

ASSEMBLY, No. 5586

STATE OF NEW JERSEY 222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:

Assemblyman VINCENT M. "VINNIE" KEARNEY
District 21 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

Requires data center developers to provide certain notice to public before preliminary site plan consideration and hearing under MLUL; requires DCA to maintain related public notice website.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain data center development public notice
2 requirements and supplementing and amending P.L.1975, c.291.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) The Legislature finds and declares that:

8 a. Data center development in this State is increasing at a rapid
9 pace, oftentimes without the knowledge or considered evaluation of
10 the residents of the municipality where the data centers are being
11 built.

12 b. The unique operational demands of data centers frequently
13 result in detrimental impacts to local communities, including
14 heightened energy consumption, increased strain on public utilities,
15 continuous noise pollution from cooling towers, and visual
16 alterations to the surrounding landscape, affecting quality of life
17 and the character of the community.

18 c. Pursuant to the "Municipal Land Use Law," P.L.1975, c.291
19 (C.40:55D-1 et seq.), public notice requirements for preliminary
20 site plan applications often fail to adequately inform the broader
21 community about the unique scale and long-term environmental
22 impacts of proposed data center developments.

23 d. Due to the profound and lasting effects these facilities have
24 on local infrastructure, utility rates, and community character,
25 enhanced transparency and expanded public notice are essential to
26 ensure meaningful civic participation.

27 e. Providing enhanced notice requirements for data center
28 development applications empowers neighboring property owners,
29 local businesses, and municipal residents to better understand and
30 engage with the development process.

31 f. The Legislature therefore finds that it is in the public interest
32 to amend and supplement the "Municipal Land Use Law" to
33 establish enhanced public notice standards specifically for data
34 center developments.

35
36 2. (New section) Notwithstanding any provision of law, rule,
37 regulation, or ordinance to the contrary, and in addition to the
38 requirements of section 34 of P.L.1975, c.291 (C.40:55D-46), a
39 developer who submits to a planning board an application for
40 preliminary site plan approval of the development of a data center
41 on or after the effective date of P.L. , c. (C.) (pending
42 before the Legislature as this bill) shall:

43 a. administer at least one community information meeting to
44 present the details of the project to the public, which shall be held at
45 an accessible site within the proposed host municipality and be

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 advertised at least one week prior to the meeting in appropriate
2 publications pursuant to P.L.2025, c.72 (C.35:3-1 et al.) and on
3 appropriate social media determined by the host municipality not
4 less than 90 days before submitting the site plan for review;

5 b. coordinate standardized social media and Internet website
6 posts with the host municipality, which the municipality may
7 require by ordinance, concerning details of the project and the
8 approval process, including, but not limited to:

9 (1) the time and date of the community information meeting
10 required pursuant to subsection a. of this section;

11 (2) the time and date of the public hearing required pursuant to
12 subsection a. of section 6 of P.L.1975, c.291 (C.40:55D-10);

13 (3) the public availability of maps and documents for which
14 preliminary site plan approval is sought pursuant to subsection b. of
15 section 6 of P.L.1975, c.291 (C.40:55D-10); and

16 (4) any documents detailing the scope and impact of the project,
17 including environmental and noise impacts;

18 c. send direct mail with a plain-language summary of the
19 project to the owners of properties within five miles of the proposed
20 data center development site; and

21 d. provide or make available data center development
22 information required pursuant to this section in multiple languages,
23 including English, Spanish, and other commonly-spoken languages
24 in the area.

25
26 3. (New section) The Department of Community Affairs shall
27 establish and maintain on its Internet website a public portal
28 aggregating all public notices concerning data center development
29 published as required to be consistent with section 2 or 3, as
30 applicable, of P.L.2025, c.72 (C.35:3-2 or C.35:3-3), and as
31 provided is subsection a. of section 7.1 of P.L.1975, c.291 (C.
32 40:55D-12).

