SENATE, No. 4633

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:
Senator PATRICK J. DIEGNAN, JR.
District 18 (Middlesex)

SYNOPSIS

Authorizes municipality to adopt ordinance requiring demolition permit applicants to submit application to planning board, board of adjustment, or historic preservation commission for approval prior to permit issuance under MLUL.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning demolition ordinances and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

1. a. As used in this section:

"Partial demolition" means any razing, dismantling, destruction, removal, or demolition of less than 50 percent of the total building or structure, as calculated by the surface area of any visible façade, exterior wall, or architectural element, which may or may not include the foundation.

"Total demolition" means any razing, dismantling, destruction, removal, or demolition of at least 50 percent of any exterior wall or publicly visible façade wall, as measured by the exterior surface area of the building or structure, including the removal of a building or structure from its site, which may or may not include the foundation.

b. A zoning ordinance may require an applicant for a demolition permit for partial or total demolition of any building or structure within a municipality to first submit the application to the planning board, zoning board of adjustment, or historic preservation commission, as applicable, for review and approval prior to the issuance of the permit. If the application is not approved or denied within 45 days of the application's submission, the application shall be deemed approved.

c. The application for demolition shall be in a form and manner determined by the municipality, but shall, at minimum, include:

(1) the reason for the demolition;

(2) the approximate age of the building or structure; and

(3) whether the building or structure is listed on any register of historic landmarks.

d. If the application is denied by the planning board, zoning board of adjustment, or historic preservation commission, as specified in the ordinance, the appropriate municipal authority shall assess the building or structure to determine whether the municipality shall deem the building or structure as historic. If the municipality determines upon review, as specified in the ordinance, that that building or structure is not historic, the municipality may recommend that the appropriate official issue a permit for the partial or total demotion of the building or structure, as indicated in the initial application.

2. This act shall take effect immediately.

STATEMENT

This bill authorizes a municipality to adopt a zoning ordinance that may require an applicant for a demolition permit for partial or total demolition, as those terms are defined in the bill, of any building or structure within a municipality to first submit the application to the planning board, zoning board of adjustment, or historic preservation commission, as applicable, for review and approval prior to the issuance of the permit. If the application is not approved or denied within 45 days of the application's submission, the application is to be deemed approved.

The bill provides that the application for demolition is to be in a form and manner determined by the municipality, but is to, at minimum, include:

(1) the reason for the demolition;

(2) the approximate age of the building or structure; and

(3) whether the building or structure is listed on any register of historic landmarks.

If the application is not approved by the planning board, zoning board of adjustment, or historic preservation commission, the building or structure is to be assessed by the appropriate municipal authority to determine whether the municipality is to deem the building or structure as historic. If the municipality determines that that building or structure is not historic, the municipality is permitted to recommend that the appropriate official is to issue a permit for the partial or total demotion of the building or structure, as indicated in the initial application.