

40:55D-8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 133

NJSA: 40:55D-8 (Provides for educational requirements for planning and zoning board members)

BILL NO: S2133 (Substituted for A3803)

SPONSOR(S): Rice and others

DATE INTRODUCED: December 13, 2004

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

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2005

SENATE: May 12, 2005

DATE OF APPROVAL: July 7, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)

S2133

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

A3803

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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No

IS 7/17/07

P.L. 2005, CHAPTER 133, *approved July 7, 2005*
Senate, No. 2133 (*Second Reprint*)

1 **AN ACT** concerning members of planning boards and zoning boards of
2 adjustment and amending and supplementing chapter 55D of Title
3 40 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to read
9 as follows:

10 4. a. Every municipal agency shall adopt and may amend
11 reasonable rules and regulations, not inconsistent with this act or with
12 any applicable ordinance, for the administration of its functions,
13 powers and duties, and shall furnish a copy thereof to any person upon
14 request and may charge a reasonable fee for such copy. Copies of all
15 such rules and regulations and amendments thereto shall be maintained
16 in the office of the administrative officer.

17 b. Fees to be charged (1) an applicant for review of an application
18 for development by a municipal agency, and (2) an appellant pursuant
19 to section 8 of this act shall be reasonable and shall be established by
20 ordinance. In addition to covering the administrative costs associated
21 with the implementation of P.L.1975, c.291 (C.40:55D-1 et seq.),
22 these fees shall be used to defray the cost of tuition for those persons
23 required to take the course ¹in land use law and planning¹ in the
24 municipality ¹as required pursuant to P.L. , c. (C.)(pending
25 before the Legislature as this bill)¹ .

26 c. A municipality may by ordinance exempt, according to uniform
27 standards, charitable, philanthropic, fraternal and religious nonprofit
28 organizations holding a tax exempt status under the Federal Internal
29 Revenue Code of 1954 (26 U.S.C. 501(c) or (d)) from the payment
30 of any fee charged under this act.

31 d. A municipality shall exempt a board of education from the
32 payment of any fee charged under this act.

33 e. A municipality may by ordinance exempt, according to uniform
34 standards, a disabled person, or a parent or sibling of a disabled
35 person, from the payment of any fee charged under this act in
36 connection with any application for development which promotes
37 accessibility to his own living unit.

38 For the purposes of this subsection, "disabled person" means a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCU committee amendments adopted January 24, 2005.

² Senate floor amendments adopted March 21, 2005.

1 person who has the total and permanent inability to engage in any
 2 substantial gainful activity by reason of any medically determinable
 3 physical or mental impairment, including blindness, and shall include,
 4 but not be limited to, any resident of this State who is disabled
 5 pursuant to the federal Social Security Act (42 U.S.C.416), or the
 6 federal Railroad Retirement Act of 1974 (45 U.S.C.231 et seq.), or is
 7 rated as having a 60% disability or higher pursuant to any federal law
 8 administered by the United States Veterans' Act. For purposes of this
 9 paragraph "blindness" means central visual acuity of 20/200 or less in
 10 the better eye with the use of a correcting lens. An eye which is
 11 accompanied by a limitation in the fields of vision such that the widest
 12 diameter of the visual field subtends an angle no greater than 20
 13 degrees shall be considered as having a central visual acuity of 20/200
 14 or less.

15 (cf: P.L.1996, c.92, s.2)

16

17 2. (New section) a. The Commissioner of Community Affairs
 18 shall cause to be prepared and offered a basic course in land use law
 19 and planning within six months from the effective date of P.L. _____,
 20 c. _____ (C. _____) (pending before the Legislature as this bill) for ¹current
 21 and¹ prospective members ¹and alternate members¹ of local planning
 22 boards pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23) ¹[or]
 23 and section 13 of P.L.1979, c.216 (C.40:55D-23.1),¹ zoning boards
 24 of adjustment pursuant to section 56 of P.L.1975, c.291
 25 (C.40:55D-69) ¹[or] and¹ combined boards as authorized under law.
 26 ²The basic course to be prepared and offered pursuant to this section
 27 shall consist of no more than five hours of scheduled instruction and
 28 shall be structured so that a member may satisfy this requirement
 29 within one calendar day.² ¹The commissioner shall work in
 30 conjunction with the New Jersey Planning Officials in establishing
 31 standards for curriculum and administration of the course of study.¹