33
34 4. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to
35 read as follows:

36 3.1 "Data center" means a facility or facilities: (1) whose
37 primary services are the storage, management, and processing of
38 digital data; (2) that is used to house computer and network
39 systems, including associated components such as servers, network
40 equipment and appliances, telecommunications, and data storage
41 systems, systems for monitoring and managing infrastructure
42 performance, Internet-related equipment and services, data
43 communications connections, environmental controls, fire
44 protection systems, and security systems and services; and (3) has,
45 or is projected to have, peak electrical load of at least 20
46 megawatts.

47 "Days" means calendar days.

1 "Density" means the permitted number of dwelling units per
2 gross area of land that is the subject of an application for
3 development, including noncontiguous land, if authorized by
4 municipal ordinance or by a planned development.

5 "Developer" means the legal or beneficial owner or owners of a
6 lot or of any land proposed to be included in a proposed
7 development, including the holder of an option or contract to
8 purchase, or other person having an enforceable proprietary interest
9 in such land.

10 "Development" means the division of a parcel of land into two or
11 more parcels, the construction, reconstruction, conversion,
12 structural alteration, relocation or enlargement of any building or
13 other structure, or of any mining excavation or landfill, and any use
14 or change in the use of any building or other structure, or land or
15 extension of use of land, for which permission may be required
16 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

17 "Development potential" means the maximum number of
18 dwelling units or square feet of nonresidential floor area that may
19 be constructed on a specified lot or in a specified zone under the
20 master plan and land use regulations in effect on the date of the
21 adoption of the development transfer ordinance or on the date of the
22 adoption of the ordinance authorizing noncontiguous cluster, and in
23 accordance with recognized environmental constraints.

24 "Development regulation" means a zoning ordinance,
25 subdivision ordinance, site plan ordinance, official map ordinance
26 or other municipal regulation of the use and development of land, or
27 amendment thereto adopted and filed pursuant to P.L.1975, c.291
28 (C.40:55D-1 et seq.).

29 "Development restriction" means an agricultural restriction, a
30 conservation restriction, or a historic preservation restriction.

31 "Development transfer" or "development potential transfer"
32 means the conveyance of development potential, or the permission
33 for development, from one or more lots to one or more other lots by
34 deed, easement, or other means as authorized by ordinance.

35 "Development transfer bank" means a development transfer bank
36 established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158)
37 or the State TDR Bank.

38 "Drainage" means the removal of surface water or groundwater
39 from land by drains, grading or other means and includes control of
40 runoff during and after construction or development to minimize
41 erosion and sedimentation, to assure the adequacy of existing and
42 proposed culverts and bridges, to induce water recharge into the
43 ground where practical, to lessen nonpoint pollution, to maintain
44 the integrity of stream channels for their biological functions as
45 well as for drainage, and the means necessary for water supply
46 preservation or prevention or alleviation of flooding.

47 "Electric vehicle supply equipment" or "electric vehicle service
48 equipment" or "EVSE" means the equipment, including the cables,

1 cords, conductors, connectors, couplers, enclosures, attachment
2 plugs, power outlets, power electronics, transformer, switchgear,
3 switches and controls, network interfaces, and point of sale
4 equipment and associated apparatus designed and used for the
5 purpose of transferring energy from the electric supply system to a
6 plug-in electric vehicle. "EVSE" may deliver either alternating
7 current or, consistent with fast charging equipment standards, direct
8 current electricity. "EVSE" is synonymous with "electric vehicle
9 charging station."

10 "Environmental commission" means a municipal advisory body
11 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

12 "Erosion" means the detachment and movement of soil or rock
13 fragments by water, wind, ice and gravity.

14 "Final approval" means the official action of the planning board
15 taken on a preliminarily approved major subdivision or site plan,
16 after all conditions, engineering plans and other requirements have
17 been completed or fulfilled and the required improvements have
18 been installed or guarantees properly posted for their completion, or
19 approval conditioned upon the posting of such guarantees.

