

[First Reprint]

SENATE, No. 2392

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

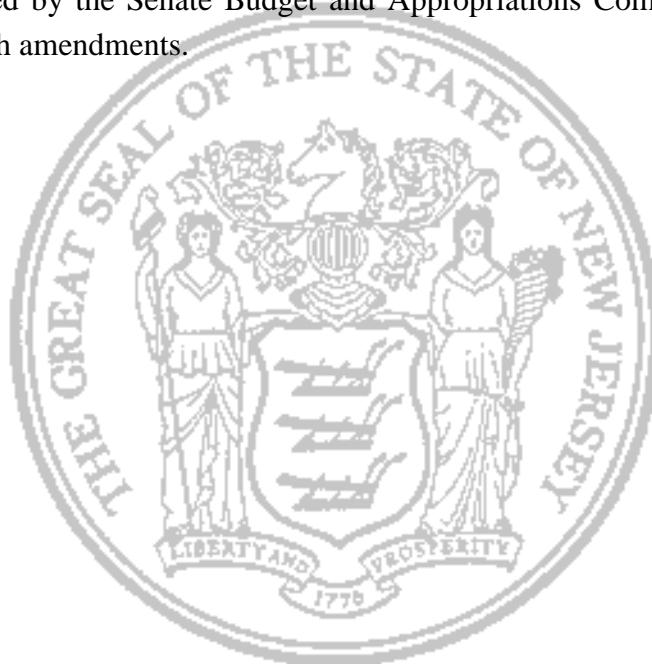
Senators Addiego, Cruz-Perez and Singer

SYNOPSIS

Allows extension of certain local government timeframes; allows local governments to accept certain payments; allows local governments to conduct certain meetings remotely; adjusts certain property tax distribution and notice requirements.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 11, 2020, with amendments.



(Sponsorship Updated As Of: 5/14/2020)

1 AN ACT concerning certain local government deadlines,
2 certifications, meetings, and acceptance of payments, property
3 taxes, and supplementing Title 52 of the Revised Statutes, and
4 amending P.L.1995, c.325, R.S.54:4-67, and R.S.54:4-76.

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

8
9 1. (New section) a. Notwithstanding the provisions of any law,
10 rule, or regulation to the contrary, whenever a public health
11 emergency, pursuant to the “Emergency Health Powers Act,”
12 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
13 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both, has
14 been declared by the Governor and is in effect, the Director of the
15 Division of Local Government Services in the Department of
16 Community Affairs shall have the power to extend any deadline
17 under the “Local Budget Law,” N.J.S.40A:4-1 et seq., the “Local
18 Fiscal Affairs Law,” N.J.S.40A:5-1 et seq., the “Local Authorities
19 Fiscal Control Law,” P.L.1983, c.313 (C.40A:5A-1 et seq.), under
20 chapter 4 of Title 54 of the Revised Statutes with respect to the
21 issuance of any tax bill except for the quarterly property tax
22 installment dates pursuant to R.S.54:4-66 or section 2 of P.L.1994,
23 c.72 (C.54:4-66.1), and under chapter 5 of Title 54 of the Revised
24 Statutes with respect to a municipal tax sale. The Director of the
25 Division of Local Government Services shall have the power to
26 permit municipalities to institute an extended grace period pursuant
27 to R.S.54:4-67 ¹, for the first \$10,000 determined to be due and
28 required to be paid for the property tax quarter,¹ not to extend
29 beyond the first calendar day of the next calendar month
30 immediately following the quarterly property tax installment date
31 and under conditions the director may specify, as well as to extend
32 the dates for the payment of taxes by a municipality due to a
33 county, a school district, or any other taxing district under chapter 4
34 of Title 54 of the Revised Statutes or any other law ¹,which
35 extension shall be equal to the number of days of the extended
36 grace period pursuant to R.S.54:4-67 provided under this
37 subsection¹. The Director of the Division of Local Government
38 Services, in consultation with the Director of the Division of
39 Taxation in the Department of the Treasury, shall have the power to
40 extend any other deadline established in chapter 1, chapter 3,
41 chapter 4, or chapter 5 of Title 54 of the Revised Statutes if the
42 Director of the Division of Local Government Services determines
43 that the extension is necessary to minimize and mitigate additional
44 hardships, loss, or suffering to the State and its political

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted May 11, 2020.

