**

- Synopsis:** Extends certain permits during COVID-19 emergency.
- Type of Impact:** Temporary revenue decrease to the State and local governments.
- Agencies Affected:** Department of Transportation, Department of Environmental Protection, Department of Community Affairs, State commissions, counties, and municipalities authorized to approve certain State or local permits.

**Office of Legislative Services Estimate**

<u>March 9, 2020 – Six Months Following End of COVID-19</u>	
<b>Fiscal Impact</b>	<u>Extension Period</u>
<b>State Revenue Decrease</b>	Indeterminate
<b>Local Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee revenues from the extension of certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency and for six months thereafter. The bill defines the “COVID-19 extension period” to be the period beginning March 9, 2020 and continuing for as long as a public health emergency or state of emergency has been declared by the Governor in response to the pandemic.
- The OLS notes that there are fees associated with the renewal of certain types of permits. State and local entities would not collect these fees for permits that would otherwise need renewal during the extension period.
- Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers and the avoidance of permit review fees that otherwise would have been paid by the business community.
- Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits having

approval periods that would be suspended by this bill that would otherwise need to be renewed during the extension period set forth in the bill.

## **BILL DESCRIPTION**

The bill would extend certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency. The bill would create a new extension period under the "Permit Extension Act of 2008" that covers permits in existence during the period in which the COVID-19 public health emergency or state of emergency is in effect. Such approvals cannot be extended beyond six months after the conclusion of the extension period. The bill takes effect immediately and is retroactive to March 9, 2020.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee revenues due to the proposed lengthening of the extension period for certain permit approvals. The estimate is based on the assumption that, absent this bill, the holders of expiring permits would eventually reapply for the same or similar permits, and in doing so, would make additional permit fee payments. In certain cases, and for a certain limited-time period, the bill obviates the need to renew a permit or approval, thus allowing permit holders to continue their projects without re-obtaining permits and paying related permit fees. However, the OLS acknowledges additional uncertainty when considering that some permit applicants would not reapply and pay renewal fees if their initial application expired. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit review fees that otherwise would be paid by the business community. The bill extends the validity of certain approvals issued by the State and local government units beginning March 9, 2020 and continuing for as long as a public health emergency or state of emergency has been declared by the Governor in response to COVID-19. In accordance with the tolling provision provided under the bill, no approval would be extended beyond the six months after the conclusion of the extension period thereby limiting the duration of the potential revenue loss.

*Section:* Local Government

*Analyst:* Benjamin A. Levy  
Assistant Fiscal Analyst

*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 3919

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JULY 2, 2020

#### SUMMARY

- Synopsis:** Extends certain permits, approvals, and deadlines during COVID-19 emergency.
- Type of Impact:** Temporary revenue decrease to the State and local governments.
- Agencies Affected:** Department of Transportation, Department of Environmental Protection, Department of Community Affairs, State commissions, counties, and municipalities authorized to approve certain State or local permits.

#### Office of Legislative Services Estimate

<u>March 9, 2020 – At Least Six Months Following End of COVID-19 Extension Period</u>	
<b>Fiscal Impact</b>	
<b>State Revenue Decrease</b>	Indeterminate
<b>Local Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee revenues from the extension of certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency and for at least six months thereafter. The bill defines the “COVID-19 extension period” to be the period beginning March 9, 2020 and continuing for as long as a public health emergency has been declared by the Governor in response to the pandemic.
- The OLS notes that there are fees associated with the renewal of certain types of permits. State and local entities would not collect these fees for permits that would otherwise need renewal during the extension period.
- Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers and the avoidance of permit review fees that otherwise would have been paid by the business community.

- Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits having approval periods that would be suspended by this bill that would otherwise need to be renewed during the extension period set forth in the bill.

## **BILL DESCRIPTION**

The bill, to be cited as the “Permit Extension Act of 2020,” would extend certain State, regional, county, and municipal agency permit approvals for the duration of the public health emergency associated with the COVID-19 pandemic. The bill would create a “COVID-19 extension period” that covers permits in existence during the period in which the COVID-19 public health emergency is in effect. Such approvals would be extended by at least six months after the conclusion of the extension period. The bill takes effect immediately and is retroactive to March 9, 2020.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee revenues due to the proposed lengthening of the extension period for certain permit approvals. The estimate is based on the assumption that, absent this bill, the holders of expiring permits would eventually reapply for the same or similar permits, and in doing so, would make additional permit fee payments. In certain cases, and for a certain limited-time period, the bill obviates the need to renew a permit or approval, thus allowing permit holders to continue their projects without re-obtaining permits and paying related permit fees. However, the OLS acknowledges additional uncertainty when considering that some permit applicants would not reapply and pay renewal fees if their initial application expired. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit review fees that otherwise would be paid by the business community. The bill extends the validity of certain approvals issued by the State and local government units beginning March 9, 2020 and continuing for as long as a public health emergency has been declared by the Governor in response to COVID-19. In accordance with the tolling provision provided under the bill, an approval would be extended by at least six months after the conclusion of the extension period thereby lengthening the duration of the potential revenue loss.

*Section: Local Government*

*Analyst: Benjamin A. Levy  
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# SENATE, No. 2346

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senators Addiego, Bateman, Cardinale, Oroho, O'Scanlon, Pennacchio,  
Singer and Thompson**

**SYNOPSIS**

Extends certain permits during COVID-19 emergency.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/13/2020)**

1 AN ACT extending certain permits and amending P.L.2008, c.78.

2

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

5

6 1. Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to  
7 read as follows:

8 2. The Legislature finds and declares that:

9 a. The most recent national recession has caused one of the  
10 longest economic downturns since the Great Depression of the  
11 1930s and has drastically affected various segments of the New  
12 Jersey economy, but none as severely as the State's banking, real  
13 estate and construction sectors.

14 b. The real estate finance sector of the economy is in severe  
15 decline due to the sub-prime mortgage problem and the resultant  
16 widening mortgage finance crisis. The extreme tightening of  
17 lending standards for home buyers and other real estate borrowers  
18 has reduced access to the capital markets.

19 c. As a result of the crisis in the real estate finance sector of the  
20 economy, real estate developers and redevelopers, including  
21 homebuilders, and commercial, office, and industrial developers,  
22 have experienced an industry-wide decline, including reduced  
23 demand, cancelled orders, declining sales and rentals, price  
24 reductions, increased inventory, fewer buyers who qualify to  
25 purchase homes, layoffs, and scaled back growth plans.

