AN ACT concerning the extension of certain permits and approvals affecting the physical development of property located within the State of New Jersey and amending P.L.2008, c.78.

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

1. Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to read as follows:
   a. The Legislature finds and declares that:
      b. The real estate finance sector of the economy is in severe decline due to the sub-prime mortgage problem and the resultant widening mortgage finance crisis. The extreme tightening of lending standards for home buyers and other real estate borrowers has reduced access to the capital markets.
      c. As a result of the crisis in the real estate finance sector of the economy, real estate developers and redevelopers, including homebuilders, and commercial, office, and industrial developers, have experienced an industry-wide decline, including reduced demand, cancelled orders, declining sales and rentals, price reductions, increased inventory, fewer buyers who qualify to purchase homes, layoffs, and scaled back growth plans.
      d. The process of obtaining planning board and zoning board of adjustment approvals for subdivisions, site plans, and variances can be difficult, time consuming and expensive, both for private applicants and government bodies.
   e. The process of obtaining the myriad other government approvals, required pursuant to legislative enactments and their implementing rules and regulations, such as wetlands permits, treatment works approvals, on-site wastewater disposal permits, stream encroachment permits, flood hazard area permits, highway access permits, and numerous waivers and variances, also can be difficult and expensive; further, changes in the law can render these approvals, if expired or lapsed, impossible to renew or re-obtain.
   f. County and municipal governments obtain determinations of master plan consistency, conformance, or endorsement with State or regional plans, from State and regional government entities which

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:
Assembly AAP committee amendments adopted December 15, 2014.
may expire or lapse without implementation due to the state of the

3. The current national recession has severely weakened the building industry, and many
4. landowners and developers are seeing their life’s work destroyed by
5. the lack of credit and dearth of buyers and tenants, due to the crisis
6. in real estate financing and the building industry, uncertainty over
7. the state of the economy, and increasing levels of unemployment in
8. the construction industry.
9. h. The construction industry and related trades are sustaining
10. severe economic losses, and the lapsing of government development
11. approvals would, if not addressed, exacerbate those losses.
12. i. Financial institutions that lent money to property owners,
13. builders, and developers are experiencing erosion of collateral and
14. depreciation of their assets as permits and approvals expire, and the
15. extension of these permits and approvals is necessary to maintain
16. the value of the collateral and the solvency of financial institutions
17. throughout the State.
18. j. Due to the current inability of builders and their purchasers
19. to obtain financing, under existing economic conditions, more and
20. more once-approved permits are expiring or lapsing and, as these
21. approvals lapse, lenders must re-appraise and thereafter
22. substantially lower real estate valuations established in conjunction
23. with approved projects, thereby requiring the reclassification of
24. numerous loans which, in turn, affects the stability of the banking
25. system and reduces the funds available for future lending, thus
26. creating more severe restrictions on credit and leading to a vicious
27. cycle of default.
28. k. As a result of the continued downturn of the economy, and
29. the continued expiration of approvals which were granted by State
30. and local governments, it is possible that thousands of government
31. actions will be undone by the passage of time.
32. l. Obtaining an extension of an approval pursuant to existing
33. statutory or regulatory provisions can be both costly in terms of
34. time and financial resources, and insufficient to cope with the
35. extent of the present financial situation; moreover, the costs
36. imposed fall on the public as well as the private sector.
37. m. It is the purpose of this act to prevent the wholesale
38. abandonment of approved projects and activities due to the present
39. unfavorable economic conditions, by tolling the term of these
40. approvals for a period of time, thereby preventing a waste of public
41. and private resources.
42. (cf: P.L.2012, c.48, s.1)
43. 2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
44. read as follows:
45. 3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):
et seq.), certification or approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.), certification issued and water quality management plan approved pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or State approval or permit granted under the general authority conferred by State law or rule or regulation, or any other government authorization of any development application or any permit related thereto whether that authorization is in the form of a permit, approval, license, certification, permission, determination, interpretation, exemption, variance, exception, waiver, letter of interpretation, no further action letter, agreement or any other executive or administrative decision which allows a development or governmental project to proceed.

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

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

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

"Extension period" means the period beginning January 1, 2007 and continuing through December 31, 2014. "Government" means any municipal, county, regional, or State government, or any agency, department, commission or other instrumentality thereof.

(cf: P.L.2012, c.48, s.2)

3. This act shall take effect immediately.

 Extends for one year expiration date of certain permits pursuant to "Permit Extension Act of 2008."