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State Briefs

NJ: Municipal Land Use Law Reform Passes Key Committee

The work of the New Jersey Smart Growth Economic Development Coalition, in which ICSC is an active participant, continues. A key coalition bill, S-82/A-437 (Sweeney, D-District 3/Green, D-District 22), was heard this week by the Assembly Housing and Local Government Committee. The legislation makes an important reform to municipal land use law by changing the unfair "Time of Decision" rule to a "Time of Application" rule. Bob Delia of Summit Realty LLC and the ICSC New Jersey Government Relations Committee testified in support of the bill and answered questions from the committee. The measure was approved unanimously by the committee and now proceeds to the full Assembly for consideration.

Unlike other states, municipalities in New Jersey are legally permitted to rezone a property literally up until the time of decision by the local land use board on a development application. Since municipalities require extraordinarily detailed plans before they declare an application ready for consideration, a business or developer may spend hundreds of thousands of dollars to file an application for a permitted use, only to see its property rezoned. As a result, a business cannot rely on the local zoning ordinances in place at the time it applies for a site plan, subdivision or other land use approval.

S-82/A-437 would amend the Municipal Land Use Laws so that once an application is filed with a planning board, the municipality will be prohibited from changing zoning, site plan and subdivision regulations applicable to the property which is the subject of the application. In other words, the legislation would freeze all local land use ordinances in place with respect to a land use application as at the time the application is filed by the property owner.

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