26 d. The process of obtaining planning board and zoning board of  
27 adjustment approvals for subdivisions, site plans, and variances can  
28 be difficult, time consuming and expensive, both for private  
29 applicants and government bodies.

30 e. The process of obtaining the myriad other government  
31 approvals, required pursuant to legislative enactments and their  
32 implementing rules and regulations, such as wetlands permits,  
33 treatment works approvals, on-site wastewater disposal permits,  
34 stream encroachment permits, flood hazard area permits, highway  
35 access permits, and numerous waivers and variances, also can be  
36 difficult and expensive; further, changes in the law can render these  
37 approvals, if expired or lapsed, impossible to renew or re-obtain.

38 f. County and municipal governments obtain determinations of  
39 master plan consistency, conformance, or endorsement with State or  
40 regional plans, from State and regional government entities which  
41 may expire or lapse without implementation due to the state of the  
42 economy.

43 g. The most recent national recession has severely weakened  
44 the building industry, and many landowners and developers are  
45 seeing their life's work destroyed by the lack of credit and dearth of

**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.**

1 buyers and tenants, due to the crisis in real estate financing and the  
2 building industry, uncertainty over the state of the economy, and  
3 increasing levels of unemployment in the construction industry.

4 h. The construction industry and related trades are sustaining  
5 severe economic losses, and the lapsing of government development  
6 approvals would, if not addressed, exacerbate those losses.

7 i. Financial institutions that lent money to property owners,  
8 builders, and developers are experiencing erosion of collateral and  
9 depreciation of their assets as permits and approvals expire, and the  
10 extension of these permits and approvals is necessary to maintain  
11 the value of the collateral and the solvency of financial institutions  
12 throughout the State.

13 j. Due to the current inability of builders and their purchasers  
14 to obtain financing, under existing economic conditions, more and  
15 more once-approved permits are expiring or lapsing and, as these  
16 approvals lapse, lenders must re-appraise and thereafter  
17 substantially lower real estate valuations established in conjunction  
18 with approved projects, thereby requiring the reclassification of  
19 numerous loans which, in turn, affects the stability of the banking  
20 system and reduces the funds available for future lending, thus  
21 creating more severe restrictions on credit and leading to a vicious  
22 cycle of default.

23 k. As a result of the continued downturn of the economy, and  
24 the continued expiration of approvals which were granted by State  
25 and local governments, it is possible that thousands of government  
26 actions will be undone by the passage of time.

27 l. Obtaining an extension of an approval pursuant to existing  
28 statutory or regulatory provisions can be both costly in terms of  
29 time and financial resources, and insufficient to cope with the  
30 extent of the present financial situation; moreover, the costs  
31 imposed fall on the public as well as the private sector.

32 m. It is the purpose of this act to prevent the wholesale  
33 abandonment of approved projects and activities due to the present  
34 unfavorable economic conditions, by tolling the term of these  
35 approvals for a period of time, thereby preventing a waste of public  
36 and private resources.

37 n. Due to the need to implement strict social distancing  
38 measures and take other precautions in order to limit the spread of  
39 COVID-19 and minimize its public health impacts, much business  
40 and government activity has been halted, disrupted, or delayed.  
41 This has in turn resulted in a severe downturn in the economy. It is  
42 therefore appropriate to toll the term of approvals during a new  
43 COVID-19 extension period in order to prevent the abandonment of  
44 approved projects and activities, and the waste of public and private  
45 resources that comes with it, as well as to be ready to quickly  
46 resume projects when it is safe to restart normal business and  
47 government activity.

48 (cf: P.L.2014, c.84, s.1)

1       2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to  
2 read as follows:

3       3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

4       "Approval" means, except as otherwise provided in section 4 of  
5 P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and  
6 sediment control plan granted by a local soil conservation district  
7 under the authority conferred by R.S.4:24-22 et seq., waterfront  
8 development permit issued pursuant to R.S.12:5-1 et seq., permit  
9 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272  
10 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater  
11 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.),  
12 approval of an application for development granted by the Delaware  
13 and Raritan Canal Commission pursuant to the "Delaware and  
14 Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-  
15 1 et seq.), permit issued by the New Jersey Meadowlands  
16 Commission pursuant to the "Hackensack Meadowlands  
17 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et  
18 al.), approval of an application for development granted by the  
19 Pinelands Commission and determination of municipal and county  
20 plan conformance pursuant to the "Pinelands Protection Act,"  
21 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center  
22 designations pursuant to the "Coastal Area Facility Review Act,"  
23 P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted  
24 pursuant to Title 26 of the Revised Statutes, permit granted  
25 pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-  
26 way permit issued by the Department of Transportation pursuant to  
27 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301  
28 (C.27:1A-5), approval granted by a sewerage authority pursuant to  
29 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et  
30 seq.), approval granted by a municipal authority pursuant to the  
31 "municipal and county utilities authorities law," P.L.1957, c.183  
32 (C.40:14B-1 et seq.), an agreement with a municipality, county,  
33 municipal authority, sewerage authority, or other governmental  
34 authority for the use or reservation of sewerage capacity, approval  
35 issued by a county planning board pursuant to chapter 27 of Title 40  
36 of the Revised Statutes, preliminary and final approval granted in  
37 connection with an application for development pursuant to the  
38 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),  
39 permit granted pursuant to the "State Uniform Construction Code  
40 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement  
41 and center designations pursuant to the "State Planning Act,"  
42 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued  
43 pursuant to the "Water Supply Management Act," P.L.1981, c.262  
44 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well  
45 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or  
46 permit granted, exemption from a sewerage connection ban granted,  
47 wastewater management plan approved, and pollution discharge  
48 elimination system permit pursuant to the "Water Pollution Control

1 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted  
2 pursuant to "The Realty Improvement Sewerage and Facilities Act  
3 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or  
4 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),  
5 certification issued and water quality management plan approved  
6 pursuant to the "Water Quality Planning Act," P.L.1977, c.75  
7 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe  
8 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit  
9 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,  
10 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or  
11 State approval or permit granted under the general authority  
12 conferred by State law or rule or regulation, or any other  
13 government authorization of any development application or any  
14 permit related thereto whether that authorization is in the form of a  
15 permit, approval, license, certification, permission, determination,  
16 interpretation, exemption, variance, exception, waiver, letter of  
17 interpretation, no further action letter, agreement or any other  
18 executive or administrative decision which allows a development or  
19 governmental project to proceed.