32 b. On or after the first date on which a course in land use law and
 33 planning is offered, ¹except as otherwise provided in section 3 of
 34 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill),¹
 35 a person shall not be seated as a first-term member ¹[on] or alternate
 36 member of¹ a local planning board pursuant to section 14 of P.L.1975,
 37 c.291, (C.40:55D-23) or ¹section 13 of P.L.1979, c.216 (C.40:55D-
 38 23.1),¹ a zoning board of adjustment pursuant to section 56 of
 39 P.L.1975, c.291, (C.40:55D-69) or a combined board as authorized
 40 under law, unless the person agrees to take the basic course required
 41 to be offered under subsection a. of this section, which ¹[they] the
 42 person¹ shall successfully complete within ²[12] 18² months of
 43 assuming board membership in order to retain board membership.

44 c. ¹[Any] Except as otherwise provided in section 3 of P.L. _____,
 45 c. _____ (C. _____) (pending before the Legislature as this bill), any¹
 46 person who is serving ¹[on] as a member or alternate member of¹ a

1 planning board or zoning board of adjustment or combined board as
2 authorized under law on the first date on which a course in land use
3 law and planning is offered shall be required to complete that course
4 within ²[twelve] ~~18~~² months of the date upon which the course is first
5 offered in order to retain membership on that board.

6 ¹d. A hearing or proceeding held, or decision or recommendation
7 made, by a planning board or zoning board of adjustment shall not be
8 invalidated if a member has participated in the hearing or proceeding
9 or in the decision making or recommendation and that member is
10 subsequently found not to have completed the basic course in land use
11 law and planning required pursuant to P.L. , c. (C.)
12 (pending before the Legislature as this bill).¹

13
14 ¹3. (New section) The following persons shall be exempt from the
15 educational requirements established pursuant to section 2 of
16 P.L. , c. (C.) (pending before the Legislature as this bill):

17 a. ²(1)² The mayor or person designated to serve on a planning
18 board in the absence of a mayor who serves as a Class I member
19 pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23);

20 ²(2) A member of the governing body serving as a Class III
21 member pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23);²

22 b. Any person who is licensed as a professional planner and
23 maintains a certificate of license issued pursuant to chapter 14A of
24 Title 45 of the Revised Statutes which is current as of the date upon
25 which that person would otherwise be required to demonstrate
26 compliance with the provisions of subsection b. or c. of section 2 of
27 P.L. , c. (C.) (pending before the Legislature as this bill);

28 c. Any person who offers proof of having completed a more
29 extensive course in land use law and planning than that required by
30 section 2 of P.L. , c. (C.) (pending before the Legislature
31 as this bill) within 12 months of the date upon which that person
32 would otherwise be required to demonstrate compliance with the
33 provisions of subsection b. or c. of section 2 of P.L. , c. (C.)
34 (pending before the Legislature as this bill) and which, in the
35 determination of the commissioner, is equivalent to or more extensive
36 than that course offered pursuant to subsection a. of section 2 of
37 P.L. , c. (C.) (pending before the Legislature as this bill).¹

38
39 ¹[3.] 4.¹ This act shall take effect immediately.

40
41
42 _____
43
44 Provides for educational requirements for planning and zoning board
45 members.

SENATE, No. 2133

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 13, 2004

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Provides for educational requirements for planning and zoning board members.

CURRENT VERSION OF TEXT

As introduced.



S2133 RICE

2

1 **AN ACT** concerning members of planning boards and zoning boards of
2 adjustment and amending and supplementing chapter 55D of Title
3 40 of the Revised Statutes.

