

GOVERNOR MURPHY SIGNED INTO LAW THE PERMIT EXTENSION ACT OF 2020 – JULY 2020

On July 1, 2020, Governor Murphy signed into law the Permit Extension Act of 2020 (“PEA”). This law applies to State permits in existence during the period in which the COVID-19 public health emergency is in effect and extends permits for an additional six months.

The PEA applies to environmental permits and other governmental approvals, including and not limited to, approvals of soil erosion and sediment control plans, waterfront development permits, CAFRA permits and center designations, septic approvals, approvals for applications pursuant to the Municipal Land Use Law (“MLUL”), etc. For the PEA to apply, the approval must have been in effect on March 9, 2020.

Within 30 days of the PEA’s enactment, state agencies, such as the New Jersey Department of Environmental Protection, must publish a notice of the extending approvals in the New Jersey Register. In addition, the approvals subject to extension under the PEA must be “registered with” the agency within 30 days of the notice in the New Jersey Register. At this time, it is unclear what this registration requirement entails.

As to the MLUL, the PEA extends the 45-day period for a municipal completeness certification under N.J.S.A. 40:55D-10.3 to the later of: 120 days after March 9, 2020 or 60 days after the application is submitted to the municipal agency. This extension applies to applications awaiting certification as of March 9, 2020 and applications submitted during the COVID-19 Extension Period. In addition, the time periods for a municipal agency to grant or deny any application for development under the MLUL is extended by 120 days for applications awaiting a completeness certification or pending before a municipal agency as of March 9, 2020. As to applications submitted during the COVID-19 Extension Period, the time period is extended to the later of: 120 days after March 9, 2020 or 60 days after the application is certified as complete by the municipal agency.

A copy of the enacted law can be found at: https://www.njleg.state.nj.us/2020/Bills/A4000/3919_R2.PDF.

To discuss the new law and how it might be applicable to your project, please contact your Langan Project Manager or:

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