



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

**ORDER OF THE DIRECTOR
DIVISION OF LOCAL GOVERNMENT SERVICES**

The novel coronavirus, (“COVID-19”) is a severe, potentially fatal respiratory illness, which is transmitted from person-to-person contact. On March 9, 2020, Governor Murphy declared that a Public Health Emergency and State of Emergency existed in New Jersey because of COVID-19. On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. On March 13, 2020, the President of the United States declared a national emergency.

State and Federal public health experts, including those at the Center for Disease Control (“CDC”), believe COVID-19 will continue to spread at exponential rates unless aggressive action is taken to reduce person-to-person contact. The highly contagious and life-threatening nature of COVID-19 requires implementation of rigorous social distancing, including the closure of public places throughout the State to reduce the risk and rate of infection.

In recognition of these unprecedented conditions, local government units have severely curtailed the public aspects of their operations, maintaining essential services through alternative means whenever possible. Many local units’ buildings are closed or have significantly restricted public access. Many local officers and employees are working remotely to reduce the risk of virus transmission. Implementing routine budgetary and operational processes is challenging during this crisis, and the need for enhanced flexibility and planning is apparent.

P.L. 2020, c. 34 allows the Director of the Division of Local Government Services to do one or more of the following when a public health emergency pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222 (N.J.S.A. 26:13-1 et seq.), a state of emergency pursuant to the New Jersey Civil Defense and Disaster Control Act, P.L. 1942, c. 251 (N.J.S.A. App. A. 9-33 et seq.), or both has been declared by the Governor and is in effect:

- a. Extend any deadline under the Local Budget Law (N.J.S.A. 40A:4-1 et seq.); Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.); and the Local Authorities Fiscal Control Law (N.J.S.A. 40A:5A-1 et seq.);
- b. Extend the deadline under chapter 4 of Title 54 for the issuance of any tax bill by a municipality, except for the quarterly property tax installment dates pursuant to N.J.S.A. 54:4-66 or section 2 of P.L.1994, c.72 (N.J.S.A. 54:4-66.1), and any deadline under chapter 5 of Title 54 of the Revised Statutes with respect to a municipal tax sale;

- c. Authorize municipalities to institute an extended grace period pursuant to N.J.S.A. 54:4-67 for the first \$10,000 determined to be due and required to be paid for the property tax quarter, not to extend beyond the first calendar day of the next calendar month immediately following the quarterly property tax installment date and under conditions the Director may specify;
- d. Extend the dates for the payment of taxes by a municipality due to a county, a school district, or any other taxing district under chapter 4 of Title 54 of the Revised Statutes or any other law, which extension shall be equal to the number of days of the extended grace period referenced in paragraph c; and
- e. In consultation with the Director of the Division of Taxation in the Department of Treasury, extend any other deadline established in chapter 1, chapter 3, chapter 4, or chapter 5 of Title 54 of the Revised Statutes if the Director of the Division of Local Government Services determines that the extension is necessary to minimize and mitigate additional hardships, loss, or suffering to the State and its political subdivisions.

Pursuant to the authority granted under P.L. 2020, c.12, I, as Director of Local Government Services, have previously extended the statutory deadlines for introduction and approval and adoption of county and municipal budgets to April 28, 2020 and May 30, 2020, respectively, or the next regularly scheduled governing body meeting thereafter. However, the COVID-19 outbreak has caused and is currently causing substantial disruptions to local government operations that require additional deadline adjustments to harmonize timelines related to those extensions; and to ensure local governments can continue to operate and provide essential services.

The Director of the Division of Local Government Services in the Department of Community Affairs hereby Orders:

1. Notwithstanding the provisions of N.J.S.A. 40A:4-59 to the contrary, if there is an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body of a county or any municipality on a calendar year budget cycle may, by no later than May 30, 2020, adopt a resolution transferring the amount of such excess to an appropriation or reserve deemed insufficient to fulfill its purpose or for which no reserve is provided. if such a transfer is otherwise permitted under N.J.S.A. 40A:4-59.
2. In the case of a county, or a municipality with a calendar year budget cycle, the deadline set forth in N.J.S.A. 40A:4-16 for a county board of taxation to advise the Director of the Division of Local Government Services of the failure to receive a municipal or county budget is hereby extended to July 31, 2020; and
3. For municipalities on a State Fiscal Year budget cycle, the deadline established by N.J.S.A. 40A:4-12.1 for certifying a preliminary municipal tax levy to be utilized in calculation of the municipal portion of the third and fourth installments of property taxes is hereby extended to on or before July 15, 2020; and
4. For municipalities on a calendar year budget cycle, the deadline for completion of the 2019 annual audit established by N.J.S.A. 40A:5-4 is hereby extended to September 30, 2020; and


5. For local authorities on a calendar year budget cycle, including fire districts, the deadline for completion of the 2019 annual audit established by N.J.S.A. 40A:5A-15 is hereby extended to be within six months after the close of the fiscal year of the authority; and

6. The deadlines for mailing of estimated tax bills by municipalities operating on a calendar fiscal year pursuant to N.J.S.A. 54:4-66.3, and the deadline for mailing of estimated tax bills for the third installment of taxes for municipalities operating on a state fiscal year pursuant to 54:4-66.4, are hereby extended to July 31, 2020; and

7. In consultation with and the approval of the Director of the Division of Taxation in the Department of Treasury, the deadline for the preparation of the table of aggregates by a county board of taxation pursuant to N.J.S.A. 54:4-52 is extended to on or before August 1, 2020. The Director of the Division of Local Government Services has determined that the extension is necessary to minimize and mitigate additional hardships, loss, or suffering to the State and its political subdivisions.

This Order shall take effect immediately. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of this Order, or that will in any way interfere with or impede its achievement, pursuant to P.L. 2020, c. 34, § 1.

Date: May 27, 2020


Melanie R. Walter, Director
Division of Local Government Services
Department of Community Affairs