4

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

7

8 1. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to read
9 as follows:

10 4. a. Every municipal agency shall adopt and may amend
11 reasonable rules and regulations, not inconsistent with this act or with
12 any applicable ordinance, for the administration of its functions,
13 powers and duties, and shall furnish a copy thereof to any person upon
14 request and may charge a reasonable fee for such copy. Copies of all
15 such rules and regulations and amendments thereto shall be maintained
16 in the office of the administrative officer.

17 b. Fees to be charged (1) an applicant for review of an application
18 for development by a municipal agency, and (2) an appellant pursuant
19 to section 8 of this act shall be reasonable and shall be established by
20 ordinance. In addition to covering the administrative costs associated
21 with the implementation of P.L.1975, c.291 (C.40:55D-1 et seq.),
22 these fees shall be used to defray the cost of tuition for those persons
23 required to take the course in the municipality.

24 c. A municipality may by ordinance exempt, according to uniform
25 standards, charitable, philanthropic, fraternal and religious nonprofit
26 organizations holding a tax exempt status under the Federal Internal
27 Revenue Code of 1954 (26 U.S.C. 501(c) or (d)) from the payment
28 of any fee charged under this act.

29 d. A municipality shall exempt a board of education from the
30 payment of any fee charged under this act.

31 e. A municipality may by ordinance exempt, according to uniform
32 standards, a disabled person, or a parent or sibling of a disabled
33 person, from the payment of any fee charged under this act in
34 connection with any application for development which promotes
35 accessibility to his own living unit.

36 For the purposes of this subsection, "disabled person" means a
37 person who has the total and permanent inability to engage in any
38 substantial gainful activity by reason of any medically determinable
39 physical or mental impairment, including blindness, and shall include,
40 but not be limited to, any resident of this State who is disabled
41 pursuant to the federal Social Security Act (42 U.S.C.416), or the
42 federal Railroad Retirement Act of 1974 (45 U.S.C.231 et seq.), or is
43 rated as having a 60% disability or higher pursuant to any federal law

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

Matter underlined thus is new matter.

1 administered by the United States Veterans' Act. For purposes of this
2 paragraph "blindness" means central visual acuity of 20/200 or less in
3 the better eye with the use of a correcting lens. An eye which is
4 accompanied by a limitation in the fields of vision such that the widest
5 diameter of the visual field subtends an angle no greater than 20
6 degrees shall be considered as having a central visual acuity of 20/200
7 or less.

8 (cf: P.L.1996, c.92, s.2)

9

10 2. (New section) a. The Commissioner of Community Affairs
11 shall cause to be prepared and offered a basic course in land use law
12 and planning within six months from the effective date of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) for prospective
14 members of local planning boards pursuant to section 14 of P.L.1975,
15 c.291 (C.40:55D-23) or zoning boards of adjustment pursuant to
16 section 56 of P.L.1975, c.291 (C.40:55D-69) or combined boards as
17 authorized under law.

18 b. On or after the first date on which a course in land use law and
19 planning is offered, a person shall not be seated as a first-term member
20 on a local planning board pursuant to section 14 of P.L.1975, c.291,
21 (C.40:55D-23) or a zoning board of adjustment pursuant to section 56
22 of P.L.1975, c.291, (C.40:55D-69) or a combined board as authorized
23 under law, unless the person agrees to take the basic course required
24 to be offered under subsection a. of this section, which they shall
25 successfully complete within 12 months of assuming board
26 membership in order to retain board membership.

27 c. Any person who is serving on a planning board or zoning board
28 of adjustment or combined board as authorized under law on the first
29 date on which a course in land use law and planning is offered shall be
30 required to complete that course within twelve months of the date
31 upon which the course is first offered in order to retain membership on
32 that board.

33

34 3. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill provides that prior to being seated as a first-term member
40 of a municipal planning board or zoning board of adjustment or as a
41 condition of continued board membership, a person must successfully
42 complete a basic course in land use law and planning.

43 The preparation of the basic course in land use law and planning
44 would be overseen by the Department of Community Affairs, allowing
45 the department either to develop and offer the course directly or
46 delegate that responsibility to an outside entity. The costs of tuition

S2133 RICE

4

1 would be chargeable against development fees paid by developers and
2 authorized under section 4 of P.L.1975, c.291 (C.40:55D-8).