20 "COVID-19" means the coronavirus disease 2019, as announced  
21 by the World Health Organization on February 11, 2020, and first  
22 identified in Wuhan, China.

23 "COVID-19 extension period" means the period beginning  
24 March 9, 2020 and continuing for as long as a public health  
25 emergency, pursuant to the "Emergency Health Powers Act,"  
26 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,  
27 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both, that  
28 has been declared by the Governor in response to COVID-19, is in  
29 effect.

30 "Development" means the division of a parcel of land into two or  
31 more parcels, the construction, reconstruction, conversion,  
32 structural alteration, relocation or enlargement of any building or  
33 other structure or facility, or of any grading, soil removal or  
34 relocation, excavation or landfill or any use or change in the use of  
35 any building or other structure or land or extension of the use of  
36 land.

37 "Environmentally sensitive area" means an area designated  
38 pursuant to the State Development and Redevelopment Plan  
39 adopted, as of the effective date of P.L.2008, c.78 (C.40:55D-136.1  
40 et seq.), pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as  
41 Planning Area 4B (Rural/Environmentally Sensitive), Planning  
42 Area 5 (Environmentally Sensitive), or a critical environmental site,  
43 but shall not include any extension area as defined in this section.

44 "Extension area" means an area designated pursuant to P.L.1985,  
45 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),  
46 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning  
47 Area), Planning Area 4A (Rural Planning Area), a designated  
48 center, or a designated growth center in an endorsed plan until June

1 30, 2013, or until the State Planning Commission revises and  
2 readopts New Jersey's State Strategic Plan and adopts regulations to  
3 refine this definition as it pertains to Statewide planning areas,  
4 whichever is later; a smart growth area and planning area  
5 designated in a master plan adopted by the New Jersey  
6 Meadowlands Commission pursuant to subsection (i) of section 6 of  
7 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and  
8 towns, designated in the comprehensive management plan prepared  
9 and adopted by the Pinelands Commission pursuant to section 7 of  
10 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the  
11 planning area of the Highlands Region as defined in section 3 of the  
12 "Highlands Water Protection and Planning Act," P.L.2004, c.120  
13 (C.13:20-3), and any Highlands center designated by the Highlands  
14 Water Protection and Planning Council, established pursuant to  
15 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone  
16 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or  
17 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in  
18 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
19 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the  
20 Department of Community Affairs; or similar areas designated by  
21 the Department of Environmental Protection. "Extension area"  
22 shall not include an area designated pursuant to the State  
23 Development and Redevelopment Plan adopted, as of the effective  
24 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning  
25 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5  
26 (Environmentally Sensitive), except for any area within Planning  
27 Area 4B or Planning Area 5 that is a designated center, or a  
28 designated growth center in an endorsed plan.

29 "Extension period" means the period beginning January 1, 2007  
30 and continuing through December 31, 2015; provided, however,  
31 that the period in Superstorm Sandy-impacted counties shall  
32 continue through December 31, 2016.

33 "Government" means any municipal, county, regional, or State  
34 government, or any agency, department, commission or other  
35 instrumentality thereof.

36 "Superstorm Sandy-impacted counties" means Atlantic, Bergen,  
37 Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and  
38 Union counties, as identified by the United States Department of  
39 Housing and Urban Development.

40 "Superstorm Sandy-impacted extension period" means the period  
41 beginning January 1, 2016 and continuing through December 31,  
42 2016.

43 (cf: P.L.2016, c.14, s.1)

44

45 3. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to  
46 read as follows:

47 4. a. (1) For any government approval in existence during the  
48 extension period, the running of the period of approval is

1 automatically suspended for the extension period, except as  
2 otherwise provided hereunder; however, the tolling provided for  
3 herein shall not extend the government approval more than six  
4 months beyond the conclusion of the extension period.

5 (2) For any government approval in existence on December 31,  
6 2015 concerning lands located entirely within one or more of the  
7 Superstorm Sandy-impacted counties, as defined in section 3 of  
8 P.L.2008, c.78 (C.40:55D-136.3), the running of the period of  
9 approval is automatically suspended for the Superstorm Sandy-  
10 impacted extension period, except as otherwise provided hereunder;  
11 however, the tolling provided for herein shall not extend the  
12 government approval more than six months beyond the conclusion  
13 of the Superstorm Sandy-impacted extension period.

14 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall  
15 shorten the duration that any approval would have had in the  
16 absence of P.L.2008, c.78 (C.40:55D-136.1 et seq.), nor shall  
17 P.L.2008, c.78 (C.40:55D-136.1 et seq.) prohibit the granting of  
18 such additional extensions as are provided by law when the tolling  
19 granted by P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall expire.  
20 Notwithstanding any previously enacted provision of P.L.2008, c.78  
21 (C.40:55D-136.1 et seq.), as amended and supplemented, the  
22 running of the period of approval of all government approvals  
23 which would have been extended pursuant to the definition of  
24 "extension area," added by P.L.2012, c.48, shall be calculated,  
25 using that definition, retroactive to the enactment of P.L.2008, c.78  
26 (C.40:55D-136.1 et seq.).

27 (4) For any government approval either in existence on March 9,  
28 2020, or granted during the COVID-19 extension period, the  
29 running of the period of approval is automatically suspended for the  
30 COVID-19 extension period, except as otherwise provided  
31 hereunder; however, the tolling provided for herein shall not extend  
32 the government approval more than six months beyond the  
33 conclusion of the COVID-19 extension period, except that for any  
34 construction project suspended pursuant to either the Governor's  
35 Executive Order No. 122 or the order of a State, county, or  
36 municipal government agency, the maximum tolling period shall be  
37 twelve months beyond the conclusion of the COVID-19 extension  
38 period.

