

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF RULE MODIFICATION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY**

Temporary Rule Modification adopted by Catherine R. McCabe, Commissioner, New Jersey Department of Environmental Protection

Date: April 13, 2020

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)

Effective Date: April 13, 2020

Expiration Date: Concurrent with the termination of Executive Order No. 103 (Murphy)

This is an emergency adoption of a temporary rule modification of certain provisions of N.J.A.C. 7:35 (Real Property Taxation Rules) and 7:36 (Green Acres Program Rules) as set forth in more detail below. Section 6 of Executive Order No. 103 (Murphy) (EO 103), issued in response to the COVID-19 pandemic, authorizes agency heads to waive, suspend or modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Environmental Protection is modifying the Green Acres Rules as follows:

N.J.A.C. 7:36-25.10(b) states in pertinent part:

“A local government unit or nonprofit that intends to close an area of funded parkland to public access or use for more than 30 days in order to protect public safety, conduct routine maintenance, or protect a specific natural or cultural resource shall notify Green Acres in writing in advance of the closure. The local government unit or nonprofit shall post a sign at the area being closed that states the reason for the closure and, if known, the date of anticipated reopening of the area.”

The Department modifies the above rule to relieve a local government unit or nonprofit from the requirement to provide notice to Green Acres in advance of a 30 day or longer closure of funded parkland, where such closure is mandated, required, recommended or otherwise determined by the local government unit or nonprofit as necessary to protect public safety for the duration of the Public Health Emergency and State of Emergency declared by EO 103. However, to the greatest extent practicable, a local government unit or nonprofit closing funded parkland pursuant to this rule modification should still notify the public of the reason for the closure and the anticipated duration of such park closure, if known, by signage.

Additionally, N.J.A.C. 7:35-1.7 states in pertinent part:

“Once the Department has certified a property as eligible for tax exemption, the nonprofit organization shall submit to the Department the following document(s) not later than April 15 of every third year succeeding the year of initial certification of eligibility. . .”

The Department modifies the above rule to extend the deadline to submit required documentation until May 30, 2020 to provide nonprofit organizations impacted by the emergency set forth in EO 103 with the necessary additional time to provide the required documentation to maintain tax exemption status.

I find that modification of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

4/13/20
Date


Catherine R. McCabe, Commissioner,
New Jersey Department of Environmental Protection