1 subdivisions. A municipality, county, or any other agency or
2 political subdivision of this State shall not enact or enforce any
3 order, rule, regulation, ordinance, or resolution that, in any way,
4 conflicts with any of the provisions of this section.

5 b. ¹Whenever the governing body, by resolution, extends the
6 interest-free period pursuant to subsection a. of this section, the
7 governing body shall provide a notice to all taxpayers by either (1)
8 regular mail; or (2) by a telephonic system and one of the following
9 alternatives: electronic mail, text messaging system, or any other
10 digital platform used by the municipality to disseminate information
11 to municipal residents electronically. The municipality also shall
12 post the notice on its Internet website, if the municipality has a
13 website, and on the Internet website of the Department of
14 Community Affairs, if the municipality has no website. The
15 municipal clerk shall notify the Director of the Division of Local
16 Government Services in the Department of Community Affairs of
17 its adoption of a resolution effectuating the provisions of an
18 extended interest-free period, pursuant to subsection a. of this
19 section, not later than the third business day next following the
20 municipal governing body's adoption of the resolution.

21 c.¹ In the event that, pursuant to subsection a. of this section, the
22 Director of the Division of Local Government Services orders an
23 extension of the dates for the payment of taxes by a municipality
24 due to a county, a school district, or any other taxing district under
25 chapter 4 of Title 54 of the Revised Statutes or any other law, the
26 director shall require a municipality to pay a percentage of the total
27 installment of taxes due to a county, school district, or any other
28 taxing district by the original statutory date for full payment of the
29 installment. In determining the percentage to be paid by the
30 municipality by the original statutory installment due date, the
31 director shall consider the amount of property taxes collected by the
32 municipality, the fiscal condition of the municipality, the fiscal
33 condition of any taxing district subject to the director's order of
34 extension pursuant to subsection a. of this section, and any other
35 budgetary, fiscal, or economic factors the director finds appropriate
36 to make the determination. The director shall consult with the
37 Commissioner of Education when considering the fiscal condition
38 of a school district pursuant to this subsection.

39 ¹[c. Notwithstanding the provisions of any law, rule, or
40 regulation to the contrary, whenever a public health emergency,
41 pursuant to the "Emergency Health Powers Act," P.L.2005, c.222
42 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942,
43 c.251 (C.App.A.9-33 et seq.), or both, has been declared by the
44 Governor and is in effect, the Director of the Division of Local
45 Government Services may extend any deadline under the
46 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.)
47 by adopting an emergency rule pursuant to subsection (c) of section
48 4 of P.L.1968, c.410 (C.52:14B-4), if the director determines that

1 there exists an imminent peril to the public health, safety, or
2 welfare.】'

3
4 2. (New section) Notwithstanding the provisions of any law,
5 rule, or regulation to the contrary, the following certification
6 renewal periods shall be extended by one year, exclusive of any
7 grace periods or extensions that may be granted by statute:

8 a. The renewal period for municipal finance officer certificates
9 pursuant to section N.J.S.40A:9-140 shall be extended from two
10 years to three years.

11 b. The renewal period for tax collector certificates pursuant to
12 section 7 of P.L.1993, c.25 (C.40A:9-145.3b) shall be extended
13 from two years to three years.

14 c. The renewal period for registered municipal clerk
15 certificates pursuant to section 8 of P.L.1997, c.279 (C.40A:9-
16 133.10) shall be extended from two years to three years.

17 d. The renewal period for county finance officer certificates
18 pursuant to section 3 of P.L.1993, c.87 (C.40A:9-28.3) shall be
19 extended from two years to three years.

20 e. The renewal period for qualified purchasing agent
21 certificates pursuant to section 9 of P.L.1971, c.198 (C.40A:11-9)
22 shall be extended from three years to four years.

23 f. The renewal period for public works manager certificates
24 pursuant to section 2 of P.L.1991, c.258 (C.40A:9-154.6b) shall be
25 extended from three years to four years.

26 g. The renewal period for tax assessor certificates pursuant to
27 section 1 of P.L. 1999, c.278 (C.54:1-35.25b) shall be extended
28 from three years to four years.