39 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be  
40 deemed to extend or purport to extend:

41 (1) any permit or approval issued by the government of the  
42 United States or any agency or instrumentality thereof, or any  
43 permit or approval by whatever authority issued of which the  
44 duration of effect or the date or terms of its expiration are specified  
45 or determined by or pursuant to law or regulation of the federal  
46 government or any of its agencies or instrumentalities;

47 (2) any permit or approval issued pursuant to the "Pinelands  
48 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the

1 extension would result in a violation of federal law, or any State  
2 rule or regulation requiring approval by the Secretary of the Interior  
3 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

4 (3) any permit or approval issued within an environmentally  
5 sensitive area;

6 (4) any permit or approval within an environmentally sensitive  
7 area issued pursuant to the "Highlands Water Protection and  
8 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or  
9 approval issued within the preservation area of the Highlands  
10 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

11 (5) any permit or approval issued by the Department of  
12 Transportation pursuant to Title 27 of the Revised Statutes or under  
13 the general authority conferred by State law, other than a right-of-  
14 way permit issued pursuant to paragraph (3) of subsection (h) of  
15 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted  
16 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

17 (6) any permit or approval issued pursuant to the "Flood Hazard  
18 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)  
19 where work has commenced, in any phase or section of the  
20 development, on any site improvement as defined in paragraph (1)  
21 of subsection a. of section 41 of the "Municipal Land Use Law,"  
22 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or  
23 (b) where the permit or approval authorizes work on real property  
24 owned by the government or the federal government;

25 (7) any coastal center designated pursuant to the "Coastal Area  
26 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of  
27 March 15, 2007 (a) had not submitted an application for plan  
28 endorsement to the State Planning Commission, and (b) was not in  
29 compliance with the provisions of the Coastal Zone Management  
30 Rules at N.J.A.C.7:7E-5B.6; or

31 (8) any permit or approval within the Highlands planning area  
32 located in a municipality subject to the "Highlands Water Protection  
33 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,  
34 2012, in accordance with the Highlands Water Protection and  
35 Planning Council conformance approval, a Highlands master plan  
36 element, a Highlands land use ordinance, or an environmental  
37 resource inventory, except that the provisions of this paragraph  
38 shall not apply to any permit or approval within a Highlands center  
39 designated by the Highlands Water Protection and Planning  
40 Council, notwithstanding the adoption by the municipality of a  
41 Highlands master plan element, a Highlands land use ordinance, or  
42 an environmental resource inventory.

43 c. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not affect any  
44 administrative consent order issued by the Department of  
45 Environmental Protection in effect or issued during the extension  
46 period or COVID-19 extension period, nor shall it be construed to  
47 extend any approval in connection with a resource recovery facility  
48 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).



- 1 d. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall  
2 affect the ability of the Commissioner of Environmental Protection  
3 to revoke or modify a specific permit or approval, or extension  
4 thereof pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.), when  
5 that specific permit or approval contains language authorizing the  
6 modification or revocation of the permit or approval by the  
7 department.
- 8 e. In the event that any approval tolled pursuant to P.L.2008,  
9 c.78 (C.40:55D-136.1 et seq.) is based upon the connection to a  
10 sanitary sewer system, the approval's extension shall be contingent  
11 upon the availability of sufficient capacity, on the part of the  
12 treatment facility, to accommodate the development whose approval  
13 has been extended. If sufficient capacity is not available, those  
14 permit holders whose approvals have been extended shall have  
15 priority with regard to the further allocation of gallonage over those  
16 approval holders who have not received approval of a hookup prior  
17 to the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.).  
18 Priority regarding the distribution of further gallonage to any permit  
19 holder who has received the extension of an approval pursuant to  
20 P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be allocated in order  
21 of the granting of the original approval of the connection.
- 22 f. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not toll any  
23 approval issued under the "Municipal Land Use Law," P.L.1975,  
24 c.291 (C.40:55D-1 et seq.) in connection with an application for  
25 development involving a residential use where, subsequent to the  
26 expiration of the permit but prior to January 1, 2007, an amendment  
27 has been adopted to the master plan and the zoning ordinance to  
28 rezone the property to industrial or commercial use when the permit  
29 was issued for residential use.
- 30 g. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be  
31 construed or implemented in such a way as to modify any  
32 requirement of law that is necessary to retain federal delegation to,  
33 or assumption by, the State of the authority to implement a federal  
34 law or program.
- 35 h. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be  
36 deemed to extend the obligation of any wastewater management  
37 planning agency to submit a wastewater management plan or plan  
38 update, or the obligation of a municipality to submit a wastewater  
39 management plan or plan update, pursuant to the "Water Quality  
40 Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water  
41 Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.,  
42 adopted by the Department of Environmental Protection, effective  
43 July 7, 2008.
- 44 i. All underlying municipal, county, and State permits or  
45 approvals within the extension area as defined in section 3 of  
46 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the

1 Pinelands Area as designated pursuant to the "Pinelands Protection  
2 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

3 (cf: P.L.2016, c.14, s.2)

4

5 4. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to  
6 read as follows:

7 5. a. State agencies shall, within 30 days after the effective  
8 date of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days  
9 after the effective date of any subsequent amendment and  
10 supplement thereto, place a notice in the New Jersey Register  
11 tolling approvals in the Superstorm Sandy-impacted counties, as  
12 defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3) in  
13 conformance with P.L.2008, c.78 (C.40:55D-136.1 et seq.).

14 b. State agencies shall, within 30 days after the effective date of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill),  
16 place a notice in the New Jersey Register tolling approvals in  
17 conformance with P.L.2008, c.78 (C.40:55D-136.1 et seq.).

18 (cf: P.L.2016, c.14, s.3).

19

20 5. (New section) Notwithstanding any provision of P.L.1975,  
21 c.291 (C.40:55D-1 et seq.) to the contrary,

22 a. The 45-day period for an application for development to a  
23 municipal agency to be certified as complete pursuant to section 5  
24 of P.L.1984, c.20 (C.40:55D-10.3) shall be extended to either 90  
25 days after March 9, 2020, or 60 days after the date the application  
26 for development is submitted to the municipal agency, whichever  
27 date is later, for any application:

28 (1) awaiting certification as a complete application by a  
29 municipal agency as of March 9, 2020; or

30 (2) submitted by an applicant during the COVID-19 extension  
31 period.

32 b. The 120-day time of decision period for an application to a  
33 planning board or zoning board of adjustment pursuant to section 57  
34 of P.L.1975, c.291 (C.40:55D-70 et seq.) shall be extended to either  
35 180 days after the date the application is certified as complete by  
36 the municipal agency, or 60 days after the date the public health  
37 emergency or state of emergency declared by the Governor in  
38 response to COVID-19 is rescinded, whichever date is later, for any  
39 application:

40 (1) awaiting certification as a complete application by a  
41 municipal agency as of March 9, 2020; or

42 (2) pending before a planning board or zoning board of  
43 adjustment as of March 9, 2020; or

44 (3) submitted by an applicant during the COVID-19 extension  
45 period.

