

[Second Reprint]
ASSEMBLY, No. 3919

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

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SYNOPSIS

Extends certain permits, approvals, and deadlines during COVID-19 emergency.

CURRENT VERSION OF TEXT

As amended on June 25, 2020 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT extending certain ¹governmental¹ permits ¹, approvals, and
2 deadlines during the public health emergency created by the
3 COVID-19 emergency¹ and ²[amending P.L.2008, c.78 ¹and]²
4 supplementing Title 40 of the Revised Statutes¹.
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. ²[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.”²
13

14 2. The Legislature finds and declares that:

15 a. ²[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.

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

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:

¹Assembly AAP committee amendments adopted May 11, 2020.

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

1 f. County and municipal governments obtain determinations of
2 master plan consistency, conformance, or endorsement with State or
3 regional plans, from State and regional government entities which
4 may expire or lapse without implementation due to the state of the
5 economy.

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

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

15 i. Financial institutions that lent money to property owners,
16 builders, and developers are experiencing erosion of collateral and
17 depreciation of their assets as permits and approvals expire, and the
18 extension of these permits and approvals is necessary to maintain
19 the value of the collateral and the solvency of financial institutions
20 throughout the State.

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

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

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

40 m. It is the purpose of this act to prevent the wholesale
41 abandonment of approved projects and activities due to the present
42 unfavorable economic conditions, by tolling the term of these
43 approvals for a period of time, thereby preventing a waste of public
44 and private resources.

45 n. Due to the need to implement strict social distancing
46 measures and take other precautions in order to limit the spread of
47 COVID-19 and minimize its public health impacts, much business
48 and government activity has been halted, disrupted, or delayed.

1 This has in turn resulted in a severe downturn in the economy. It is
2 therefore appropriate to toll the term of approvals during a new
3 COVID-19 extension period in order to prevent the abandonment of
4 approved projects and activities, and the waste of public and private
5 resources that comes with it, as well as to be ready to quickly
6 resume projects when it is safe to restart normal business and
7 government activity.

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

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

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

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

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

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

36 g. It is therefore appropriate, and the purpose of
37 P.L. c. (C.) (pending before the Legislature as this bill), to toll
38 the term of certain permits and approvals during the COVID-19
39 extension period in order to prevent the wholesale abandonment of
40 approved projects and activities due to the present unfavorable
41 economic conditions, thereby preventing a waste of public and private
42 resources and allowing for the quick resumption of projects when it is
43 safe to restart normal business and government activity.²

44
45 ²[2.Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
46 read as follows:]²

47 3. As used in ²[P.L.2008, c.78 (C.40:55D-136.1 et seq.)]
48 P.L. ,c. (C.)(pending before the Legislature as this bill)²:

1 "Approval" means, except as otherwise provided in ²【section 4
2 of P.L.2008, c.78 (C.40:55D-136.4)】 sections 4 through 11 of
3 P.L. ,c. (C.) (pending before the Legislature as this bill)²,
4 any approval of a soil erosion and sediment control plan granted by
5 a local soil conservation district under the authority conferred by
6 R.S.4:24-22 et seq., waterfront development permit issued pursuant
7 to R.S.12:5-1 et seq., permit issued pursuant to "The Wetlands Act
8 of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), permit issued
9 pursuant to the "Freshwater Wetlands Protection Act," P.L.1987,
10 c.156 (C.13:9B-1 et al.), approval of an application for development
11 granted by the Delaware and Raritan Canal Commission pursuant to
12 the "Delaware and Raritan Canal State Park Law of 1974,"
13 P.L.1974, c.118 (C.13:13A-1 et seq.), permit issued ²【by the New
14 Jersey Meadowlands Commission】² pursuant to the "Hackensack
15 Meadowlands Reclamation and Development Act," P.L.1968, c.404
16 (C.13:17-1 et al.), approval of an application for development
17 granted by the Pinelands Commission and determination of
18 municipal and county plan conformance pursuant to the "Pinelands
19 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), permit
20 issued and center designations pursuant to the "Coastal Area
21 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic
22 approval granted pursuant to Title 26 of the Revised Statutes,
23 permit granted pursuant to R.S.27:7-1 et seq. or any supplement
24 thereto, right-of-way permit issued by the Department of
25 Transportation pursuant to paragraph (3) of subsection (h) of
26 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a
27 sewerage authority pursuant to the "sewerage authorities law,"
28 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a
29 municipal authority pursuant to the "municipal and county utilities
30 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), an
31 agreement with a municipality, county, municipal authority,
32 sewerage authority, or other governmental authority for the use or
33 reservation of sewerage capacity, approval issued by a county
34 planning board pursuant to chapter 27 of Title 40 of the Revised
35 Statutes, preliminary and final approval granted in connection with
36 an application for development pursuant to the "Municipal Land
37 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), permit granted
38 pursuant to the "State Uniform Construction Code Act," P.L.1975,
39 c.217 (C.52:27D-119 et seq.), plan endorsement and center
40 designations pursuant to the "State Planning Act," P.L.1985, c.398
41 (C.52:18A-196 et al.), permit or certification issued pursuant to the
42 "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et
43 al.), permit granted authorizing the drilling of a well pursuant to
44 P.L.1947, c.377 (C.58:4A-5 et seq.), certification or permit granted,
45 exemption from a sewerage connection ban granted, wastewater
46 management plan approved, and pollution discharge elimination
47 system permit pursuant to the "Water Pollution Control Act,"