20 "Floor area ratio" means the sum of the area of all floors of
21 buildings or structures compared to the total area of land that is the
22 subject of an application for development, including noncontiguous
23 land, if authorized by municipal ordinance or by a planned
24 development.

25 "General development plan" means a comprehensive plan for the
26 development of a planned development, as provided in section 4 of
27 P.L.1987, c.129 (C.40:55D-45.2).

28 "Governing body" means the chief legislative body of the
29 municipality. In municipalities having a board of public works,
30 "governing body" means such board.

31 "Historic district" means one or more historic sites and
32 intervening or surrounding property significantly affecting or
33 affected by the quality and character of the historic site or sites.

34 "Historic preservation restriction" means a "historic preservation
35 restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

36 "Historic site" means any real property, man-made structure,
37 natural object or configuration or any portion or group of the
38 foregoing of historical, archeological, cultural, scenic or
39 architectural significance.

40 "Inherently beneficial use" means a use which is universally
41 considered of value to the community because it fundamentally
42 serves the public good and promotes the general welfare. Such a
43 use includes, but is not limited to, a hospital, school, child care
44 center, group home, or a wind, solar or photovoltaic energy facility
45 or structure.

46 "Instrument" means the easement, credit, or other deed
47 restriction used to record a development transfer.

1 "Interested party" means: (a) in a criminal or quasi-criminal
2 proceeding, any citizen of the State of New Jersey; and (b) in the
3 case of a civil proceeding in any court or in an administrative
4 proceeding before a municipal agency, any person, whether residing
5 within or without the municipality, whose right to use, acquire, or
6 enjoy property is or may be affected by any action taken under
7 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,
8 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et
9 seq.), or under any other law of this State or of the United States
10 have been denied, violated or infringed by an action or a failure to
11 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

12 "Land" includes improvements and fixtures on, above or below
13 the surface.

14 "Local utility" means any sewerage authority created pursuant to
15 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
16 seq.); any utilities authority created pursuant to the "municipal and
17 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
18 seq.); or any utility, authority, commission, special district or other
19 corporate entity not regulated by the Board of Regulatory
20 Commissioners under Title 48 of the Revised Statutes that provides
21 gas, electricity, heat, power, water or sewer service to a
22 municipality or the residents thereof.

23 "Lot" means a designated parcel, tract or area of land established
24 by a plat or otherwise, as permitted by law and to be used,
25 developed or built upon as a unit.
26 (cf: P.L.2021, c.171, s.5)

27
28 5. Section 7.1 of P.L.1975, c.291 (C.40:55D-12) is amended to
29 read as follows:

30 7.1. Notice pursuant to subsections a., b., d., e., f., g., and h. of
31 this section shall be given by the applicant unless a particular
32 municipal officer is so designated by ordinance; provided that
33 nothing contained herein shall prevent the applicant from giving
34 **[such]** notice if **[he]** the applicant so desires. Notice pursuant to
35 subsections a., b., d., e., f., g., and h. of this section shall be given at
36 least 10 days prior to the date of the hearing. Any notice pursuant
37 to subsections a., b., d., e., f., g., and h. of this section concerning
38 the development of a proposed data center shall be given at least 25
39 days prior to the date of the hearing and include a plain-language
40 summary of the project.

41 a. Public notice of a hearing shall be given for an extension of
42 approvals for five or more years under subsection d. of section 37
43 of P.L.1975, c.291 (C.40:55D-49) and subsection b. of section 40 of
44 P.L.1975, c.291 (C.40:55D-52); for modification or elimination of a
45 significant condition or conditions in a memorializing resolution in
46 any situation wherein the application for development for which the
47 memorializing resolution is proposed for adoption required public
48 notice, and for any other applications for development, with the