3 This bill is necessary because the field of land use and planning has
4 become so complex that some basic educational preparation is needed
5 to ensure that board members can rule intelligently on applications that
6 come before them.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2133

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate, No. 2133.

This bill, as amended by the committee, would establish a basic course requirement for zoning and planning board members. The bill, as amended, would require the Commissioner of Community Affairs, in consultation with the New Jersey Planning Officials, to establish standards for curriculum and administration of a basic course in land use law and planning. The commissioner would be required to prepare and offer the course itself, or through an outside entity, within six months of the bill's effective date.

The bill, as amended, provides that once the course is available, prior to being seated as a first-term member or alternate member of a municipal planning board, zoning board of adjustment or combined board as provided by law, a person must agree to take the basic course in land use law and planning and successfully complete the course within 12 months. A person serving as a member or alternate member of a board on the date the course is first offer, as a condition of continued board membership, must successfully complete the course within 12 months.

The bill, as amended, would exempt from the course requirement:

- C the mayor or person designated to serve on a planning board in the absence of a mayor,
- C licensed professional planners, and
- C persons who have successfully completed more extensive courses of study in land use law and planning.

Finally, the bill, as amended, provides that a hearing or proceeding held, or decision or recommendation made, by a planning board or zoning board of adjustment cannot be invalidated because a member has not completed the course.

This bill is necessary because the field of land use and planning has become so complex that some basic educational preparation is needed to ensure that board members can rule intelligently on applications that come before them.

The committee amended the bill in order to: requires the

commissioner to work in conjunction with the New Jersey Planning Officials in establishing curriculum and administration of the course; ensure that alternate members are required to satisfy the course requirement; exempt mayors and their designees, professional planners and persons who have completed more extensive land use education from the course requirement; protect board decisions and recommendations from challenges predicated upon a member's failure to satisfy the course requirement.

STATEMENT TO

[First Reprint]

SENATE, No. 2133

with Senate Floor Amendments
(Proposed By Senator RICE)

ADOPTED: MARCH 21, 2005

These amendments would except a member of a governing body serving as a Class III member of a municipal planning board from the educational requirements proposed by the bill. The amendments would also extend the period of time within which a member of a municipal planning board, zoning board of adjustment or combined board would be required to successfully complete the basic course in land use law and planning from 12 months to 18 months.

ASSEMBLY, No. 3803

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 14, 2005

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Provides for educational requirements for planning and zoning board members.

CURRENT VERSION OF TEXT

As introduced.



A3803 WEINBERG

2

1 AN ACT concerning members of planning boards and zoning boards of
2 adjustment and amending and supplementing chapter 55D of Title
3 40 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to read
9 as follows:

10 4. a. Every municipal agency shall adopt and may amend
11 reasonable rules and regulations, not inconsistent with this act or with
12 any applicable ordinance, for the administration of its functions,
13 powers and duties, and shall furnish a copy thereof to any person upon
14 request and may charge a reasonable fee for such copy. Copies of all
15 such rules and regulations and amendments thereto shall be maintained
16 in the office of the administrative officer.

17 b. Fees to be charged (1) an applicant for review of an application
18 for development by a municipal agency, and (2) an appellant pursuant
19 to section 8 of this act shall be reasonable and shall be established by
20 ordinance. In addition to covering the administrative costs associated
21 with the implementation of P.L.1975, c.291 (C.40:55D-1 et seq.),
22 these fees shall be used to defray the cost of tuition for those persons
23 required to take the course in land use law and planning in the
24 municipality as required pursuant to P.L. , c. (C.)(pending
25 before the Legislature as this bill).

26 c. A municipality may by ordinance exempt, according to uniform
27 standards, charitable, philanthropic, fraternal and religious nonprofit
28 organizations holding a tax exempt status under the Federal Internal
29 Revenue Code of 1954 (26 U.S.C. 501(c) or (d)) from the payment
30 of any fee charged under this act.