1 P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted pursuant
2 to "The Realty Improvement Sewerage and Facilities Act (1954),"
3 P.L.1954, c.199 (C.58:11-23 et seq.), certification or approval
4 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 ²; provided that, for all of the
20 foregoing, the approval was validly issued, and the term of such
21 approval was unexpired as of March 9, 2020².

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

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

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

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

46 "Extension area" means an area designated pursuant to P.L.1985,
47 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),

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

32 "Extension period" means the period beginning January 1, 2007
33 and continuing through December 31, 2015; provided, however,
34 that the period in Superstorm Sandy-impacted counties shall
35 continue through December 31, 2016. **】²**

36 "Government" means any municipal, county, regional, or State
37 government, or any agency, department, commission or other
38 instrumentality thereof.

39 **2**["Superstorm Sandy-impacted counties" means Atlantic,
40 Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean,
41 and Union counties, as identified by the United States Department
42 of Housing and Urban Development.

43 "Superstorm Sandy-impacted extension period" means the period
44 beginning January 1, 2016 and continuing through December 31,
45 2016.

46 (cf: P.L.2016, c.14, s.1) **】²**

1 ²[3. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to
2 read as follows:]²

3 4. a. ²[(1) For any government approval in existence during
4 the extension period, the running of the period of approval is
5 automatically suspended for the extension period, except as
6 otherwise provided hereunder; however, the tolling provided for
7 herein shall not extend the government approval more than six
8 months beyond the conclusion of the extension period.

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

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

31 (4)² For any government approval in existence on March 9,
32 2020, the running of the period of approval is automatically
33 suspended for the COVID-19 extension period, ¹[except as
34 otherwise provided hereunder;]¹ ²except as otherwise provided
35 hereunder;² however, the tolling provided for herein shall ²[not]²
36 extend the government approval ²[more than] at least² six months
37 beyond the conclusion of the COVID-19 extension period ²[¹,
38 except that for a construction project suspended pursuant to either
39 the Governor's Executive Order No. 122 or any other government
40 order, the tolling period shall be 12 months beyond the conclusion
41 of the COVID-19 extension period.¹

42 b.] .

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

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

4 d.² Nothing in ²[P.L.2008, c.78 (C.40:55D-136.1 et seq.)]
5 P.L. , c. (C.) (pending before the Legislature as this bill)²
6 shall be deemed to extend or purport to extend:

7 (1) any permit or approval issued by the government of the
8 United States or any agency or instrumentality thereof, or any
9 permit or approval by whatever authority issued of which the
10 duration of effect or the date or terms of its expiration are specified
11 or determined by or pursuant to law or regulation of the federal
12 government or any of its agencies or instrumentalities;

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

18 (3) ²[any permit or approval issued within an environmentally
19 sensitive area;

20 (4) any permit or approval within an environmentally sensitive
21 area issued pursuant to the "Highlands Water Protection and
22 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or² any permit
23 or approval issued within the preservation area of the Highlands
24 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

25 ²[(5)] (4)² any permit or approval issued by the Department of
26 Transportation pursuant to Title 27 of the Revised Statutes or under
27 the general authority conferred by State law, other than a right-of-
28 way permit issued pursuant to paragraph (3) of subsection (h) of
29 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted
30 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