1 following exceptions: (1) conventional site plan review pursuant to
2 section 34 of P.L.1975, c.291 (C.40:55D-46), (2) minor
3 subdivisions pursuant to section 35 of P.L.1975, c.291 (C.40:55D-
4 47) or (3) final approval pursuant to section 38 of P.L.1975, c.291
5 (C.40:55D-50); notwithstanding the foregoing, the governing body
6 may by ordinance require public notice for such categories of site
7 plan review as may be specified by ordinance, for appeals of
8 determinations of administrative officers pursuant to subsection a.
9 of section 57 of P.L.1975, c.291 (C.40:55D-70), and for requests for
10 interpretation pursuant to subsection b. of section 57 of P.L.1975,
11 c.291 (C.40:55D-70). Public notice shall also be given in the event
12 that relief is requested pursuant to section 47 or 63 of P.L.1975,
13 c.291 (C.40:55D-60 or C.40:55D-76) as part of an application for
14 development otherwise excepted herein from public notice.

15 In addition, public notice shall be given by a public entity
16 seeking to erect an outdoor advertising sign on land owned or
17 controlled by a public entity as required pursuant to section 22 of
18 P.L.1975, c.291 (C.40:55D-31) or, if so provided by ordinance
19 adopted pursuant to subsection g. of section 29.1 of P.L.1975, c.291
20 (C.40:55D-39), by a private entity seeking to erect an outdoor
21 advertising sign on public land or on land owned by a private entity.

22 Public notice shall be given by publication **in the official**
23 **newspaper of the municipality, if there be one, or in a newspaper of**
24 **general circulation in the municipality** as required to be consistent
25 with section 2 or 3, as applicable, of P.L.2025, c.72 (C.35:3-2 or
26 C.35:3-3).

27 b. Except as provided in paragraph (2) of subsection h. of this
28 section, notice of a hearing requiring public notice pursuant to
29 subsection a. of this section shall be given to the owners of all real
30 property, including the owners and landlords of rental property, as
31 shown on the current tax duplicates, located in the State and within
32 200 feet in all directions of the property **which** that is the subject
33 of **such** the hearing, and within 1,000 feet in all directions if the
34 property that is the subject of the hearing is a proposed data center;
35 provided that this requirement shall be deemed satisfied by the
36 applicant or designated municipal officer by notice to the: (1)
37 condominium association, in the case of any unit owner whose unit
38 has a unit above or below it~~;~~**,** or (2) horizontal property regime, in
39 the case of any co-owner whose apartment has an apartment above
40 or below it. Notice shall be given by: (1) serving a copy thereof on
41 the property owner as shown on the **said** current tax duplicate, or
42 **his** the agent in charge of the property~~;~~**,** or (2) mailing a copy
43 thereof by certified mail to the property owner at **his**~~the~~ address
44 as shown on the **said** current tax duplicate. Any notice
45 concerning the development of a proposed data center shall include
46 a plain-language summary of the project.

1 Notice to a partnership owner may be made by service upon any
2 partner. Notice to a corporate owner may be made by service upon
3 its president, a vice president, secretary or other person authorized
4 by appointment or by law to accept service on behalf of the
5 corporation. Notice to a condominium association, horizontal
6 property regime, community trust, or homeowners' association,
7 because of its ownership of common elements or areas located
8 within 200 feet of the property **【which】** that is the subject of the
9 hearing, or within 1,000 feet of the property if the property that is
10 the subject of the hearing is a proposed data center, may be made in
11 the same manner as to a corporation **【without further】**.

12 Upon receiving a notification pursuant to this subsection, if the
13 property that is the subject of the hearing is a proposed data center,
14 a condominium association, horizontal property regime, community
15 trust, homeowners' association, or residential landlord shall provide
16 notice to unit owners, co-owners, tenants, or homeowners 【on
17 account of such common elements or areas】 for each individual
18 dwelling unit that belongs to that property in a form and manner as
19 the condominium association, horizontal property regime,
20 community trust, homeowners' association, or residential landlord
21 disseminates information to individual property owners or tenants,
22 which shall include a plain-language summary of the project, and
23 shall provide verification to the municipal agency, in a form and
24 manner as determined by the municipal agency, that notice was
25 provided to each individual dwelling unit.

