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**From:** NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]  
**Sent:** Friday, March 05, 2010 3:16 PM  
**To:** Lashway, Lisa  
**Subject:** URGENT A-427 on Time of Decision

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William G. Dressel Jr.  
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Asst. Executive Director

**LEAGUE ALERT**

Municipal Clerk: Please forward to Mayor and Governing Body.

March 5, 2010

**RE: URGENT - Builders Push A-437 on  
"TIME OF DECISION" to Assembly  
Floor**

Dear Mayor:

Yesterday in Trenton, the Assembly Housing and Local Government Committee released A-437 "**TIME OF DECISION**" for consideration by the full Assembly. This bill would eliminate the time of decision rule at the municipal level.

The development community has prioritized this legislation and is making every effort to fast-track its approval. The companion measure, S-82, was approved by the Senate Community and Urban Affairs Committee in early February, and may be posted for a Senate vote this month. A-437 "**TIME OF DECISION**" is now similarly positioned in the Assembly. We expect the builders to push for a vote before the Legislature begins its budget break, shortly after March 16.

The "**TIME OF DECISION**" rule is one of the last tools left to local officials

to control inappropriate development in a municipality. This court-approved principle allows development application decisions to be made on the basis of the laws, ordinances and regulations in effect at the time the decision is rendered. The Courts created this rule out of respect for the separate powers vested in legislative bodies. It provides towns the mechanism to correct errors or close previously unanticipated loopholes, in statutory or ordinance language. The rule has also permitted a municipality to give initial legislative consideration to serious and substantial land use planning concerns that, for whatever reasons, had not been previously addressed in their ordinances.

These bills have been around for several years. The current economic crisis has given the builders an opportunity to argue that the 'time of decision' rule is a threat to recovery.

Please contact your State Senator and urge him or her to OPPOSE S-82. Also, contact your two representatives in the General Assembly and urge them to OPPOSE A-437 "**TIME OF DECISION**".

For more information, contact Mike Cerra at 609-695-3481, ext. 120.

Very truly yours,

William G. Dressel, Jr.  
Executive Director

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