Legislative Update from Hoplite Communications, LLC

New Jersey State Assembly Bill A-4376 proposes relatively extreme preemption of local land use controls over the deployment of wireless facilities.

Check out a video presentation from Hoplite Communication that explains the bill:
https://www.youtube.com/watch?v=7v1DHif-4dk

A-4376 was introduced on June 27, 2022, and was sponsored by Assemblywoman, Carol A. Murphy. It was favorably reported by the Assembly Telecommunications and Utilities Committee on June 5, 2023, and is now pending further committee review and introduction of a mirror bill in the Senate.

A-4376 proposes shortening the review timeframe to 30 days for nearly all wireless installations and modifications. The FCC's existing preemption of review timeframes ranges from 60 to 150 days. Thus, A-4376 would be a substantial reduction of those shot clock limits. A-4376 also requires that approvals for all installation and modification of facilities that fall within the dimensional limits, which are huge, are limited to an administrative zoning permit. Discretionary land use approvals such as site plan review and appearances before the Planning Board or Zoning Board of Adjustment are all prohibited.

The peculiar and likely unintended phrasing of A-4376 also allows for huge expansions to structures such as buildings. The black letter phrasing of the bill would allow a carrier to expand a 50' wide apartment building's width by 40' with just a zoning permit, and in 30 days. At minimum, the bill should be substantially rephrased to remove the unintended second order effects while extending the shot clock timeframe to something more reasonable, well beyond 30 days.

A unified approach by New Jersey's municipalities would be helpful to voice disapproval to the New Jersey Legislature.

See the Draft Resolution that can be adopted by towns to memorialize opposition to the bill here:https://docs.google.com/document/d/1Ss2zf5GT4NYKcwmM5AAC4-Um3eXTmwJV/edit?usp=drive_link&ouid=109177507273247938461&rtpof=true&sd=true