29 This section shall apply only to certifications with statutory
30 expiration dates occurring on or after the effective date of P.L. ,
31 c. (C.) (pending before the Legislature as this bill). Renewal
32 cycles commencing after the expiration of certifications extended
33 pursuant to this section shall revert to their original statutory time
34 periods.

35
36 3. (New section) Notwithstanding any provision of
37 N.J.S.40A:9-133 to the contrary, a person appointed by a
38 municipality to serve as an acting municipal clerk who is serving in
39 that position as of the effective date of P.L. , c. (C.) (pending
40 before the Legislature as this bill), and whose term has not expired
41 prior to the effective date of P.L. , c. (C.) (pending before the
42 Legislature as this bill), may, subject to the approval of the Director
43 of the Division of Local Government Services in the Department of
44 Community Affairs, be reappointed as an acting municipal clerk by
45 that municipality following the termination of the temporary
46 appointment for up to three subsequent one-year terms. A person
47 serving as acting municipal clerk as of the effective date of P.L. ,
48 c. (C.) (pending before the Legislature as this bill) shall not

1 serve the municipality as acting municipal clerk for more than four
2 consecutive years from the date of their initial appointment by the
3 municipality as acting municipal clerk.

4
5 4. (New section) Notwithstanding any provision of section 8
6 of P.L.1988, c.110 (C.40A:9-140.13) to the contrary, a person
7 appointed by a municipality to serve as a temporary chief financial
8 officer who is serving in that position as of the effective date of
9 P.L. , c. (C.) (pending before the Legislature as this bill) and
10 whose term has not expired prior to the effective date of P.L. ,
11 c. (C.) (pending before the Legislature as this bill) may, subject
12 to the approval of the Director of the Division of Local Government
13 Services in the Department of Community Affairs, be reappointed
14 as a temporary chief financial officer by that municipality following
15 the termination of the temporary appointment for up to three
16 subsequent one-year terms. A person serving as temporary chief
17 financial officer as of the effective date of P.L. , c. (C.)
18 (pending before the Legislature as this bill) shall not serve the
19 municipality as a temporary chief financial officer for more than
20 four consecutive years from the date of their initial appointment by
21 the municipality as temporary chief financial officer.

22
23 5. (New section) Notwithstanding any provision of section 4
24 of P.L.1993, c.87 (C.40A:9-28.4) to the contrary, a person
25 appointed by a county to serve as a temporary chief financial officer
26 who is serving in that position as of the effective date of P.L. ,
27 c. (C.) (pending before the Legislature as this bill) and whose
28 term has not expired prior to the effective date of P.L. ,
29 c. (C.) (pending before the Legislature as this bill) may, subject
30 to the approval of the Director of the Division of Local Government
31 Services in the Department of Community Affairs, be reappointed
32 as a temporary chief financial officer by that county following the
33 termination of the temporary appointment for up to two subsequent
34 one-year terms. A person serving as temporary chief financial
35 officer as of the effective date of P.L. , c. (C.) (pending
36 before the Legislature as this bill) shall not serve the county as a
37 temporary chief financial officer for more than three consecutive
38 years from the date of their initial appointment by the county as
39 temporary chief financial officer.

40
41 6. (New section) Notwithstanding any provision of section 7
42 of P.L.1991, c.258 (C.40A:9-154.6g) to the contrary, a person
43 appointed by a municipality to serve as a temporary principal public
44 works manager who is serving in that position as of the effective
45 date of P.L. , c. (C.) (pending before the Legislature as this
46 bill) and whose term has not expired prior to the effective date of
47 P.L. , c. (C.) (pending before the Legislature as this bill) may
48 be reappointed as a temporary principal public works manager for

1 up to two subsequent one-year terms. A person serving as a
2 temporary principal public works manager as of the effective date
3 or P.L. , c. (C.) (pending before the Legislature as this bill)
4 shall not serve the municipality as a temporary principal public
5 works manager for more than three consecutive years from the date
6 of their initial appointment by the municipality as a temporary
7 principal public works manager.