46 c. As used in this section:

1 "COVID-19" means the coronavirus disease 2019, as announced  
2 by the World Health Organization on February 11, 2020, and first  
3 identified in Wuhan, China.

4 "COVID-19 extension period" means the period beginning  
5 March 9, 2020 and continuing for as long as a public health  
6 emergency, pursuant to the "Emergency Health Powers Act,"  
7 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,  
8 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both, that  
9 has been declared by the Governor in response to COVID-19, is in  
10 effect.

11

12 6. This act shall take effect immediately and shall be  
13 retroactive to March 9, 2020.

14

15

16

#### STATEMENT

17

18 This bill would extend certain State, regional, county, and  
19 municipal agency permit approvals for the duration of the COVID-  
20 19 emergency. This bill would create a new extension period under  
21 the "Permit Extension Act of 2008" that covers permits in existence  
22 during the period in which the COVID-19 public health emergency  
23 or state of emergency is in effect. Such approvals cannot be  
24 extended beyond six months after the conclusion of the extension  
25 period.

26 In order to limit the spread of COVID-19 and minimize its public  
27 health impacts, strict social distancing and other precautionary  
28 measures have been implemented. This has caused much  
29 businesses and government activity to be halted, disrupted, or  
30 delayed, resulting in a severe economic downturn. This bill would  
31 toll the term of approvals during the course of the COVID-19  
32 emergency in order to prevent the abandonment of approved  
33 projects, and the concomitant waste of public and private resources,  
34 as well as to be ready to quickly resume these projects when it is  
35 safe to restart normal levels of business and government activity.

36 The bill also would extend certain timeframes by which planning  
37 and zoning boards have to grant or deny any applications pursuant  
38 to the "Municipal Land Use Law."

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 2346

# STATE OF NEW JERSEY

DATED: MAY 7, 2020

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2346.

This substitute would extend certain State, regional, county, and municipal agency permits, approvals, and deadlines during the COVID-19 emergency. In order to limit the spread of COVID-19 and minimize its public health impacts, strict social distancing and other precautionary measures were implemented. As a result, much business and government activity was halted, disrupted, or delayed, resulting in a severe economic downturn. This substitute would toll the term of permits and approvals during the course of the COVID-19 emergency in order to prevent the abandonment of approved projects, and the concomitant waste of public and private resources, as well as to be ready to quickly resume these projects when it is safe to restart normal levels of business and government activity.

The substitute also suspends certain requirements and timeframes imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.), applicable to a person who performs soil and fill recycling services related to road or bridge construction activities.

The substitute also would extend certain timeframes by which planning and zoning boards have to grant or deny certain applications pursuant to the "Municipal Land Use Law" in order to provide adequate time to evaluate projects already in the pipeline during a time in which it is difficult to conduct government business.

The substitute also requires State agencies to place a notice in the New Jersey Register tolling approvals within 30 days of the effective date of the bill.

The substitute takes effect immediately and is retroactive to March 9, 2020, when Executive Order No. 103 was issued, declaring a public health emergency and state of emergency in response to COVID-19.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee and application revenues due to the proposed lengthening of the extension period for certain approvals authorized by the bill. The estimate is based on the assumption that, absent the bill, the holders of

expiring permits and applications would eventually reapply for the same or similar permits and applications, and in doing so, would make additional fee payments. In certain cases, and for a certain limited time-period, the bill obviates the need to renew a permit or application approval, thus allowing permit holders and applicants to continue their projects without re-obtaining permits or reapplying and paying related fees. However, the OLS acknowledges additional uncertainty when considering that some applicants would not reapply and pay renewal fees if their initial application expired. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit and application review fees that otherwise would be paid by the business community.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 2346**

# **STATE OF NEW JERSEY**

DATED: MAY 12, 2020

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute to Senate Bill No. 2346 SCS.

This substitute would extend certain State, regional, county, and municipal agency permits, approvals, and deadlines during the COVID-19 emergency. In order to limit the spread of COVID-19 and minimize its public health impacts, strict social distancing and other precautionary measures were implemented. As a result, much business and government activity was halted, disrupted, or delayed, resulting in a severe economic downturn. This substitute would toll the term of permits and approvals during the course of the COVID-19 emergency in order to prevent the abandonment of approved projects, and the concomitant waste of public and private resources, as well as to be ready to quickly resume these projects when it is safe to restart normal levels of business and government activity.

This substitute would create a new extension period under the "Permit Extension Act of 2008" that covers permits in existence during the period in which the COVID-19 public health emergency or state of emergency is in effect. Such approvals would not extend beyond six months after the conclusion of the extension period, except that for a construction project suspended pursuant to either the Governor's Executive Order No.122 or any other government order, the tolling period would be 12 months beyond the conclusion of the COVID-19 extension period.

The substitute also suspends certain requirements and timeframes imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.), applicable to a person who performs soil and fill recycling services related to road or bridge construction activities.

The substitute also would extend certain timeframes by which planning and zoning boards have to grant or deny certain applications pursuant to the "Municipal Land Use Law" in order to provide adequate time to evaluate projects already in the pipeline during a time in which it is difficult to conduct government business.

The substitute also requires State agencies to place a notice in the New Jersey Register tolling approvals within 30 days of the effective date of the substitute.

The substitute takes effect immediately and is retroactive to March 9, 2020, when Executive Order No. 103 was issued, declaring a public health emergency and state of emergency in response to COVID-19.

The substitute makes the bill identical to Assembly No. 3919(1R).

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee and application revenues due to the proposed lengthening of the extension period for certain approvals authorized by the bill. The estimate is based on the assumption that, absent the bill, the holders of expiring permits and applications would eventually reapply for the same or similar permits and applications, and in doing so, would make additional fee payments. In certain cases, and for a certain limited time-period, the bill obviates the need to renew a permit or application approval, thus allowing permit holders and applicants to continue their projects without re-obtaining permits or reapplying and paying related fees. However, the OLS acknowledges additional uncertainty when considering that some applicants would not reapply and pay renewal fees if their initial application expired. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit and application review fees that otherwise would be paid by the business community.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2346**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: MAY 12, 2020

**SUMMARY**

- Synopsis:** Extends certain permits during COVID-19 emergency.
- Type of Impact:** Temporary revenue decrease to the State and local governments.
- Agencies Affected:** Department of Transportation, Department of Environmental Protection, Department of Community Affairs, State commissions, counties, and municipalities authorized to approve certain State or local permits.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>March 9, 2020 – Up to Twelve Months</u></b> <b><u>Following End of COVID-19 Extension Period</u></b>
<b>State Revenue Decrease</b>	Indeterminate
<b>Local Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local revenues from the extension of certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency and for up to twelve months thereafter in some cases. The bill defines the “COVID-19 extension period” to be the period beginning March 9, 2020 and continuing for as long as a public health emergency or state of emergency has been declared by the Governor in response to the pandemic.
- The OLS notes that there are fees associated with the renewal of certain types of permits and applications. State and local entities would not collect these fees for permits and applications that would otherwise need renewal during the extension period.
- Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of permit and application review fees that otherwise would have been paid by the business community.
- Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits, as well





as outstanding applications for development, having approval periods that would be suspended by this bill that would otherwise need to be renewed during the extension period set forth in the bill.

