

## LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 40:52-1.2 (Property tax delinquencies-- allow withholding of business licenses and permits)

**LAWS OF:** 1987 **CHAPTER:** 174

**Bill No:** A577

**Sponsor(s):** Bryant

**Date Introduced:** Pre-filed

**Committee:** **Assembly:** Municipal Government  
**Senate:** County and Municipal Government

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** October 27, 1986  
**Senate:** January 22, 1987

**Date of Approval:** July 9, 1987

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

174 811  
7-9-87

[SECOND OFFICIAL COPY REPRINT]

**ASSEMBLY, No. 577**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman BRYANT

AN ACT concerning the issuance and revocation of certain licenses or permits by municipalities in certain instances and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 \***[1.** The provisions of any other law to the contrary notwithstanding,  
2 the governing body of any municipality may, by ordinance,  
3 require that as a condition for the issuance, reissuance  
4 or renewal of any license or permit by the municipality, by any  
5 agency or instrumentality of the municipality, or by the State  
6 or any instrumentality or agency of the State which requires, as  
7 a condition for the issuance, reissuance or renewal thereof, the  
8 approval, collaboration or action of the municipality, to any person,  
9 licensee, permit holder, or applicant therefor whose name shall  
10 appear on the last tax duplicate prepared by the assessor of the  
11 taxing district as the owner of the lands and buildings on, in, or  
12 through which the activity or business to be licensed or permitted  
13 is or shall be conducted, or does or shall take place, that there  
14 exist no delinquent property taxes, nor any other delinquent assessments,  
15 thereon.

1 2. The ordinance may also provide that whenever three consecutive  
2 installments of the taxes or any assessments payable on the  
3 lands and buildings on, in, or through which the activity or business  
4 to be licensed or permitted is or shall be conducted, or does or  
5 shall take place, shall be unpaid and shall become delinquent as  
6 provided in R. S. 54:4-66, that the municipality may revoke,

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted September 29, 1986.**

**\*\*—Senate committee amendments adopted December 15, 1986.**

7 suspend or refuse to issue or reissue a license or permit to the  
8 licensee, permit holder, or applicant therefor whose name shall  
9 appear on the last tax duplicate prepared by the assessor of the  
10 taxing district as the owner of the affected lands and buildings.  
11 Any license or permit revoked or suspended pursuant to the pro-  
12 visions of this section shall remain revoked or suspended until  
13 such time as all delinquent taxes or assessments have been paid  
14 in full, including any interest charged by the taxing district.]\*

1 \*1. \*\*[The]\*\* \*\*Except as provided herein, the\*\* governing  
2 body of a municipality may, by ordinance, as a condition for the  
3 issuance or renewal of any license or permit issued by, or requiring  
4 the approval of, the municipality, require that the applicant, if he  
5 is the owner thereof, pay any delinquent property taxes or assess-  
6 ments on the property wherein the business or activity for which  
7 the license or permit is sought or wherein the business or activity  
8 is to be conducted. The ordinance may also provide for the revoca-  
9 tion or suspension of a license or permit when any licensee, who is  
10 an owner of the property upon which the licensed business or  
11 activity is conducted, has failed to pay the taxes due on the property  
12 for at least three consecutive quarters. Upon payment of the  
13 delinquent taxes or assessment, the license or permit shall be  
14 restored. \*\*The provisions of this section shall not apply to or  
15 include any alcoholic beverage license or permit issued pursuant  
16 to the "Alcoholic Beverage Control Act," R. S. 33:1-1 et seq.\*\* \*

1 \***[3.]**\* \*2.\* This act shall take effect immediately.

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7 suspend or refuse to issue or reissue a license or permit to the  
8 licensee, permit holder, or applicant therefor whose name shall  
9 appear on the last tax duplicate prepared by the assessor of the  
10 taxing district as the owner of the affected lands and buildings.  
11 Any license or permit revoked or suspended pursuant to the pro-  
12 visions of this section shall remain revoked or suspended until  
13 such time as all delinquent taxes or assessments have been paid  
14 in full, including any interest charged by the taxing district.  
1 3. This act shall take effect immediately.

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STATEMENT

This bill would permit municipalities to refuse to issue, reissue, revoke or suspend the business licenses and activity permits of property owners who have failed to pay their property taxes or assessments for three consecutive quarters. Under the provisions of the bill, the revocation or suspension is to remain in effect until the amount of delinquent taxes or assessments, plus any interest charged by the municipality, is paid.

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A577(1986)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 577**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 29, 1986

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 577 with Assembly committee amendments.

This bill authorizes a municipality to enact an ordinance requiring, as a condition to the issuance or renewal of any license or permit, that the applicant, if he is the owner of the property whereon the licensed business or activity is to be conducted, pay all property taxes and assessments on the property that have become delinquent. The ordinance may also provide for the revocation or suspension of any license or permit when the licensee, who is the owner of the property, lets the taxes or assessments become delinquent for more than three quarters. The license or permit would be restored upon payment of the taxes or overdue assessments.

Presently the provisions of the "Municipal Land Use Law" P. L. 1975, c. 291 (C. 40:55D-1 et seq.) authorize a municipality to include in its zoning ordinance and in its subdivision and site plan ordinance provisions requiring proof that no taxes or assessments are due on the property for which planning board or zoning board approval is sought.

The committee amended the bill to conform it to the plain language style preferred for legislative enactments.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported the bill includes the changes required by technical review.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 577**

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with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 15, 1986

The Senate County and Municipal Government Committee reports favorably and with Committee amendments Assembly Bill No. 577 OCR.

Assembly Bill No. 577 OCR Sca permits a municipality to require that an applicant for certain licenses or permits pay any property taxes and assessments due on the property if the applicant is the owner of the property whereon the licensed or permitted business or activity is to be conducted. The ordinance may also provide for the revocation or suspension of those licenses or permits upon a delinquency of at least three quarters. The license or permit would be restored upon payment of overdue taxes or assessments.

Presently, the provisions of the "Municipal Land Use Law" P. L. 1975, c. 291 (C. 40:55D-1 et seq.) authorize a municipality to include in its zoning ordinance and in its subdivision and site plan ordinance provisions requiring proof that no taxes or assessments are due on the property for which planning board or zoning board approval is sought.

The committee amended the bill to provide that the provisions of the act would not apply to or include any alcoholic beverage license or permit.