31 ²[(6)] (5)² any permit or approval issued pursuant to the "Flood
32 Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.),
33 except (a) where work has commenced, in any phase or section of
34 the development, on any site improvement as defined in paragraph
35 (1) of subsection a. of section 41 of the "Municipal Land Use Law,"
36 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or
37 (b) where the permit or approval authorizes work on real property
38 owned by the government or the federal government;

39 ²[(7)] (6)² any coastal center designated pursuant to the "Coastal
40 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) ²[,
41 that as of March 15, 2007 (a) had not submitted an application for
42 plan endorsement to the State Planning Commission, and (b) was
43 not in compliance with the provisions of the Coastal Zone
44 Management Rules at N.J.A.C.7:7E-5B.6]²; or

45 ²[(8)] (7)² any permit or approval within the Highlands planning
46 area located in a municipality subject to the "Highlands Water
47 Protection and Planning Act," P.L.2004, c.120, that has adopted,

1 ²[as of May 1, 2012,]² in accordance with the Highlands Water
2 Protection and Planning Council conformance approval, a
3 Highlands master plan element, a Highlands land use ordinance, or
4 an environmental resource inventory, except that the provisions of
5 this paragraph shall not apply to any permit or approval within a
6 Highlands center designated by the Highlands Water Protection and
7 Planning Council, notwithstanding the adoption by the municipality
8 of a Highlands master plan element, a Highlands land use
9 ordinance, or an environmental resource inventory.

10
11 ²[c. P.L.2008, c.78 (C.40:55D-136.1 et seq.)] 5. P.L. _____,
12 c. (C. _____) (pending before the Legislature as this bill)² shall not
13 affect any administrative consent order issued by the Department of
14 Environmental Protection in effect or issued during the ²[extension
15 period or]² COVID-19 extension period, nor shall it be construed to
16 extend any approval in connection with a resource recovery facility
17 as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

18
19 ²[d.] 6.² Nothing in ²[P.L.2008, c.78 (C.40:55D-136.1 et
20 seq.)] P.L. _____, c. (C. _____) (pending before the Legislature as this
21 bill)² shall affect the ability of the Commissioner of Environmental
22 Protection to revoke or modify a specific permit or approval, or
23 extension thereof pursuant to ²[P.L.2008, c.78 (C.40:55D-136.1 et
24 seq.)] P.L. _____, c. (C. _____) (pending before the Legislature as this
25 bill)², when that specific permit or approval ²or the commissioner's
26 underlying statutory or regulatory authority² contains language
27 authorizing the modification or revocation of the permit or approval
28 by the department.

29
30 ²[e.] 7.² In the event that any approval tolled pursuant to
31 ²[P.L.2008, c.78 (C.40:55D-136.1 et seq.)] P.L. _____, c. (C. _____)
32 (pending before the Legislature as this bill)² is based upon the
33 connection to a sanitary sewer system, the approval's extension
34 shall be contingent upon the availability of sufficient capacity, on
35 the part of the treatment facility, to accommodate the development
36 whose approval has been extended. If sufficient capacity is not
37 available, those permit holders whose approvals have been extended
38 shall have priority with regard to the further allocation of gallage
39 over those approval holders who have not received approval of a
40 hookup prior to ²[the date of enactment of P.L.2008, c.78
41 (C.40:55D-136.1 et seq.)] March 9, 2020². Priority regarding the
42 distribution of further gallage to any permit holder who has
43 received the extension of an approval pursuant to ²[P.L.2008, c.78
44 (C.40:55D-136.1 et seq.)] P.L. _____, c. (C. _____) (pending before the
45 Legislature as this bill)² shall be allocated in order of the granting
46 of the original approval of the connection.

1 ²[f. P.L.2008, c.78 (C.40:55D-136.1 et seq.)] 8. P.L. _____,
2 c. (C. _____) (pending before the Legislature as this bill)² shall not
3 toll any approval issued under the "Municipal Land Use Law,"
4 P.L.1975, c.291 (C.40:55D-1 et seq.) in connection with an
5 application for development involving a residential use where,
6 subsequent to the expiration of the permit but prior to ²[January 1,
7 2007] March 9, 2020², an amendment has been adopted to the
8 master plan and the zoning ordinance to rezone the property to
9 industrial or commercial use when the permit was issued for
10 residential use.

11

12 ²[g.] 9.² Nothing in ²[P.L.2008, c.78 (C.40:55D-136.1 et
13 seq.)] P.L. _____, c. (C. _____) (pending before the Legislature as this
14 bill)² shall be construed or implemented in such a way as to modify
15 any requirement of law that is necessary to retain federal delegation
16 to, or assumption by, the State of the authority to implement a
17 federal law or program.

