

**THE PERMIT EXTENSION ACT OF 2020**  
**AND ITS IMPACT ON DEVELOPMENT PERMITS**  
**AND APPLICATIONS**

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On July 1, 2020, Governor Phillip Murphy signed into law S-2346/A-3919, The Permit Extension Act of 2020 (“PEA 2020”), N.J.S.A. 40:55D-136.2 et seq. PEA 2020 is an omnibus law with the purpose of tolling certain permits and approvals in order to prevent the wholesale abandonment of approved projects and activities due to the unfavorable economic conditions resulting from the Coronavirus (COVID-19) pandemic, thereby preventing a waste of public and private resources and allowing for the quick resumption of projects when it is safe to restart normal business and government activity. All municipal planning and zoning officials, board professionals, and private land use practitioners should be aware of this important legislation.

PEA 2020 establishes a “COVID-19 Extension Period” commencing March 9, 2020, the date of the Governor’s declaration of a public health emergency in the State. The Legislature further declares the need to toll the term of approvals during this new extension period in order to prevent the abandonment of approved projects and activities and the waste of public and private resources, as well as to ensure readiness to quickly resume projects when it is safe to resume normal business and government activity.

PEA 2020 suspends approval periods under The Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., The Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., The Delaware and Raritan Canal State Park Law of 1974, N.J.S.A. 13:13A-1 et seq., The Hackensack Meadowlands Reclamation and Development Act, N.J.S.A. 13:17-1 et seq., The Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., The Coastal Facility Review Act, N.J.S.A. 13:19-1 et seq., The Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., The Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., The State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., The State Planning Act, N.J.S.A. 52:18A-126 et al., The Water Supply Management Act, N.J.S.A. 58:1A-1 et al., well drilling permit requirements contained in N.J.S.A. 58:4A-5 et seq., The Water Pollution Control Act,

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N.J.S.A.58:10A-1 et seq., The Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq., The Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., The Safe Drinking Water Act, N.J.S.A. 58:12A-1 et al., The Flood Hazard Area Control Act, N.J.S.A. 58:16-50 et seq., and “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, provided that, for all of the foregoing, the approval was validly issued, and the term of such approval was unexpired as of March 9, 2020” .

The legislation includes key amendments to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.(“MLUL”) to address many of the problems suffered by municipalities, land owners and developers as a result of the pandemic. These amendments include three significant changes to MLUL time deadlines central to the application process. First, PEA 2020 directs that the customary 45-day period for a development application to be certified as complete pursuant to the MLUL at N.J.S.A. 40:55D-10.3 shall be extended to either 120 days after March 9, 2020, or 60 days after the date an application is submitted to the municipal agency, for any type of development application (1) awaiting certification as a complete application by a municipal agency as of March 9, 2020 or (2) submitted by an applicant during the COVID-19 Extension Period.

Second, the time periods set forth in the MLUL for a planning board or zoning board of adjustment under N.J.S.A. 40:55D-61 or 40:55D-73, respectively, to either grant or deny an application for development are extended by 120 days for any application (1) awaiting certification for completeness as of March 9, 2020 or (2) pending before said planning or zoning board as of March 9, 2020.

Third, the time periods for a municipal agency to either grant or deny any other application for development required under the MLUL shall be extended to either 120 days after March 9, 2020, or 60 days after the application for development is certified as complete by the municipal agency, whichever date is later, for any application submitted by an applicant during the COVID-19 Extension Period.

Questions regarding the terms and application of the MLUL amendments under PEA 2020 may be directed to your municipal Planning Board or Zoning Board of Adjustment attorney or NJPO.