26 c. Upon the written request of an applicant, the administrative
27 officer of a municipality shall, within seven days, make and certify
28 a list from **【said】** the current tax duplicates of names and addresses
29 of owners to whom the applicant is required to give notice pursuant
30 to subsection b. of this section. In addition, the administrative
31 officer shall include on the list the names, addresses, and positions
32 of those persons who, not less than seven days prior to the date on
33 which the applicant requested the list, have registered to receive
34 notice pursuant to subsection h. of this section. The applicant shall
35 be entitled to rely upon the information contained in **【such】** the list,
36 and failure to give notice to any owner, to any public utility, cable
37 television company, or local utility or to any military facility
38 commander not on the list shall not invalidate any hearing or
39 proceeding. A sum not to exceed \$0.25 per name, or \$10**【.00】**,
40 whichever is greater, may be charged for **【such】** the list.

41 d. Notice of hearings on applications for development
42 involving property located within 200 feet of an adjoining
43 municipality, or 1,000 feet in the case of a proposed data center,
44 shall be given by personal service or certified mail to the clerk of
45 **【such】** the municipality.

46 e. Notice shall be given by personal service or certified mail to
47 the county planning board of a hearing on an application for

1 development of property adjacent to an existing county road or
2 proposed road shown on the official county map or on the county
3 master plan, adjoining other county land or situated within 200 feet
4 of a municipal boundary, or 1,000 feet in the case of a proposed
5 data center.

6 f. Notice shall be given by personal service or certified mail to
7 the Commissioner of Transportation of a hearing on an application
8 for development of property adjacent to a State highway.

9 g. Notice shall be given by personal service or certified mail to
10 the State Planning Commission of a hearing on an application for
11 development of property which exceeds 150 acres or 500 dwelling
12 units. The notice shall include a copy of any maps or documents
13 required to be on file with the municipal clerk pursuant to
14 subsection b. of section 6 of P.L.1975, c.291 (C.40:55D-10).

15 h. Notice of hearings on applications for approval of a major
16 subdivision or a site plan not defined as a minor site plan under this
17 act requiring public notice pursuant to subsection a. of this section
18 shall be given: (1) in the case of a public utility, cable television
19 company or local utility **【which】** that possesses a right-of-way or
20 easement within the municipality and **【which】** that has registered
21 with the municipality in accordance with section 5 of P.L.1991,
22 c.412 (C.40:55D-12.1), by (i) serving a copy of the notice on the
23 person whose name appears on the registration form on behalf of
24 the public utility, cable television company or local utility or (ii)
25 mailing a copy thereof by certified mail to the person whose name
26 appears on the registration form at the address shown on that form;
27 (2) in the case of a military facility **【which】** that has registered with
28 the municipality and **【which】** that is situated within 3,000 feet in all
29 directions of the property **【which】** that is the subject of the hearing,
30 by (i) serving a copy of the notice on the military facility
31 commander whose name appears on the registration form or (ii)
32 mailing a copy thereof by certified mail to the military facility
33 commander at the address shown on that form.

34 i. The applicant shall file an affidavit of proof of service with
35 the municipal agency holding the hearing on the application for
36 development in the event that the applicant is required to give
37 notice pursuant to this section.

38 j. Notice pursuant to subsections d., e., f., g. and h. of this
39 section shall not be deemed to be required, unless public notice
40 pursuant to subsection a. and notice pursuant to subsection b. of this
41 section are required.

42 (cf: P.L.2005, c.41, s.3)

43
44 6. Section 34 of P.L.1975, c.291 (C.40:55D-46) is amended to
45 read as follows:

46 a. An ordinance requiring site plan review and approval shall
47 require that the developer submit to the administrative officer a site
48 plan and such other information as is reasonably necessary to make

1 an informed decision as to whether the requirements necessary for
2 preliminary site plan approval have been met. The site plan and
3 any engineering documents to be submitted shall be required in
4 tentative form for discussion purposes for preliminary approval. If
5 any architectural plans are required to be submitted for site plan
6 approval, the preliminary plans and elevations shall be sufficient.

