

EXECUTIVE ORDER NO. 103 NOTICES

STATE

STATE PLANNING COMMISSION

Notice of Rule Waiver/Modification/Suspension Pursuant to Executive Order No. 103

(2020)

COVID-19 State of Emergency

Expiration of Center Designations

N.J.A.C. 5:85-7.21

Authorized: April 7, 2020, by the State Planning Commission, Donna Rendeiro, Secretary.

Authority: N.J.S.A. App.A:9-45 and App. A:9-47; Executive Order No. 103 (2020)

Effective Date: April 15, 2020.

Expiration Date: 180 days After the Termination of the Emergency Declaration Made Pursuant to Executive Order No. 103 (2020).

This is an emergency adoption of temporary rule relaxations of the regulatory provisions concerning the expiration of center designations made pursuant to the State Plan (N.J.A.C. 5:85-7-21). Section 6 of EO103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or

any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the State Planning Commission voted at a regular meeting to relax its rules as follows:

The State Planning Commission's regulations permit previously approved center designations by municipalities with expiration dates on or before December 31, 2019, to remain in effect until June 30, 2020. In light of the COVID-19 emergency, many municipalities are devoting time and resources to issues relating to the pandemic rather than to long-term land use planning. Requiring municipalities to divert attention and resources away from emergency planning and services to plan endorsement would be detrimental to the public welfare. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the State Planning Commission has temporarily modified its rules to extend center designations with an expiration date on or before December 31, 2019 to 180 days following the expiration of Executive Order 103 (Murphy).

Full text of the modified rule text follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 7. PLAN ENDORSEMENT

5:85-7.21 Period of endorsement

(a)-(f) (No change.)

(g) Any center with an expiration date on or before December 31, 2019, is extended to [June 30, 2020] **a date not greater than 180 days following termination of Executive Order 103 (Murphy).**