8
9 7. (New section) Notwithstanding any provision of section 9
10 of P.L.1971, c.198 (C.40A:11-9) to the contrary, a person appointed
11 by a contracting unit to serve as a temporary purchasing agent who
12 is serving in that position as of the effective date of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) and whose
14 term has not expired prior to the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) may, subject
16 to the approval of the Director of the Division of Local Government
17 Services in the Department of Community Affairs, be reappointed
18 as a temporary purchasing agent for up to two subsequent one-year
19 terms following the end of the first temporary appointment. A
20 person serving as a temporary purchasing agent as of the effective
21 date of P.L. , c. (C.) (pending before the Legislature as this
22 bill) shall not serve the contracting unit as a temporary purchasing
23 agent for more than three consecutive years from the date of their
24 initial appointment by the contracting unit as a temporary
25 purchasing agent.

26
27 8. (New section) a. ¹【Notwithstanding any provision of
28 P.L.1975, c.231 (C.10:4-6 et seq.) or】 Consistent with section 1 of
29 P.L.2020, c.11 (C.10:4-9.3) and notwithstanding¹ any other law,
30 rule, or regulation to the contrary, whenever a public health
31 emergency, pursuant to the “Emergency Health Powers Act,”
32 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
33 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both, ¹or a
34 state of local disaster emergency¹ has been declared by the
35 Governor and is in effect, a local public body may conduct a public
36 meeting remotely by electronic means, provided that reasonable
37 public notice and provision for public input is made under the
38 circumstances.

39 b. The Director of the Division of Local Government Services
40 in the Department of Community Affairs shall adopt, pursuant to
41 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), rules and regulations concerning the conduct of remote public
43 meetings during a public health emergency or state of emergency
44 that are necessary to implement the provisions of subsection a. of
45 this section, which shall include minimum procedures to be
46 followed to provide reasonable public notice and allowance for
47 public input. The director may adopt an emergency rule pursuant to

1 subsection (c) of section 4 of P.L.1968, c.410 (C.52:14B-4) to
2 implement this section.

3 c. "Local public body" means any "public body," as that term
4 is defined in section 3 of P.L.1975, c. 231 (C.10:4-8), with
5 territorial jurisdiction equal to or less than a county.

6 "Public meeting" means that same as that term is defined in
7 section 3 of P.L.1975, c. 231 (C.10:4-8)

8

9 9. Section 2 of P.L.1995, c.325 (C.40A:5-44) is amended to
10 read as follows:

11 2. As used in this act:

12 "Association" means an organization whose members are issuers.

13 "Cardholder" means the person or organization named on the
14 face of a credit card or debit card to whom or for whose benefit the
15 credit card or debit card is issued by an issuer.

16 "Card based payment" means a monetary obligation tendered by
17 the user of a credit card or debit card.

18 "Card payment system" means a technical procedure by which
19 obligations owed a local unit or court may be paid by credit card or
20 debit card.

21 "Credit card" means any instrument or device linked to an
22 established line of credit, whether known as a credit card, charge
23 card, credit plate, or by any other name, issued with or without fee
24 by an issuer for the use of the cardholder in satisfying outstanding
25 financial obligations, obtaining money, goods, services or anything
26 else of value on credit.

27 "Debit card" means any instrument or device, whether known as
28 a debit card, automated teller machine card, or by any other name,
29 issued with or without fee by an issuer for the use of the cardholder
30 in obtaining money, goods, services or anything else of value
31 through the electronic authorization of a financial institution to
32 debit the cardholder's account.

33 "Director" means the Director of the Division of Local
34 Government Services in the Department of Community Affairs.

35 "Electronic funds transfer" means any transfer of funds, other
36 than a transaction originated by check, draft, or similar paper
37 instrument, that is initiated through an electronic terminal,
38 telephone, or computer or magnetic tape for the purpose of
39 ordering, instructing or authorizing a financial institution to debit or
40 credit an account, and includes an in-person funds transfer and an
41 online funds transfer.

42 "Electronic funds transfer system" means a technical procedure
43 by which obligations owed to or collected by the Supreme Court,
44 the Superior Court, Tax Court or a local unit may be paid by an
45 electronic transaction between the financial institution of the person
46 or organization owing the obligation and the financial institution of
47 the governmental entity.