18

19 ²[h.] 10.² Nothing in ²[P.L.2008, c.78 (C.40:55D-136.1 et
20 seq.)] P.L. _____, c. (C. _____) (pending before the Legislature as this
21 bill)² shall be deemed to extend the obligation of any wastewater
22 management planning agency to submit a wastewater management
23 plan or plan update, or the obligation of a municipality to submit a
24 wastewater management plan or plan update, pursuant to the "Water
25 Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the
26 Water Quality Management Planning rules, N.J.A.C.7:15-1.1 et
27 seq.²[, adopted by the Department of Environmental Protection,
28 effective July 7, 2008.

29

30 i.] 11.² All underlying municipal, county, and State permits or
31 approvals within the ²[extension area as defined in section 3 of
32 P.L.2008, c.78 (C.40:55D-136.3), as amended,] regional growth
33 areas, villages, and towns, designated in the comprehensive
34 management plan prepared and adopted by the Pinelands
35 Commission pursuant to section 7 of the "Pinelands Protection
36 Act," P.L.1979, c.111 (C.13:18A-8),² are extended ²[in the
37 Pinelands Area as designated pursuant to the "Pinelands Protection
38 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).
39 (cf: P.L.2016, c.14, s.2)]²

40

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

43 5. a. State agencies shall, within 30 days after the effective
44 date of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days
45 after the effective date of any subsequent amendment and
46 supplement thereto, place a notice in the New Jersey Register

1 tolling approvals in the Superstorm Sandy-impacted counties, as
2 defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3) in
3 conformance with P.L.2008, c.78 (C.40:55D-136.1 et seq.).

4 b.】 12. a.² State agencies shall, within 30 days after the
5 effective date of P.L. , c. (C.) (pending before the
6 Legislature as this bill), place a notice in the New Jersey Register
7 tolling approvals in conformance with ²[P.L.2008, c.78 (C.40:55D-
8 136.1 et seq.).

9 (P.L.2016, c.14, s.3)】 P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 b. Any government approval subject to the automatic
12 suspension of the running period of such approval for the COVID-
13 19 extension period shall be registered with the department within
14 30 days of the notice in the New Jersey register.

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

18 d. The department shall publish on its website a list of
19 government approvals for which the running of the period of such
20 approvals are suspended for the COVID-19 extension period within
21 14 days of receipt of the government approval registration pursuant
22 to this section.²

23
24 ²[¹⁵. (New Section) Any] 13. The running of the period of
25 any² registration, application, or licensing requirement or timeframe
26 imposed pursuant to P.L.2019, c.397 (C.13:1E-127.1 et al.),
27 applicable to a person who performs soil and fill recycling services
28 related to road or bridge construction activities, shall be suspended
29 as of March 9, 2020 and the calculation of any registration,
30 application filing, and licensing dates and the requirements related
31 thereto, shall resume on the 60th day after the conclusion of the
32 COVID-19 extension period.¹

33
34 ²[¹⁶. (New Section)】 14.² Notwithstanding any provision of
35 P.L.1975, c.291 (C.40:55D-1 et seq.) to the contrary,

36 a. The 45-day period for an application for development to a
37 municipal agency to be certified as complete pursuant to section 5
38 of P.L.1984, c.20 (C.40:55D-10.3) shall be extended to either ²[90]
39 120² days after March 9, 2020, or 60 days after the date the
40 application for development is submitted to the municipal agency,
41 whichever date is later, for any application:

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

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

46 b. The time periods ²for a municipal agency to either grant or
47 deny any other application for development² required under

1 P.L.1975, c.291 (C.40:55D-1 et seq.) ²for any municipal agency to
2 either grant or deny any application for development² shall be
3 extended by ²[60] ²120 days for any application:

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

6 (2) pending before a municipal agency as of March 9, 2020 ²;
7 or

8 (3) .

9 c. The time periods for a municipal agency to either grant or
10 deny any other application for development required under
11 P.L.1975, c.291 (C.40:55D-1) shall be extended to either 120 days
12 after March 9, 2020, or 60 days after the application for
13 development is certified as complete by the municipal agency,
14 whichever date is later, for any application² submitted by an
15 applicant during the COVID-19 extension period.¹

16

17 ¹[5.] ²[7.1] ²15.² This act shall take effect immediately and
18 shall be retroactive to March 9, 2020.