## **BILL DESCRIPTION**

The bill would extend certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency. This bill would create a new extension period under the "Permit Extension Act of 2008" that covers permits in existence during the period in which the COVID-19 public health emergency or state of emergency is in effect. Such approvals cannot be extended beyond six months after the conclusion of the extension period, except that for any construction project suspended pursuant to either the Governor's Executive Order No. 122 or the order of a State, county, or municipal government agency, the maximum tolling period would be twelve months beyond the conclusion of the COVID-19 extension period.

The bill also would extend certain timeframes by which planning and zoning boards have to grant or deny any applications pursuant to the "Municipal Land Use Law."

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee and application revenues due to the proposed lengthening of the extension period for certain approvals authorized by the bill. The estimate is based on the assumption that, absent the bill, the holders of expiring permits and applications would eventually reapply for the same or similar permits and applications, and in doing so, would make additional fee payments. In certain cases, and for a certain limited time-period, the bill obviates the need to renew a permit or application approval, thus allowing permit holders and applicants to continue their projects without re-obtaining permits or reapplying and paying related fees. However, the OLS acknowledges additional uncertainty when considering that some applicants would not reapply and pay renewal fees if their initial application expired. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit and application review fees that otherwise would be paid by the business community.

*Section: Local Government*

*Analyst: Benjamin A. Levy  
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 2346**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: MAY 21, 2020

**SUMMARY**

- Synopsis:** Extends certain permits, approvals, and deadlines during COVID-19 emergency.
- Type of Impact:** Temporary revenue decrease to the State and local governments.
- Agencies Affected:** Department of Transportation, Department of Environmental Protection, Department of Community Affairs, State commissions, counties, and municipalities authorized to approve certain State or local permits.

**Office of Legislative Services Estimate**

<b>March 9, 2020 – Up to Twelve Months</b>	
<b>Fiscal Impact</b>	<b><u>Following End of COVID-19 Extension Period</u></b>
<b>State Revenue Decrease</b>	Indeterminate
<b>Local Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate, temporary loss of State and local revenues from the extension of certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency and for up to twelve months thereafter in some cases. The bill defines the “COVID-19 extension period” to be the period beginning March 9, 2020 and continuing for as long as a public health emergency or state of emergency has been declared by the Governor in response to the pandemic.
- The OLS notes that there are fees associated with the renewal of certain types of permits and applications. State and local entities would not collect these fees for permits and applications that would otherwise need renewal during the extension period.
- Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of permit and application review fees that otherwise would have been paid by the business community.

- Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits, as well as outstanding applications for development, having approval periods that would be suspended by this bill that would otherwise need to be renewed during the extension period set forth in the bill.

## **BILL DESCRIPTION**

The bill would extend certain State, regional, county, and municipal agency permit approvals for the duration of the COVID-19 emergency. This bill would create a new extension period under the "Permit Extension Act of 2008" that covers permits in existence during the period in which the COVID-19 public health emergency or state of emergency is in effect. Such approvals cannot be extended beyond six months after the conclusion of the extension period, except that for any construction project suspended pursuant to either the Governor's Executive Order No. 122 or the order of a State, county, or municipal government agency, the maximum tolling period would be twelve months beyond the conclusion of the COVID-19 extension period.

The bill would extend certain timeframes by which planning and zoning boards have to grant or deny any applications pursuant to the "Municipal Land Use Law." The bill would also suspend certain requirements and timeframes imposed under current law applicable to a person who performs soil and fill recycling services related to road or bridge construction activities. Finally, the bill requires State agencies to place a notice in the New Jersey Register tolling approvals within 30 days of the effective date of the bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in an indeterminate, temporary loss of State and local permit fee and application revenues due to the proposed lengthening of the extension period for certain approvals authorized by the bill. The estimate is based on the assumption that, absent the bill, the holders of expiring permits and applications would eventually reapply for the same or similar permits and applications, and in doing so, would make additional fee payments. In certain cases, and for a certain limited time-period, the bill obviates the need to renew a permit or application approval, thus allowing permit holders and applicants to continue their projects without re-obtaining permits or reapplying and paying related fees. However, the OLS acknowledges additional uncertainty when considering that some applicants would not reapply and pay renewal fees if their initial application expired. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit and application review fees that otherwise would be paid by the business community.

*Section: Local Government*

*Analyst: Benjamin A. Levy  
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY BILL NO. 3919  
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3919 (First Reprint) with my recommendations for reconsideration.

This bill would extend environmental permits and other governmental approvals for the duration of a newly-created "COVID-19 extension period." In order to protect the health, safety, and welfare of New Jersey residents, it was necessary to suspend, among other activities, non-essential construction projects from continuing in the State, effective April 8, 2020. As I explained in Executive Order No. 122 (2020), construction sites pose particular social distancing challenges, as they frequently require large numbers of workers to gather in close proximity, make contemporaneous, direct contact with the same materials and surfaces, and use common facilities. Although construction projects were allowed to resume beginning on May 13, 2020, I agree with the bill's sponsors that it is necessary to extend permits and other approvals in order to prevent previously approved projects from being abandoned as a result of the COVID-19 pandemic.

While I strongly support the bill's goal of providing businesses impacted by the pandemic with the flexibility and tools they need to support the State's economic development and recovery, I am concerned that the length of the extension period contemplated in the bill could inadvertently undermine this worthy objective. The bill would define the "COVID-19 extension period" to cover the period beginning March 9, 2020 and continuing for the duration of the public health emergency, or the state of emergency, or both, declared in response to the COVID-19 pandemic. In the case of

construction projects suspended pursuant to Executive Order No. 122, approvals would be tolled for an additional twelve months following the conclusion of the COVID-19 extension period.