1 “In-person funds transfer” means any transfer of funds through a
2 service that accepts a payment made in-person, by any method, and
3 then transmits those funds to a payee by electronic funds transfer ¹,
4 but shall not include a service that requires a local unit to maintain,
5 and funds to be transmitted to, an account that is not a designated
6 depository of the local unit pursuant to N.J.S.A.40A:5-14¹.

7 "Issuer" means the business organization or financial institution
8 which issues a credit card or debit card, or its duly authorized agent.

9 "Local unit" means any unit of government subject to the
10 provisions of chapter 5 or 5A of Title 40A of the New Jersey
11 Statutes, and the constituent parts of those units, including but not
12 limited to independent local authorities, public libraries, municipal
13 courts and joint municipal courts.

14 “Online funds transfer” means any Internet-based transfer of
15 funds through an Internet-based payment system¹, but shall not
16 include a service that requires a local unit to maintain, and funds to
17 be transmitted to, an account that is not a designated depository of
18 the local unit pursuant to N.J.S.A.40A:5-14¹.

19 "Service charge" means a fee charged by the Supreme Court, the
20 Superior Court, Tax Court or local unit in excess of the total
21 obligation owed by a person or organization to offset processing
22 charges or discount fees for the use of a card payment system or an
23 electronic funds transfer system.

24 (cf: P.L.1995, c.325, s.2)

25
26 10. R.S.54:4-67 is amended to read as follows:

27 54:4-67. a. (1) The governing body of each municipality may
28 by resolution fix the rate of discount to be allowed for the payment
29 of taxes or assessments previous to the date on which they would
30 become delinquent. The rate so fixed shall not exceed 6% per
31 annum, shall be allowed only in case of payment made on or before
32 the thirtieth day previous to the date on which the taxes or
33 assessments would become delinquent, after subtracting the amount
34 of applicable property tax credit as defined in section 1 of P.L.2018,
35 c.11 (C.54:4-66.6). No such discount shall apply to the purchaser
36 of a total property tax levy pursuant to section 16 of P.L.1997, c.99
37 (C.54:5-113.5). The governing body may also fix the rate of
38 interest to be charged for the nonpayment of taxes, assessments, or
39 other municipal liens or charges, unless otherwise provided by law,
40 on or before the date when they would become delinquent, and may
41 provide that no interest shall be charged if payment of any
42 installment is made within the tenth calendar day following the date
43 upon which the same became payable. ¹¶ The governing body may,
44 by resolution, extend this interest-free period up to a maximum of
45 30 days during a period in which a public health emergency,
46 pursuant to the “Emergency Health Powers Act,” P.L.2005, c.222
47 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942,

1 c.251 (C.app.A.9-33 et seq.), or both, has been declared by the
2 Governor and is in effect.】¹ The rate so fixed shall not exceed 8%
3 per annum on the first \$1,500.00 of the delinquency and 18% per
4 annum on any amount in excess of \$1,500.00, to be calculated from
5 the date the tax was payable until the date that actual payment to the
6 tax collector is made.

7 (2) Notwithstanding the provisions of paragraph (1) of this
8 subsection regarding delinquent payments, in the case of a
9 municipality that has experienced a flood, hurricane, superstorm,
10 tornado, or other natural disaster, interest shall not be charged by
11 the municipality to a delinquent taxpayer if:

12 (a) a state of emergency has been declared as a result thereof by
13 the Governor less than 30 days prior to the date upon which a
14 property tax installment payment is payable pursuant to R.S.54:4-66
15 or section 2 of P.L.1994, c.72 (C.54:4-66.1), as appropriate, and

16 (b) the governing body of the municipality adopts a resolution
17 providing that interest shall not be charged to a delinquent taxpayer
18 if payment of the property tax installment, plus any available
19 property tax credit as defined in section 1 of P.L.2018, c.11
20 (C.54:4-66.6), is made on or before the first day of the next
21 calendar month from the date upon which it became payable.

22 (3) The municipal clerk shall notify the Director of the Division
23 of Local Government Services in the Department of Community
24 Affairs of its adoption of a resolution effectuating the provisions of
25 paragraph (2) of this subsection not later than the third business day
26 next following the municipal governing body's adoption of the
27 resolution. If the municipality is under State supervision pursuant
28 to the provisions of Article 4 of the "Local Government Supervision
29 Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.), is subject to
30 the provisions of the "Municipal Rehabilitation and Economic
31 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or is
32 otherwise subject to a memorandum of understanding or similar
33 agreement with the division as a condition of receiving
34 supplemental State aid, the resolution shall not be effective unless it
35 is approved by the director.