7 b. If the planning board required any substantial amendment in
8 the layout of improvements proposed by the developer that have
9 been the subject of a hearing, an amended application for
10 development shall be submitted and proceeded upon, as in the case
11 of the original application for development. The planning board
12 shall, if the proposed development complies with the ordinance and
13 this act, grant preliminary site plan approval.

14 c. Upon the submission to the administrative officer of a
15 complete application for a site plan which involves 10 acres of land
16 or less, and 10 dwelling units or less, the planning board shall grant
17 or deny preliminary approval within 45 days of the date of such
18 submission or within such further time as may be consented to by
19 the developer. Upon the submission of a complete application for a
20 site plan which involves more than 10 acres, or more than 10
21 dwelling units, the planning board shall grant or deny preliminary
22 approval within 95 days of the date of such submission or within
23 such further time as may be consented to by the developer.
24 Otherwise, the planning board shall be deemed to have granted
25 preliminary approval of the site plan.

26 d. Notwithstanding any law, rule, or regulation to the contrary,
27 a planning board shall not grant, or be deemed to have granted,
28 preliminary approval for the development of a data center unless:

29 (1) the public has had at least 20 days from the date of the
30 public hearing required pursuant to subsection a. of section 6 of
31 P.L.1975, c.291 (C. 40:55D-10) to submit comments to the planning
32 board; and

33 (2) the developer has complied with the requirements of section
34 2 of P.L. , c. (C.) (pending before the Legislature as this
35 bill).

36 (cf: P.L.1984, c.20, s.8)

37
38 7. This act shall take effect immediately.
39
40

41 STATEMENT

42
43 This bill provides that, notwithstanding any provision of law,
44 rule, regulation, or ordinance to the contrary, and in addition to the
45 requirements of section 34 of the "Municipal Land Use Law"
46 (MLUL), P.L.1975, c.291 (C.40:55D-46), a developer who submits
47 to a planning board an application for preliminary site plan approval

1 of the development of a data center on or after the effective date of
2 the bill is to:

3 (1) administer at least one community information meeting to
4 present the details of the project to the public, which is to be held at
5 an accessible site within the host municipality and be advertised at
6 least one week prior to the meeting in appropriate publications and
7 on appropriate social media, not less than 90 days before submitting
8 the site plan for review;

9 (2) coordinate standardized social media and Internet website
10 posts, which the municipality may require by ordinance, with the
11 host municipality concerning details of the project and the approval
12 process;

13 (3) send direct mail with a plain-language summary of the
14 project to owners of properties within five miles of the data center
15 development site; and

16 (4) provide data center development information in multiple
17 languages, including English, Spanish, and other commonly-spoken
18 languages in the area.

19 The bill provides that the Department of Community Affairs is to
20 establish and maintain on its Internet website a public portal
21 aggregating all public notices concerning data center development.

22 The bill also amends existing law to add a definition of "data
23 center" to the MLUL, which includes data centers that have, or are
24 projected to have, a peak electrical load of 20 megawatts. This 20-
25 megawatt threshold for MLUL public notice purposes is
26 intentionally set below the ratemaking threshold established under
27 P.L.2026, c.32 (C.48:7-6.2), reflecting that land use and community
28 impacts warrant public engagement at a smaller project scale than
29 utility cost-allocation concerns. The bill further amends existing
30 law to include the required notification of the public hearing for the
31 proposed development of a data center to property owners and
32 inhabitants for each individual dwelling unit within 1,000 feet of
33 the property proposed for the data center development.

34 Lastly, the bill provides for an extended public comment period
35 of 20 days from the date of a public hearing concerning the
36 development of a data center.