Because of the unprecedented and myriad impacts the COVID-19 pandemic has had and continues to have on the State, the current State of Emergency could remain in place for many years, even after the adverse conditions from the economic downturn caused by the pandemic have improved. By way of comparison, elements of the state of emergency declared in 2012 in response to Superstorm Sandy are still in effect today. Extending approvals potentially years into the future is not only unnecessary, that extension may also provide an unintended avenue that could actually frustrate the intended purpose of stimulating the State's economy. Additionally, an overly lengthy extension could be susceptible to manipulation to circumvent environmental standards. I am therefore recommending that the COVID-19 extension period be limited to just the public health emergency, a period of time that should be shorter in duration than the state of emergency and would more closely coincide with the State's COVID-19 recovery. For these reasons, I am also recommending eliminating the additional twelve-month extension for nonessential projects. At the same time, and in order to ensure that the extension period provides sufficient relief to permit holders, I am also recommending language specifying that the tolling must extend the approval period by at least six months beyond the COVID-19 extension period.

My recommended revisions also modify the bill's structure in order to create a stand-alone COVID-19 permit extension provision. As passed by the Legislature, the bill would amend P.L.2008, c.78 by adding a new COVID-19 related extension period. I am concerned that supplementing an outdated and inefficient paradigm of permit extensions established in response to the 2008 recession and

Superstorm Sandy could unintentionally resurrect non-viable permits or projects that no longer have active approvals. Indeed, when P.L.2008, c.78 was amended in response to Superstorm Sandy in 2012, several parties unscrupulously attempted to revive expired permits that had been initially extended when P.L.2008, c.78 was first enacted in response to the economic recession. This led to frivolous and unnecessary legal challenges that diverted resources from storm recovery efforts. My recommended revisions avoid such an undesirable outcome by creating separate provisions of law to be entitled "The Permit Extension Act of 2020."

My recommendations also expand upon the bill's transparency requirements by directing the Department of Environmental Protection (the "Department") to publish the list of impacted permits extended on the department's website. This will ensure that the public, as well as impacted government agencies and businesses, are able to more readily identify the permits that have been extended under the bill.

Therefore, I herewith return Assembly Bill No. 3919 (First Reprint) and recommend that it be amended as follows:

- Page 2, Title, Line 3: Delete "amending P.L.2008, c.78 and"
- Page 2, Section 1, Line 9: Delete "Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to" and insert "P.L. ,c. (C. ) (pending before the Legislature as this bill) shall be known and may be cited as the 'Permit Extension Act of 2020.'" "
- Page 2, Section 1, Line 10: Delete in its entirety
- Page 2, Section 1, Line 12: Delete "The most recent national recession has caused one of the" and insert "COVID-19 is a contagious, and at times, fatal, respiratory disease caused by the SARS-CoV-2 virus first discovered in the city of Wuhan, Hubei Province, People's Republic of China, and quickly spread to multiple other countries, including the United States, and has



severely impacted residents of the State of New Jersey;

b. Due to the potential risk of COVID-19 to residents of New Jersey, by way of Executive Order No. 103, Governor Philip D. Murphy declared that a State of Emergency and a Public Health Emergency exists in the State of New Jersey;

c. To limit the spread of COVID-19, it has become imperative for governments, institutions, businesses, organizations, and people throughout New Jersey to implement strict social distancing measures and take other precautions to reduce the public health impacts of the disease;

d. Due to the impacts of COVID-19, and protective measures necessary to avoid its further spread, much government, business, and economic activity has been halted, disrupted, or delayed;

e. These delays have adversely impacted real estate developers and redevelopers, including homebuilders and commercial, office, and industrial developers, whose projects may be held in abeyance as a result of the COVID-19 pandemic. Many of these projects have already received myriad governmental permits and approvals, which are expensive and time-consuming to obtain;

f. Obtaining an extension of an approval pursuant to existing statutory or regulatory provisions can be both costly in terms of time and financial resources; moreover, the costs imposed may fall on the public as well as the private sector; and

g. It is therefore appropriate, and the purpose of P.L. ,c. (C. ) (pending before the Legislature as this bill), to toll the term of certain permits and approvals during the COVID-19 extension period in order to prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic

conditions, thereby preventing a waste of public and private resources and allowing for the quick resumption of projects when it is safe to restart normal business and government activity."

- Page 2, Section 1, Lines 13-45: Delete in their entirety
- Page 3, Section 1, Lines 1-48: Delete in their entirety
- Page 4, Section 1, Lines 1-6: Delete in their entirety
- Page 4, Section 2, Line 7: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. ,c. (C. ) (pending before the Legislature as this bill)"
- Page 4, Section 2, Line 8: Delete "section 4 of" and insert "sections 4 through 11 of P.L. ,c. (C. ) (pending before the Legislature as this bill)"
- Page 4, Section 2, Line 9: Delete "P.L.2008, c.78 (C.40:55D-136.4)"
- Page 4, Section 2, Lines 19-20: Delete "by the New Jersey Meadowlands Commission"
- Page 5, Section 2, Line 23: After "proceed" insert "; provided that, for all of the foregoing, the approval was validly issued, and the term of such approval was unexpired as of March 9, 2020"
- Page 5, Section 2, Lines 30-31: Delete "or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both,"
- Page 5, Section 2, Lines 41-47: Delete in their entirety
- Page 6, Section 2, Lines 1-37: Delete in their entirety
- Page 6, Section 2, Lines 41-48: Delete in their entirety
- Page 7, Section 3, Lines 1-2: Delete in their entirety
- Page 7, Section 3, Line 3: Delete "(1) For any government approval in existence during the"
- Page 7, Section 3, Lines 4-30: Delete in their entirety
- Page 7, Section 3, Line 31: Delete "(4)"
- Page 7, Section 3, Line 33: After "period," insert "except as otherwise provided hereunder;"
- Page 7, Section 3, Line 34: Delete "not"
- Page 7, Section 3, Line 35: Delete "more than" and insert "at least"

Page 7, Section 3, Line 36: Delete ", except that for a" and insert "."

Page 7, Section 3, Lines 37-39: Delete in their entirety

Page 7, Section 3, Line 40: Delete "extension period." and insert

"b. Nothing in P.L. , c. (C. ) (pending before the Legislature as this bill) shall be construed to reduce the time period of any approval in existence as of March 9, 2020.

c. Nothing in P.L. , c. (C. ) (pending before the Legislature as this bill) shall be construed to extend the time period of any government approval that expired before March 9, 2020."