36 (4) (a) As used in this paragraph:

37 "Eligible resident" means either:

38 (i) an employee of a federal government agency who is
39 furloughed because of a shutdown and receives unemployment
40 benefits during the shutdown or who works during a shutdown but
41 is not paid because of the shutdown; or

42 (ii) a contractor whose pay is received through a contract with a
43 federal government agency but whose payment is delayed or
44 diminished because of a shutdown, provided that the contractor
45 receives unemployment benefits during the shutdown.

46 "Shutdown" means any period in which there is more than a 24-
47 hour lapse in appropriations for any federal government agency as a
48 result of a failure to enact a regular appropriations bill or continuing

1 resolution due to an impasse between the President and the
2 Congress of the United States or between the two Houses of
3 Congress.

4 (b) Notwithstanding the provisions of paragraph (1) of this
5 subsection regarding delinquent payments, a municipality shall not
6 charge interest to a delinquent taxpayer who is an eligible resident
7 or who resides with a spouse, partner in a civil union, or domestic
8 partner who is an eligible resident, if:

9 (i) a shutdown remains in effect for more than 21 days and
10 either ends less than 14 days prior to the date upon which a property
11 tax installment payment is payable pursuant to R.S.54:4-66 or
12 section 2 of P.L.1994, c.72 (C.54:4-66.1), as appropriate, or
13 remains in effect on the date that the property tax installment
14 payment is due and payable; and

15 (ii) the governing body of the municipality in which the
16 delinquent taxpayer resides adopts a resolution providing that
17 interest shall not be charged to such a delinquent taxpayer if
18 payment of the property tax installment, less any available property
19 tax credit as defined in section 1 of P.L.2018, c.11 (C.54:4-66.6), is
20 made on or before the date upon which the next property tax
21 installment payment is payable.

22 (c) Interest shall not be charged pursuant to this paragraph only
23 if a delinquent property taxpayer provides to the municipality proof
24 that the delinquent property taxpayer's pay, or the pay of the
25 delinquent property taxpayer's spouse, partner in a civil union, or
26 domestic partner, is derived from a federal government agency that
27 is affected by a shutdown. In the case of a federal employee, that
28 proof shall be demonstrated by a pay stub showing employment by
29 a federal government agency that is affected by a shutdown. In the
30 case of a contractor, the resolution adopted by the governing body
31 of the municipality pursuant to subparagraph (b) of this paragraph
32 shall establish the criteria necessary to verify the that the
33 contractor's pay is received through a contract with a federal agency
34 that is affected by a shutdown.

35 (d) The municipal clerk shall notify the Director of the Division
36 of Local Government Services in the Department of Community
37 Affairs of the municipality's adoption of a resolution effectuating
38 the provisions of part (ii) of subparagraph (b) of this paragraph not
39 later than the third business day next following the adoption of the
40 resolution. If the municipality is under State supervision pursuant
41 to the provisions of Article 4 of the "Local Government Supervision
42 Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.), is subject to
43 the provisions of the "Municipal Rehabilitation and Economic
44 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or is
45 otherwise subject to a memorandum of understanding or similar
46 agreement with the division as a condition of receiving
47 supplemental State aid, the resolution shall not be effective unless it
48 is approved by the director.