31 d. A municipality shall exempt a board of education from the
32 payment of any fee charged under this act.

33 e. A municipality may by ordinance exempt, according to uniform
34 standards, a disabled person, or a parent or sibling of a disabled
35 person, from the payment of any fee charged under this act in
36 connection with any application for development which promotes
37 accessibility to his own living unit.

38 For the purposes of this subsection, "disabled person" means a
39 person who has the total and permanent inability to engage in any
40 substantial gainful activity by reason of any medically determinable
41 physical or mental impairment, including blindness, and shall include,
42 but not be limited to, any resident of this State who is disabled
43 pursuant to the federal Social Security Act (42 U.S.C.416), or the

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

Matter underlined thus is new matter.

1 federal Railroad Retirement Act of 1974 (45 U.S.C.231 et seq.), or is
2 rated as having a 60% disability or higher pursuant to any federal law
3 administered by the United States Veterans' Act. For purposes of this
4 paragraph "blindness" means central visual acuity of 20/200 or less in
5 the better eye with the use of a correcting lens. An eye which is
6 accompanied by a limitation in the fields of vision such that the widest
7 diameter of the visual field subtends an angle no greater than 20
8 degrees shall be considered as having a central visual acuity of 20/200
9 or less.

10 (cf: P.L.1996, c.92, s.2)

11

12 2. (New section) a. The Commissioner of Community Affairs
13 shall cause to be prepared and offered a basic course in land use law
14 and planning within six months from the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) for current and
16 prospective members and alternate members of local planning boards
17 pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23) and section
18 13 of P.L.1979, c.216 (C.40:55D-23.1), zoning boards of adjustment
19 pursuant to section 56 of P.L.1975, c.291 (C.40:55D-69) and
20 combined boards as authorized under law. The commissioner shall
21 work in conjunction with the New Jersey Planning Officials in
22 establishing standards for curriculum and administration of the course
23 of study.

24 b. On or after the first date on which a course in land use law and
25 planning is offered, except as otherwise provided in section 3 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 a person shall not be seated as a first-term member or alternate
28 member of a local planning board pursuant to section 14 of P.L.1975,
29 c.291, (C.40:55D-23) or section 13 of P.L.1979, c.216 (C.40:55D-
30 23.1), a zoning board of adjustment pursuant to section 56 of
31 P.L.1975, c.291, (C.40:55D-69) or a combined board as authorized
32 under law, unless the person agrees to take the basic course required
33 to be offered under subsection a. of this section, which the person shall
34 successfully complete within 12 months of assuming board
35 membership in order to retain board membership.

36 c. Except as otherwise provided in section 3 of P.L. , c.
37 (C.) (pending before the Legislature as this bill), any person who
38 is serving as a member or alternate member of a planning board or
39 zoning board of adjustment or combined board as authorized under
40 law on the first date on which a course in land use law and planning is
41 offered shall be required to complete that course within twelve months
42 of the date upon which the course is first offered in order to retain
43 membership on that board.

44 d. A hearing or proceeding held, or decision or recommendation
45 made, by a planning board or zoning board of adjustment shall not be
46 invalidated if a member has participated in the hearing or proceeding

1 or in the decision making or recommendation and that member is
2 subsequently found not to have completed the basic course in land use
3 law and planning required pursuant to P.L. , c. (C.)
4 (pending before the Legislature as this bill.

5
6 3. (New section) The following persons shall be exempt from the
7 educational requirements established pursuant to section 2 of
8 P.L. , c. (C.) (pending before the Legislature as this bill):

9 a. The mayor or person designated to serve on a planning board in
10 the absence of a mayor who serves as a Class I member pursuant to
11 section 14 of P.L.1975, c.291 (C.40:55D-23);

12 b. Any person who is licensed as a professional planner and
13 maintains a certificate of license issued pursuant to chapter 14A of
14 Title 45 of the Revised Statutes which is current as of the date upon
15 which that person would otherwise be required to demonstrate
16 compliance with the provisions of subsection b. or c. of section 2 of
17 P.L. , c. (C.) (pending before the Legislature as this bill);

18 c. Any person who offers proof of having completed a more
19 extensive course in land use law and planning than that required by
20 section 2 of P.L. , c. (C.) (pending before the Legislature
21 as this bill) within 12 months of the date upon which that person
22 would otherwise be required to demonstrate compliance with the
23 provisions of subsection b. or c. of section 2 of P.L. , c. (C.)
24 (pending before the Legislature as this bill) and which, in the
25 determination of the commissioner, is equivalent to or more extensive
26 than that course offered pursuant to subsection a. of section 2 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).

