

“NJ Expands MLUL Definition of “Interested Party”

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In the case of *Cherokee LCP Land, LLC v. City of Linden Planning Board*, the NJ State Supreme Court has expanded the definition of “interested party” in the Municipal Land Use Law (MLUL) to include the holder of a tax sale certificate. The Court considered whether the holder of a tax sale certificate has standing as an “interested party” to challenge a planning board’s approval of a land use application for a neighboring property. The Court ruled that tax lienholders can have standing to challenge a planning board’s actions, however, this is “not in and of itself determinative to standing.” A tax lienholder must also show that its right to use, acquire, or enjoy property, is or may be affected by the planning board’s action. While the ruling stops short of giving all tax lienholders automatic standing, it is significant as it still increases the potential pool of challengers to a planning board’s decision. This arguably gives those with the most speculative of future interests in neighboring properties to use the MLUL to challenge the decisions of the municipal planning board.