- 1 b. ¹["In any year when the governing body changes the rate of
2 interest to be charged for delinquent taxes, assessments or other
3 municipal charges, or to be charged for the end of the year penalty,
4 the governing body, after adoption of a resolution changing the rate
5 of interest, shall provide a notice to all taxpayers, prior to the date
6 taxes are next due or with the tax bill, stating the new rate or rates
7 to be charged [and], the date that the new rate or rates take effect,
8 and, if the new rate or rates of interest are not to be effective for the
9 remainder of the tax year, the property tax quarter or quarters for
10 which the change in the rate or rates shall apply. The notice may be
11 separate from the tax bill. No change in the rate of interest or the
12 end of year penalty shall take effect until the required notice has
13 been provided in accordance with this subsection. To satisfy the
14 notice requirement in this subsection, the governing body may use
15 regular mail, or may use two of the following alternatives:
16 electronic mail, text messaging system, telephonic system, or any
17 other digital platform used by the municipality to disseminate
18 information to municipal residents electronically.] At any time
19 when the governing body changes the rate of interest to be charged for
20 delinquent taxes, assessments, or other municipal charges, or to be
21 charged for the end of the year penalty, pursuant to subsection a. of
22 this section, the governing body, after adoption of a resolution
23 changing the rate of interest, shall provide a notice to all taxpayers,
24 prior to the date that taxes are next due or with the tax bill, stating the
25 new rate or rates to be charged, the date that the new rate or rates take
26 effect, and, if the new rate or rates of interest are not to be effective for
27 the remainder of the tax year, the property tax quarter or quarters for
28 which the change in rates shall apply. The notice may be separate
29 from the tax bill. A change in the rate of interest or the end of year
30 penalty shall not take effect until the required notice has been provided
31 in accordance with this subsection. To satisfy the notice requirement
32 in this subsection, the governing body shall post the notice on its
33 municipal bulletin board; post the notice on its municipal Internet
34 webpage; publish the notice in its official newspaper; provide a notice
35 to all taxpayers by either (1) regular mail; or (2) by a telephonic
36 system and issue the notice by one of the following alternatives:
37 electronic mail, text messaging system, or any other digital platform
38 used by the municipality to disseminate information to public residents
39 electronically.¹
- 40 c. In municipalities that have sold their property tax levy
41 pursuant to section 16 of P.L.1997, c.99 (C.54:5-113.5), the rate of
42 interest to be charged for the nonpayment of taxes, assessments or
43 other municipal liens or charges shall be the same interest or
44 delinquency rate or rates otherwise charged by the municipality, to
45 be calculated from the date the tax was payable until the date of
46 actual payment to the tax collector. The purchaser of the total
47 property tax levy shall be paid only those amounts attributable to
48 properties included in the total property tax levy purchase and

1 actually collected by the tax collector and which amounts shall not
2 include any delinquent interest collected by the municipal tax
3 collector prior to the time that the total property tax levy purchaser
4 makes the levy payment to the municipality.

5 d. Whenever the time period for a property tax installment
6 payment has been extended pursuant to the provisions of subsection
7 a. of this section, the Director of the Division of Local Government
8 Services in the Department of Community Affairs may, by
9 temporary order, extend the dates for payment of taxes by a
10 municipality due to a county pursuant to R.S.54:4-74, any school
11 district pursuant to R.S.54:4-75, and any other taxing district as
12 provided by law.

13 "Delinquency" means the sum of all taxes and municipal charges
14 due on a specific real property, less the amount of applicable
15 property tax credit as defined in section 1 of P.L.2018, c.11
16 (C.54:4-66.6), covering any number of quarters or years. The
17 property shall remain delinquent, as defined herein, until such time
18 as all unpaid taxes, including subsequent taxes and liens, together
19 with interest thereon shall have been fully paid and satisfied and all
20 applicable property tax credit, as defined in section 1 of P.L.2018,
21 c.11 (C.54:4-66.6), has been credited. The delinquency shall
22 remain notwithstanding the issuance of a certificate of sale pursuant
23 to R.S.54:5-32 and R.S.54:5-46, the payment of delinquent tax by
24 the purchaser of the total property tax levy pursuant to section 16 of
25 P.L.1997, c.99 (C.54:5-113.5) and for the purposes of satisfying the
26 requirements for filing any tax appeal with the county board of
27 taxation or the State tax court. The governing body may also fix a
28 penalty to be charged to a taxpayer with a delinquency in excess of
29 \$10,000 who fails to pay that delinquency as billed, less the amount
30 of applicable property tax credit as defined in section 1 of P.L.2018,
31 c.11 (C.54:4-66.6), prior to the end of the fiscal year. If any fiscal
32 year delinquency in excess of \$10,000 is paid by the holder of an
33 outstanding tax sale certificate or a total property tax levy
34 purchaser, the holder or purchaser, as appropriate, shall be entitled
35 to receive the amount of the penalty as part of the amount required
36 to redeem such certificate of sale providing the payment is made by
37 the tax lien holder or tax levy purchaser prior to the end of the fiscal
38 year. If the holder of the outstanding tax sale certificate or the levy
39 purchaser, as appropriate, does not make the payment in full prior
40 to the end of the fiscal year, then the holder or purchaser shall be
41 entitled to a pro rata share of the delinquency penalty upon
42 redemption, and the balance of the penalty shall inure to the benefit
43 of the municipality. The penalty so fixed shall not exceed 6% of
44 the amount of the delinquency with respect to each most recent
45 fiscal year only.

