

NOTE: THIS IS A COURTESY COPY OF THIS RULE PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

**Revision to the “Period of Endorsement” provision of the State Planning Rules,  
N.J.A.C. 5:85  
Approved for Proposal 10/17/07**

**5:85-~~[7.14]~~ 7.17 Period of endorsement**

- a) Except as provided under N.J.A.C. 5:85-~~[7.13]~~ 7.17, [~~initial or advanced~~] **endorsement** of **any** plan shall be **valid** for 10 years.
- b) ~~[(e)]~~ **The State Planning Commission recognizes certified Comprehensive Management Plan Regional Growth Areas, Towns, and Villages as long as the municipality within which the Pinelands Growth Area, Town or Village is located remains certified by the Pinelands Commission.**
- c) ~~[(b)]~~ Except as provided under N.J.A.C. 5:85-~~[7.13]~~ 7.18, State Planning Commission approvals of endorsed urban complex strategic revitalization plans and corridor plans, including any centers, cores or nodes designated therein, approved prior to January 7, 2002 shall remain endorsed for a period of 10 years from January 7, 2002. [~~Except as approved in an endorsed plan, designated centers, cores and nodes approved prior to January 7, 2002 shall remain endorsed for a period of six years from January 7, 2002.~~]
- ~~[(e)]~~ ~~The State Planning Commission automatically endorses those portions of municipalities in the Pinelands area certified by the Pinelands Commission as conforming to the Pinelands Comprehensive Management Plan as long as the Pinelands Commission, certification for that municipality remains in effect.~~
- d) **Except as approved in an endorsed plan, designated centers, cores and nodes approved prior to January 7, 2002 shall remain endorsed for a period of six years from January 7, 2002.**
- e) ~~[(d)]~~ Except as provided under N.J.A.C. 5:85-~~[7.13]~~ 7.18, **designated** centers, **cores and nodes approved** after January 7, 2002 and prior to July 1, 2004, other than centers designated in an endorsed plan, shall be designated for a period of six years from the date of designation by the State Planning Commission [~~or until three years after the next Final State Development and Redevelopment Plan adopted by the State Planning Commission after the effective date of these rules, whichever comes first~~].
- f) **Petitioners with centers that expire pursuant to (d) and (e) above may temporarily reestablish expired centers for a limited term and in limited circumstances as follows:**
  - 1. **Petitioners who receive a Certificate of Eligibility from the Office of Smart Growth in accordance with subchapter 7 of these rules**

**by June 7, 2009 or the date of expiration of the designated center, whichever comes later, may temporarily reestablish the expired center until June 7, 2011 or until endorsement by the State Planning Commission, whichever comes first.**

- a. **In order to accommodate the timelines, meetings and approvals necessary to attain a Certificate of Eligibility, the petitioner shall submit the Municipal Self-Assessment required pursuant to this subchapter by June 7, 2008 or one year prior to the date of expiration of the designated center, whichever comes later.**
  - b. **Meeting the above deadline to submit the Municipal Self-Assessment ensures that the State Planning Commission, its partner agencies and their respective staff will meet their regulatory obligations pursuant to this subchapter. However, any delays by the petitioner in Visioning and/or adoption of the MOU and Action Plan pursuant to this subchapter will negate the reasonable assurance that the petition can attain a Certificate of Eligibility by June 7, 2009 or the date of expiration of the designated center, whichever comes later.**
2. **An expired center shall be temporarily reestablished immediately upon transmittal of the Certificate of Eligibility by the Executive Director to the petitioner.**
3. **The boundaries of a temporarily reestablished designated center shall be set forth in a Memorandum of Understanding and Action Plan approved by the State Planning Commission pursuant to subchapter 7 of the State Planning Rules prior to transmittal of the Certificate of Eligibility. The Action Plan shall be developed by the Office of Smart Growth in consultation with the petitioner and relevant State Agencies and shall be based on the findings and conclusions the self-assessment, opportunities and constraints analysis, community visioning and a consistency review as described in subchapter 7 of the State Planning Rules and the Plan Endorsement Guidelines.**
4. **The temporary reestablishment of any center shall be conditioned upon a petitioner's compliance with the terms of a Memorandum of Understanding and Action Plan between the State Planning Commission and the petitioner.**

5. The Executive Director may approve a reasonable extension of time within which to complete the Action Plan if it is shown that a petitioner is diligently working to comply with the terms of the Action Plan. The Executive Director shall provide notice of any extension of time to the State Planning Commission and the public pursuant to N.J.A.C. 5:85-1.7(h).
6. If, after having successfully re-established a center, a petitioner fails to comply with the terms of the Memorandum of Understanding and Action Plan, the Executive Director shall prepare a recommendation to the State Planning Commission that the temporary re-establishment of the center(s) of the petitioner be revoked, and the temporary center shall permanently expire. The State Planning Commission shall consider and affirm, revise or deny the Executive Director's recommendation within 60 days of receipt of the recommendation.
7. If a complaint is received by the Office of Smart Growth or the State Planning Commission of the failure of a petitioner with a re-established center to comply with the terms of an MOU and Action Plan, the Executive Director shall investigate and prepare a recommendation to the State Planning Commission in accordance with (6) above within 45 days of receiving the complaint. The State Planning Commission shall consider and affirm, revise or deny the Executive Director's recommendation within 60 days of receipt of the recommendation.
8. Within 45 days of the temporary re-establishment of an expired center or of the revocation of a temporary center, the Executive Director shall provide notice of such action pursuant to N.J.A.C. 5:85-1.7(i).