

Permit Extension Act 2020: Information

P.L. 2020, c. 53, signed into law by the Governor on July 1, 2020, amends the "Permit Extension Act of 2008," P.L. 2008, c.78, in response to the ongoing COVID-19 pandemic. Guidance regarding this Act was first provided on September 14, 2020 (attached).

The time for submission for extension to the Department of Environmental Protection (DEP) closed October 9, 2020. The list of all permits extended under this Act is available on DEP's website, specifically the "Other Agency Extended Permit List" link, <https://www.nj.gov/dep/covid19regulatorycompliance/>.

In short, for any projects included on the DEP list, the Act stops the clock on the running of approvals during the "extension period," which is defined as the period beginning March 9, 2020 and continuing for as long as a public health emergency, corresponding to the "Emergency Health Powers Act" (P.L. 2005, c.222 (C.26:13-1 et seq.)) is in effect. This means that any extended Uniform Construction Code (UCC) permit will remain valid through the duration of the public health emergency. Upon the formal end to the public health emergency, the permit will be valid for an additional six months.

- Per P.L. 2021, c. 104, the formal end to the public health emergency is July 4, 2021. UCC permits that expired during this time and extended per P.L. 2020, c. 53 will remain valid until January 4, 2022. If a project recommences on or before this date, the provisions at N.J.A.C. 5:23-2.16 shall apply.

During such extension, all terms and conditions of the original approval shall continue; that is the exclusions, limitations, and restrictions of the original permit continue to apply.

In addition, it's important to note that, before issuing a permit, it's necessary to check with any relevant agencies or officials to ensure that any required prior approvals still remain valid throughout the extension.

Please contact the Code Assistance Unit should you have any further questions.

September 14, 2020 Attachment

Guidance for Local Enforcing Agencies

Permit Extension Act of 2020 – What to tell inquiring permit applicants

In accordance with the Permit Extension Act signed by Governor Murphy on July 1, the term of certain governmental permits, approvals and deadlines that were due to expire on March 9, 2020, or the specified period following it were extended. Any government approval, including permits granted pursuant to the Uniform Construction Code (UCC) Act, subject to the automatic suspension of the running period of such approval for the COVID-19 extension period must be registered with the Department of Environmental Protection (DEP)* by October 8, 2020 by using the "request form" at <https://www.nj.gov/dep/pea2020/>.** The running period of any approval not registered by October 8, 2020, shall not be suspended for the COVID-19 extension period. For additional information, please see the Department's notice of this action at 52 N.J.R. 1682(a), which can be found at <https://www.nj.gov/dca/divisions/codes/alerts/covid19.html>.

* As noted at 52 N.J.R. 1683(a), P.L. 2020, c.53 has charged the DEP as the agency responsible for maintaining the list of ALL permits and approvals.

** When using DEP's request form, select "Other" under "Permitting Issuing Agency" and specify "NJDCA, UCC" under "Permit Type."

If you require further information, please contact Code Assistance Unit.

Source: Code Assistance Unit
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