



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

July 5, 2016

Dear Construction Official:

This is to inform you that the Permit Extension Act has been extended for one year for the Sandy-impacted counties only. P.L. 2016, c. 14, signed into law by the Governor on June 30, amends the "Permit Extension Act of 2008," P.L. 2008, c.78, and again extends the expiration date, but this time the extension applies ***only*** to "Superstorm Sandy-impacted counties." These counties are listed as: Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union counties. Under this most recent enactment, the extension period ends on December 31, 2016. This extension is retroactive to the beginning of the year. This means that, for the Superstorm Sandy-impacted counties, permits or approvals that were still in place on December 31, 2015 now remain open until December 31, 2016. On December 31, 2016, when the extension period ends, any permit or approval will be valid for the time that would have remained, but not for more than six months.

Information, including the full text of the Act and updated guidance on the application of the Permit Extension Act, which has been revised to reflect the new expiration dates for Superstorm Sandy-impacted counties, may be found on the Division's website at the links below:

http://www.njleg.state.nj.us/2016/Bills/A4000/3617_R1.PDF

Should you have any questions about the application of the Permit Extension Act, please feel free to call the Code Assistance Unit at (609) 984-7609.

Sincerely,

Edward M. Smith
Director
Division of Codes and Standards



Permit Extension Act of 2008, as amended and extended by P.L. 2016, c. 14
Superstorm Sandy-Impacted Counties
Examples of Applying the Act to UCC Permits

The Permit Extension Act extends all permits that were open and valid as of January 1, 2007. Under the UCC rules, a construction permit lapses if (1) no work is done for a year; or (2) work, having been started, is discontinued for six months. (See N.J.A.C.5:23-2.16(b)) The following are some examples of how certain scenarios would be affected by the Permit Extension Act:

Examples:

1. A construction permit was obtained prior to January 1, 2006 and no work was done. The permit has lapsed and is not revived by the Permit Extension Act because it was not a valid, open permit on January 1, 2007.
2. A construction permit was obtained on April 1, 2006 and no work was done. The permit was deemed to have lapsed as of April 1, 2007. However, the permit is deemed to have been revived by the passage of the Permit Extension Act. Since it would have been valid for three more months as of January 1, 2007, it will continue to be valid for three more months as of December 31, 2016, and its new expiration date, if it is not acted upon, will be March 31, 2017.
3. A construction permit was obtained on October 1, 2006 and no work was done. The permit would have been valid for nine more months as of January 1, 2007 and is deemed to have been revived. However, since a permit that is only valid because it was extended by the Permit Extension Act can only remain valid for six months following the end of the extension period (now December 31, 2016), the permit would expire on June 30, 2017.
4. For any construction permit issued between January 1, 2007 and June 30, 2016, though the time would not begin to run until December 31, 2016, the permit would expire on June 30, 2017 since the Permit Extension Act does not allow any extensions beyond June 30, 2017 unless the permit would have continued in existence beyond that date had the Permit Extension Act not been adopted.
5. For any construction permit issued after June 30, 2016, since the permit is valid for a year, it is unaffected and expires one year from the date of issuance, just as it would have if the Permit Extension Act had not been adopted.