

CHAPTER 87

BASIC COURSE IN LAND USE LAW AND PLANNING TRAINING PROGRAM

Authority

N.J.S.A. 40:55D-8, 23.3 and 23.4; and P.L. 2005, c. 133.

Source and Effective Date

R.2006 d.266, effective July 17, 2006.
See: 38 N.J.R. 37(a), 38 N.J.R. 3019(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 87, Basic Course in Land Use Law and Planning Training Program, was extended by gubernatorial directive from January 13, 2014 to July 13, 2014. See: 46 N.J.R. 335(a).

Chapter Historical Note

Chapter 87, Basic Course in Land Use Law and Planning Training Program, was adopted as new rules by R.2006 d.266, effective July 17, 2006. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 87, Basic Course in Land Use Law and Planning Training Program, was scheduled to expire on July 17, 2013. See: 43 N.J.R. 1203(a).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 87, Basic Course in Land Use Law and Planning Training Program, was scheduled to expire on January 13, 2014. See: 43 N.J.R. 1311(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

5:87-1.1 Heading and scope

(a) The rules contained in this chapter shall be known as the "Rules for the Basic Course in Land Use Law and Planning Training Program."

(b) These rules are to implement the mandatory training program required by P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3 and 23.4).

(c) These rules govern the prescribed evaluation by the State of the training of a member or alternate member of a municipal planning board, zoning board of adjustment or combined board in the State of New Jersey.

5:87-1.2 Authority

These rules are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of the "Mandatory Education Bill for Planning and Zoning Board Members," (sections 2 and 3 of P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3 and 23.4)).

5:87-1.3 Intent and purpose

The purpose of the Training Program shall be to provide a basic understanding of the role and duties of members and alternate members of municipal planning boards, zoning boards of adjustment and combined boards as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the relationship of their roles and responsibilities to the neighboring municipalities, regional planning entities, counties, and State agencies. Members are encouraged to continue their education beyond this basic course during their tenure on their respective board(s).

5:87-1.4 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the rules and to this end, the provisions of the rules are severable.

5:87-1.5 Definitions

Unless otherwise defined in this subchapter, words and terms shall have the same meanings set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-4 to 7.

"Approved course" means a course, approved by the Commissioner of the Department of Community Affairs, offered by an institution or organization or entity that satisfies the

mandatory curriculum of the Training Program and for which members and alternate members of municipal planning boards, zoning boards of adjustment or combined boards shall receive certification.

“Board” means a municipal planning board, zoning board of adjustment or combined board as referenced in N.J.S.A. 40:55D-23.3(a).

“Certificate of Completion” means written documentation provided to the member or alternate member of a municipal planning board, zoning board of adjustment or combined board from the Commissioner evidencing satisfactory completion of the Training Program requirements.

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Course provider” means an institution or organization or entity certified by the Commissioner to offer an approved course.

“Department” means the New Jersey Department of Community Affairs.

“Member” means individual serving as primary or alternate appointed representative to a municipal planning board, zoning board of adjustment, or combined land use board.

“Training Program” means the mandatory basic course in land use law and planning required by sections 2 and 3 of P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3 and 23.4).

“Waiver” means a determination by the Commissioner of the Department of Community Affairs that a member or alternate member of a municipal planning board, zoning board of adjustment or combined board has completed a course of study which is equivalent to or more extensive than the course offered pursuant to (sections 2 and 3 of P.L. 2005, c. 133; (N.J.S.A. 40:55D-23.3 and 23.4)).

5:87-1.6 Applicability; fees; board membership

(a) Except as provided in N.J.A.C. 5:87-1.7, the provisions of this subchapter shall apply to any person serving as a member as of the date that the Training Program is first offered, and to members appointed thereafter.

(b) Municipalities may establish fees, pursuant to N.J.S.A. 40:55D-8, to defray the costs of tuition for those members required to take the course in land use law and planning as required pursuant to P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3 and 23.4).

(c) Municipalities shall provide to the Commissioner by September 15, 2006 and thereafter biannually, every January and July, a current list of members, their addresses, the date of their appointment to the board, and the date of their term expiration, using GovConnect at <http://www.nj.gov/dca/lgs/> or by completing the List of Planning/Zoning Officials form

available on the Office of Smart Growth website at www.state.nj.us/dca/osg.

5:87-1.7 Exemptions

(a) The following members shall not be required to meet the educational requirements established pursuant to section 3 of P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3):

1. The mayor or persons designated to serve on a municipal planning board in the absence of a mayor who serves as a Class I member pursuant to section 14 of P.L. 1973, c. 291 (N.J.S.A. 40:55D-23);

2. A member of the governing body serving as a Class III member pursuant to section 14 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-23);

3. Any person who is licensed as a professional planner and maintains a certificate of license issued pursuant to chapter 14A of Title 45 of the Revised Statutes which is current as of the date upon which that person would otherwise be required to demonstrate compliance with the provisions of sections 2 and 3 of P.L. 2005, c. 133 (N.J.S.A. 40:55D-23.3 and 23.4); and

4. Any person who offers proof of having completed a course in land use law and planning that is equivalent to or more extensive than that required under the provisions of N.J.S.A. 40:55D-23.3 and as set forth in N.J.A.C. 5:87-3.1 within 12 months of the date upon which that person would otherwise be required to demonstrate compliance with the provisions of the “Mandatory Education Bill for Planning and Zoning Board Members” (N.J.S.A. 40:55D-23.3 and 23.4) and which, in the determination of the Commissioner, is equivalent to or more extensive than the course defined by the provisions of N.J.A.C. 5:87-3.1.

5:87-1.8 Compliance period

(a) Any member or alternate board member serving as of the date the Training Program is first offered shall satisfactorily complete the Training Program by January 17, 2008.

(b) Any board member appointed after the date upon which the Training Program is first offered shall satisfactorily complete the Training Program within 18 months following the date of their appointment.

(c) A board member who fails to satisfy the requirements of the Training Program within the prescribed 18-month period shall be deemed ineligible to continue to serve as a board member. Any board member deemed ineligible for failure to complete the required Training Course shall be removed as a member of the applicable board by the governing body of the affected municipality at its first regular public meeting following the expiration of the prescribed 18-month period. Any board member removed under this provision shall not be eligible for subsequent appointment to any board (as defined in N.J.A.C. 5:87-1.5) without first successfully completing the Training Program.