46 (cf: P.L.2019, c.491, s.1)

1 11. R.S.54:4-76 is amended to read as follows:

2 54:4-76. a. The governing body of the municipality or the
3 county shall cause the county tax due, as calculated pursuant to
4 R.S.54:4-74, and other county taxes levied, school tax due, as
5 calculated pursuant to R.S.54:4-75, taxes due to other taxing
6 districts, and State taxes to be paid as and when due for payment. If
7 there shall not be sufficient funds in the treasury available for such
8 payments, the governing body shall immediately borrow sufficient
9 money and pay such taxes due. The board of chosen freeholders of
10 each county may by resolution fix the rate of discount to be allowed
11 for the payment to the county treasurer of county taxes previous to
12 the date on which they will become due for payment. The rate so
13 fixed shall not exceed six **[per centum]** percent per **[annum]** year,
14 and shall be allowed only in case of payment on or before the
15 thirtieth day previous to the date on which said taxes will become
16 due for payment to the county treasurer. On any part of the taxes
17 payable to the county treasurer and on any part of the taxes payable
18 to the State by the county treasurer, which shall remain unpaid after
19 the time within which they are required to be paid by this chapter,
20 the taxing district or county in arrears shall pay to the county or
21 State, as the case may be, interest at the rate of six **[per centum]**
22 percent per **[annum]** year upon the delayed payment.

23 b. Notwithstanding the provisions of subsection a. of this
24 section, the board of chosen freeholders of a county may, by
25 resolution, waive the interest that a municipality is required to pay
26 to the county pursuant 'to' that subsection on any unpaid property
27 taxes due and owing to the county by a municipality if the
28 municipality adopted an extended interest-free period pursuant to
29 '[paragraph (1) of subsection a. of R.S.54:4-67] subsection a. of
30 section 1 of P.L. , c. (C.) (pending before the
31 Legislature as this bill),¹ and a public health emergency, pursuant to
32 the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et
33 seq.), or a state of emergency, pursuant to P.L.1942, c.251
34 '[(C.app.A.9-33 et seq.)] (C.App.A.9-33 et seq.)¹, or both, has
35 been declared by the Governor subsection shall expire 30 days after
36 the end of the municipality's extended interest-free period.
37 (cf: P.L.2013, c.261, s.5)

38

39 12. Notwithstanding the provisions of section 15 of P.L.1944,
40 c.255 (C.43:16A-15), section 24 of P.L.1954, c.84 (C.43:15A-24),
41 or any other law, rule, or regulation to the contrary, if payment of
42 the full amount of the employer's contributions certified by the
43 Police and Firemen's Retirement System or the Public Employees'
44 Retirement System was not made within 30 days after the required
45 due date when that due date occurred in the year 2020 and prior to
46 the effective date of P.L. , c. (C.) (pending before the
47 Legislature as this bill), the interest at the rate of 10 percent per

1 year that is required to be assessed against the unpaid balance
2 thereof on the first day after such 30th day shall not be assessed for
3 an additional period of 30 days. If the full amount of the certified
4 employer's contributions is not made within 60 days after the
5 required due date, the interest shall be assessed against any unpaid
6 balance of that employer on the first day after that 60th day.

7
8 13. This act shall take effect immediately,¹~~except that~~
9 subsection c. of section 1 shall remain inoperative while any
10 conflicting provision of P.L. , c. (C.) (pending before the
11 and is in effect. A waiver adopted by a county pursuant to this
12 Legislature as Senate Bill No. 2346 of 2020-2021) remains in
13 effect,¹ and sections ¹~~10~~ 8¹ and ¹~~14~~ 12¹ shall be retroactive to
14 March 9, 2020.