SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 82

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2010

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 82.

This bill would amend the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) to change a general rule governing land use decision-making.

Under current law, a planning board or zoning board of adjustment applies the law in effect at the time it renders its decision rather than the law in effect when the issues were initially presented. Thus, a municipal governing body can currently amend its zoning ordinance after an application for development has been filed with a land use board, even in direct response to the application, and the land use board would decide the matter based upon the amended ordinance.

Under the bill, a land use board would be required to make its decision on an application for development in accordance with the development regulations that are in effect on the date the application for development is submitted. The "Municipal Land Use Law" defines the term "development regulation" as a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto. [N.J.S.A. 40:55D-3].

The bill would also exempt an application for development from changes made to ordinances other than development regulations, except for those relating to health and public safety, that are adopted after the application for development is submitted.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.