

ASSEMBLY, No. 2586

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2012

Sponsored by:

Assemblywoman **CELESTE M. RILEY**
District 3 (Cumberland, Gloucester and Salem)
Assemblyman **THOMAS P. GIBLIN**
District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblymen **S.Kean, O'Scanlon,** Assemblywoman **Sumter** and
Assemblyman **Clifton**

SYNOPSIS

Equalizes standing of private and public colleges before land use agencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2012)

A2586 RILEY, GIBLIN

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1 AN ACT concerning land use approvals for private nonprofit
2 institutions of higher education and supplementing P.L.1975,
3 c.291.

4

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

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8 1. A private institution of higher education organized as a
9 nonprofit corporation under N.J.S.15A:1-1 et seq. or acting under
10 the authority of N.J.S.18A:68-6, and licensed by the State to confer
11 degrees pursuant to N.J.S.18A:68-1 et seq., and which is eligible to
12 receive funds under P.L.1979, c.132 (C.18A:72B-15 et seq.), shall
13 be exempt from the provisions of P.L.1975, c.291 (C.40:55D-1 et
14 seq.), to the same extent as a State college organized under
15 N.J.S.18A:64-1.

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17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill would place private nonprofit colleges in the same
23 status as State colleges under the "Municipal Land Use Law,"
24 P.L.1975, c.291 (C.40:55D-1 et seq.).

25 Under current law and the New Jersey Supreme Court decision,
26 Rutgers v. Piluso, 60 N.J. 142 (1972), public colleges and
27 universities are exempt from local zoning jurisdiction in recognition
28 of the critical public mission served by those institutions in
29 educating the citizens of the State. It has been recognized that this
30 vital public mission should not be unduly limited or restricted by
31 the actions of the municipalities within which such institutions are
32 located. The exemption is not unlimited and must be exercised in a
33 reasonable fashion as to not arbitrarily override legitimate local
34 interests. As a result, public colleges and universities are required
35 to consult with local authorities regarding institutional development
36 and to allow for input in order to minimize potential conflicts with
37 local governmental interests.

38 New Jersey's private independent institutions of higher education
39 contribute substantially to that important public mission. Licensed
40 by the State, these independent institutions of higher education are
41 eligible to receive very modest financial support under the
42 "Independent College and University Assistance Act," N.J.S.A.
43 18A:72B-15 et seq., but serve over 67,000 students each year. Of
44 the total undergraduate student population at these independent
45 institutions, 77% are New Jersey residents. These independent
46 colleges and universities serve 29% of all college students in New
47 Jersey, 35% of the State's graduate student population and confer
48 over 15,000 degrees each year.

1 Despite this significant public mission, these independent
2 institutions, because of their status as private non-profit entities, are
3 subject to local zoning controls by the municipalities in which they
4 are located and must obtain approval from those local authorities
5 for all campus development. The approval process often can be
6 quite time consuming and expensive. This results in the delay of
7 important educational programs and facilities for students attending
8 the institutions as well as the diversion of critical funding away
9 from educational purposes.

10 This bill provides for parity between the public and independent
11 institutions of higher education, which are both providing a vital
12 public mission to the State and its citizens, and would place the
13 same requirements for consultation with local officials on
14 independent institutions as are currently in place for the public
15 colleges and universities.