
New Jersey Permit Extension Act, Extended

Legal Alert

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On December 26, 2014, New Jersey Governor Christie signed into law the 2014 extension to the New Jersey Permit Extension Act ("PEA"). The original PEA was enacted in 2008 and as a result of several legislative amendments, the PEA was to expire on December 31, 2014. The 2014 extension changes the end date of the PEA from December 31, 2014 to December 31, 2015.

The PEA covers a variety of municipal, regional and state issued land use and real estate related permits and approvals that have an expiration date on or after January 1, 2007 or were approved/obtained between January 1, 2007 and December 31, 2015. Which of the permits and/or approvals are covered by the PEA, is fact and law specific and depends on the regulatory and legislative scheme governing the individual permit and/or approval.

While the legislation is commonly known as the "Permit Extension Act," the legislation effectively tolls or stops the running of the time periods (the time in which to start construction or take other action) on the covered land use and real estate related permits and approvals. As a result of the 2014 extension, the time period the covered permits/approvals are in existence or during which actions are to be taken, has been tolled to December 31, 2015. Any life or time period for action on those permits and approvals, will now begin to run again on January 1, 2016, for up to a maximum of six (6) months, i.e. all permits and approvals extended under the PEA, will expire no later than June 30, 2016. Any permit or approval that exists by its own terms and is not extended or does not use the benefit of the PEA, will continue to enjoy its full time period, even if that time period extends beyond June 30, 2016.

If we can provide any assistance or guidance with respect to the specific permit and/or approval, do not hesitate to contact us at: robert.washburn@flastergreenberg.com; emily.markos@flastergreenberg.com; frank.wisniewski@flastergreenberg.com.

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