28
29 4. This act shall take effect immediately.

30
31
32 STATEMENT

33
34 This bill would establish a basic course requirement for zoning and
35 planning board members. The bill would require the Commissioner of
36 Community Affairs, in consultation with the New Jersey Planning
37 Officials, to establish standards for curriculum and administration of
38 a basic course in land use law and planning. The commissioner would
39 be required to prepare and offer the course itself, or through an
40 outside entity, within six months of the bill's effective date.

41 The bill provides that once the course is available, prior to being
42 seated as a first-term member or alternate member of a municipal
43 planning board, zoning board of adjustment or combined board as
44 provided by law, a person must agree to take the basic course in land
45 use law and planning and successfully complete the course within 12
46 months. A person serving as a member or alternate member of a board

A3803 WEINBERG

5

1 on the date the course is first offer, as a condition of continued board
2 membership, must successfully complete the course within 12 months.

3 The bill would exempt from the course requirement:

4 C the mayor or person designated to serve on a planning board in
5 the absence of a mayor,

6 C licensed professional planners, and

7 C persons who have successfully completed more extensive
8 courses of study in land use law and planning.

9 Finally, the bill provides that a hearing or proceeding held, or
10 decision or recommendation made, by a planning board or zoning
11 board of adjustment cannot be invalidated because a member has not
12 completed the course.

13 This bill is necessary because the field of land use and planning has
14 become so complex that some basic educational preparation is needed
15 to ensure that board members can rule intelligently on applications that
16 come before them.

[Corrected Copy]

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3803

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2005

The Assembly Housing and Local Government Committee reports favorably with committee amendments Assembly Bill No. 3803.

This bill, as amended, would establish a basic course requirement for zoning and planning board members. The bill would require the Commissioner of Community Affairs, in consultation with the New Jersey Planning Officials, to establish standards for curriculum and administration of a basic course in land use law and planning. The commissioner would be required to prepare and offer the course itself, or through an outside entity, within six months of the bill's effective date. Nothing in the bill, as amended, is intended to limit the ability of a municipality to provide the basic course which the Commissioner of Community Affairs is required to cause to be prepared and offered.

The bill provides that once the course is available, prior to being seated as a first-term member or alternate member of a municipal planning board, zoning board of adjustment or combined board, as provided by law, a person must agree to take the basic course in land use law and planning and successfully complete the course within 18 months. A person serving as a member or alternate member of a board on the date the course is first offer, as a condition of continued board membership, must successfully complete the course within 18 months.

The bill provides that a hearing or proceeding held, or decision or recommendation made, by a planning board or zoning board of adjustment cannot be invalidated because a member has not completed the course required under the bill.

The bill would exempt from the educational requirement:

*the mayor or person designated to serve on a planning board in the absence of a mayor;

*a member of a governing body serving as a Class III member of a municipal planning board;

*licensed professional planners; and

*persons who have successfully completed more extensive courses

of study in land use law and planning.

COMMITTEE AMENDMENTS

The committee amended the bill to extend the period of time within which a member of a municipal planning board, zoning board of adjustment or combined board would be required to successfully complete the basic course in land use law and planning from 12 months to 18 months. The amendments also exempt from the educational requirements a member of a governing body serving as a Class III member of a municipal planning board. Finally, the amendment specifies that the basic land use course required under the bill would consist of no more than five hours of instruction and be structured so that it could be completed in one calendar day.

As amended, Assembly Bill No. 3803 is identical to Senate Bill No. 2133 (2R).