



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
P.O. Box 820
TRENTON, NEW JERSEY 08625-0820

PHILIP D. MURPHY
Governor

TAHESHA WAY
Secretary of State

SHEILA Y. OLIVER
Lt. Governor

Resolution No. 2020-07
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Date: April 15, 2020
Patron: Thomas Wright

RESOLUTION
STATE OF NEW JERSEY
STATE PLANNING COMMISSION
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY) (MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY

Temporary Rule Relaxation of certain provisions of Title 5, Chapter 85, New Jersey Administrative Code, adopted by the New Jersey State Planning Commission

Date: April 7, 2020

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

Effective Date: March 9, 2020

Expiration Date: 180 days from the end of EO 103.

This is an emergency adoption of temporary rule relaxations of the regulatory provisions concerning the expiration of center designations made pursuant to the State Plan (N.J.A.C. 5:85-7-21). Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/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, and 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 State Planning Commission voted at a regular meeting to relax its rules as follows:

The State Planning Commission's regulations permit previously approved center designations by municipalities with expiration dates on or before December 31, 2019, to remain in effect until June 30, 2020. In light of the COVID-19 emergency, many municipalities are devoting time and resources to issues relating to the pandemic rather than to long-term land use planning. Requiring municipalities to divert attention and resources away from emergency planning and services to plan endorsement would be detrimental to the public welfare. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the State Planning Commission has temporarily modified its rules to extend center designations with an expiration date on or before December 31, 2019 to 180 days following the expiration of Executive Order 103 (Murphy).

Full text of the proposed modifications follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

§ 5:85-7.21 Period of endorsement

(a) – (f) (No change.)

(g) Any center with an expiration date on or before December 31, 2019, is extended to [June 30, 2020] a date not greater than 180 days following termination of Executive Order 103 (Murphy).

The State Planning Commission finds that relaxation of the above noted rule is necessary because enforcement of the existing rule would be detrimental to the public welfare during this emergency.

I hereby certify that this resolution was
duly adopted by the State Planning Commission
At its meeting on April 15, 2020



Donna Rendeiro, Secretary
State Planning Commission

Date: April 15, 2020