Page 7, Section 3, Line 41: Delete "b." and insert "d."

Page 7, Section 3, Line 41: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 8, Section 3, Line 6: Delete "any permit or approval issued within an environmentally"

Page 8, Section 3, Lines 7-9: Delete in their entirety

Page 8, Section 3, Line 10: Delete "Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or"

Page 8, Section 3, Line 13: Delete "(5)" and insert "(4)"

Page 8, Section 3, Line 19: Delete "(6)" and insert "(5)"

Page 8, Section 3, Line 27: Delete "(7)" and insert "(6)"

Page 8, Section 3, Line 28: Delete ", that as of"

Page 8, Section 3, Lines 29-31: Delete in their entirety

Page 8, Section 3, Line 32: Delete "Rules at N.J.A.C.7:7E-5B.6"

Page 8, Section 3, Line 33: Delete "(8)" and insert "(7)"

Page 8, Section 3, Lines 35-36: Delete "as of May 1, 2012,"

Page 8, Section 3, Line 45: Delete "c. P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "5. P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 8, Section 3, Lines 47-48: Delete "extension period or"

Page 9, Section 3, Line 3: Delete "d." and insert "6."

Page 9, Section 3, Line 3: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 6: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 7: After "approval" insert "or the commissioner's underlying statutory or regulatory authority"

Page 9, Section 3, Line 10: Delete "e." and insert "7."

Page 9, Section 3, Line 10: Delete "P.L.2008," and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 11: Delete "c.78 (C.40:55D-136.1 et seq.)"

Page 9, Section 3, Line 19: Delete "the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "March 9, 2020"

Page 9, Section 3, Line 22: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 24: Delete "f. P.L. 2008, c.78 (C.40:55D-136.1 et seq.)" and insert "8. P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 28: Delete "January 1, 2007" and insert "March 9, 2020"

Page 9, Section 3, Line 32: Delete "g." and insert "9."

Page 9, Section 3, Line 32: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 37: Delete "h." and insert "10."

Page 9, Section 3, Line 37: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 9, Section 3, Line 43: After "seq." delete ","

Page 9, Section 3, Lines 44-45: Delete in their entirety

Page 9, Section 3, Line 46: Delete "i." and insert "11."

Page 9, Section 3, Line 47: Delete "extension area as defined in section 3 of" and insert "regional growth areas, villages, and towns, designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the 'Pinelands Protection Act,' P.L.1979, c.111 (C.13:18A-8),"

Page 9, Section 3, Line 48: Delete "P.L.2008, c.78 (C.40:55D-136.3), as amended,"

Page 9, Section 3, Line 48: Delete "in the" and insert "."

Page 10 Section 3, Lines 1-3: Delete in their entirety

Page 10, Section 4, Lines 5-13: Delete in their entirety

Page 10, Section 4, Line 14: Delete "b." and insert "12. a."

Page 10, Section 4, Line 17: Delete "P.L.2008, c.78 (C.40:55D-136.1 et seq.)" and insert "P.L. , c. (C. ) (pending before the Legislature as this bill) b. Any government approval subject to the automatic suspension of the running period of such approval for the COVID-19 extension period shall be registered with the department within 30 days of the notice in the New Jersey register.

c. The running period of any approval not registered pursuant to this section shall not be suspended for the COVID-19 extension period.

d. The department shall publish on its website a list of government approvals for which the running of the period of such approvals are suspended for the COVID-19 extension period within 14 days of receipt of the government approval registration pursuant to this section."

Page 10, Section 4, Line 18: Delete in its entirety

Page 10, Section 5, Line 20: Delete "5. (New Section) Any" and insert "13. The running of the period of any"

Page 10, Section 6, Line 29: Delete "6. (New Section)" and insert "14."

Page 10, Section 6, Line 33: Delete "90" and insert "120"

Page 10, Section 6, Line 41: After "periods" insert "for a municipal agency to either

grant or deny any other application for development"

- Page 10, Section 6, Lines 42-43: Delete "for any municipal agency to either grant or deny any application for development"
- Page 10, Section 6, Line 43: Delete "60" and insert "120"
- Page 10, Section 6, Line 47: Delete "; or" and insert "."
- Page 11, Section 6, Line 1: Delete "(3)" and insert "c. The time periods for a municipal agency to either grant or deny any other application for development required under P.L.1975, c.291 (C.40:55D-1) shall be extended to either 120 days after March 9, 2020, or 60 days after the application for development is certified as complete by the municipal agency, whichever date is later, for any application"
- Page 11, Section 7, Line 4: Delete "7." and insert "15."

Respectfully,

/s/ Philip D. Murphy

Governor

[seal]

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

# Governor Murphy Takes Action on Legislation

07/1/2020

**TRENTON** - Today, Governor Murphy signed the following bills into law:

**A-3919/S-2346 w/GR (Calabrese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco)** Extends certain permits, approvals, and deadlines during COVID-19 emergency

**S-2498/A-4298 (Greenstein, Codey/Moen, Carter, Lopez)** Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2021

**S-2499/A-4299 (Smith, Bateman/Meija, McKnight, McKeon)** Appropriates funds to DEP for environmental infrastructure projects for FY2021

**A-4227/S-2558 (Coughlin, Quijano, Wimberly/Diegnan)** Ensures insurance coverage for certain persons attending school graduation exercises in July and August of 2020

**A-4037/S-2433 (Houghtaling, Downey/Gopal)** Requires electronic signature and submission process for all candidate, recall, initiative, and referendum petitions for remaining 2020 elections and thereafter during COVID-19 emergency

**S-2355/A-3963 (Gopal, Bateman/Mukherji, Benson, DeAngelo)** Delays mandatory retirement in SPRS when it would occur during period of state of emergency; extends eligibility for appointment as member of State Police and enrollment in SPRS for 160th Class of NJ State Police

**A-3945/S-2430 (Murphy, Chaparro, Mukherji/Greenstein, Diegnan)** Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS and PERS members who contract COVID-19 and test positive for SARS-CoV-2

**S-2467/A-4215 (Pou, Addiego/Lopez, Pinkin, Freiman)** Extends duration of certain laws pertaining to use of telemedicine and telehealth in relation to COVID-19 pandemic

**S-2527/A-2636 (Sweeney/Jasey, Wimberly, Chaparro)** Concerns online marketing of affordable housing units

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