

40:56-35

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Special Assessments)

NJSA: 40:56-35

LAWS OF: 1995 CHAPTER: 226

BILL NO: A2264

SPONSOR(S): Albohn and Frelinghuysen

DATE INTRODUCED: November 14, 1994

COMMITTEE: ASSEMBLY Local Government
SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: May 1, 1995
SENATE: June 22, 1995

DATE OF APPROVAL: August 15, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:
SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp
2

UNF COPY
From Library

P.L.1995, CHAPTER 226, approved August 15, 1995
1994 Assembly No. 2264

1 AN ACT concerning the payment of special assessments and
2 amending R.S.40:56-35.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. R.S.40:56-35 is amended to read as follows:

7 40:56-35. The governing body may by resolution provide that
8 the owner of any real estate upon which any assessments for any
9 improvement shall have been made may pay such assessments in
10 such equal yearly installments, not exceeding ten, except as
11 hereinafter provided, with legal interest thereon, and at such
12 time in each year as the governing body shall determine, but any
13 person assessed may pay the whole of any assessment, or any
14 balance of installments, with accrued interest thereon, at one
15 time. If any such installment shall remain unpaid for 30 days
16 after the time when the same shall have become due, either:

17 a. the whole assessment or balance due thereon shall become
18 and be immediately due, shall draw interest at the rate imposed
19 upon the arrearage of taxes in such municipality and be collected
20 in the same manner as is provided by this subtitle for other past
21 due assessments; or

22 b. the governing body may, by resolution, permit any person
23 who is delinquent in the payment of such an installment to pay
24 only the amount of the delinquent payment and any interest on
25 the delinquent payment that has accrued from the date that the
26 installment was due and payable until the date that payment of
27 the delinquent installment is made. After the delinquent
28 installment is satisfied, the person assessed shall be reinstated on
29 a regular installment payment schedule.

30 Whenever any owner shall be given the privilege of paying any
31 assessment in installments such assessment shall remain a lien
32 upon the land described therein until the same with all
33 installments and accrued interest thereon shall be paid, and no
34 proceedings to collect or enforce the same need be taken until
35 default shall be made in the payment of any installment as
36 hereinbefore in this subtitle provided.

37 In any municipality which is constructing a local improvement
38 with funds secured from the Federal Government, through the
39 public works administration, under the terms of the national
40 recovery act, the governing body may provide that the
41 assessments may be payable in yearly installments, with legal
42 interest thereon, over a period of years up to but in no event

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.

1 exceeding the term of years for which the funds therefor are
2 borrowed from the Federal Government, and at such time in each
3 year as the governing body shall determine. The governing body
4 may fix the yearly installments in such amounts as in its opinion
5 are equitable and just.

6 In any municipality in which the local improvement is being
7 financed by the sale of bonds, the governing body may provide
8 that the assessments may be payable in yearly installments, with
9 legal interest thereon, over a period of years up to but in no
10 event exceeding the period of years for which the bonds were
11 issued, or for 20 years, whichever shall be less, and at such time
12 in each year as the governing body shall determine. The
13 governing body may fix the yearly installments in such amounts
14 as in its opinion are equitable and just.

15 (cf: P.L.1963, c.169, s.1)

16 2. This act shall take effect immediately.

17
18
19 **STATEMENT**
20

21 This bill permits a governing body, by resolution, to permit any
22 person who is delinquent in the payment of an installment of a
23 special assessment to pay only the amount of the delinquent
24 payment and any interest on the delinquent payment that has
25 accrued from the date that the installment was due and payable
26 until the date that payment of the delinquent installment is
27 made. The bill requires that, after the delinquent installment is
28 satisfied, the person assessed shall be reinstated on a regular
29 installment payment schedule.

30 Current law requires that when a person is delinquent in the
31 payment of an installment of a special assessment, the entire
32 assessment or outstanding balance of the assessment immediately
33 becomes due, together with the required accrued interest. The
34 provisions of this bill permit a municipal governing body, if it so
35 chooses, to continue to permit a property owner to pay on an
36 installment plan once the delinquent installment, including
37 interest, is satisfied.

38
39
40
41
42 Revises method of payment of late installment payment for
43 special assessment.

1 exceeding the term of years for which the funds therefor are
2 borrowed from the Federal Government, and at such time in each
3 year as the governing body shall determine. The governing body
4 may fix the yearly installments in such amounts as in its opinion
5 are equitable and just.

6 In any municipality in which the local improvement is being
7 financed by the sale of bonds, the governing body may provide
8 that the assessments may be payable in yearly installments, with
9 legal interest thereon, over a period of years up to but in no
10 event exceeding the period of years for which the bonds were
11 issued, or for 20 years, whichever shall be less, and at such time
12 in each year as the governing body shall determine. The
13 governing body may fix the yearly installments in such amounts
14 as in its opinion are equitable and just.

15 (cf: P.L.1983, c.169, s.1)

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill permits a governing body, by resolution, to permit any
22 person who is delinquent in the payment of an installment of a
23 special assessment to pay only the amount of the delinquent
24 payment and any interest on the delinquent payment that has
25 accrued from the date that the installment was due and payable
26 until the date that payment of the delinquent installment is
27 made. The bill requires that, after the delinquent installment is
28 satisfied, the person assessed shall be reinstated on a regular
29 installment payment schedule.

30 Current law requires that when a person is delinquent in the
31 payment of an installment of a special assessment, the entire
32 assessment or outstanding balance of the assessment immediately
33 becomes due, together with the required accrued interest. The
34 provisions of this bill permit a municipal governing body, if it so
35 chooses, to continue to permit a property owner to pay on an
36 installment plan once the delinquent installment, including
37 interest, is satisfied.

38

39

40

41

42 Revises method of payment of late installment payment for
43 special assessment.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2264

STATE OF NEW JERSEY

DATED: MARCH 27, 1995

The Assembly Local Government Committee favorably reports Assembly Bill No. 2264.

This bill permits a governing body, by resolution, to permit any person who is delinquent in the payment of an installment of a special assessment to pay only the amount of the delinquent payment and any interest on the delinquent payment that has accrued from the date that the installment was due and payable until the date that payment of the delinquent installment is made. The bill requires that, after the delinquent installment is satisfied, the person assessed shall be reinstated on a regular installment payment schedule.

Current law requires that when a person is delinquent in the payment of an installment of a special assessment, the entire assessment or outstanding balance of the assessment immediately becomes due, together with the required accrued interest. The provisions of this bill permit a municipal governing body, if it so chooses, to continue to permit a property owner to pay on an installment plan once the delinquent installment, including interest, is satisfied.