

ASSEMBLY, No. 1355

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman STUHLTRAGER

1 AN ACT concerning the issuance of construction permits, and
2 amending P.L.1975, c.217.

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

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7 1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to
8 read as follows:

9 13. a. The enforcing agency shall examine each application for a
10 construction permit. If the application conforms with this act, the
11 code, and the requirements of other applicable laws and ordinances,
12 the enforcing agency shall approve the application and shall issue a
13 construction permit to the applicant. Every application for a
14 construction permit shall be granted, in whole or in part, or denied
15 within 20 business days. If the application is denied in whole or in
16 part, the enforcing agency shall set forth the reasons therefor in
17 writing. If an enforcing agency fails to grant, in whole or in part, or
18 deny an application for a construction permit within the period of time
19 prescribed herein, such failure shall be deemed a denial of the
20 application for purposes of an appeal to the construction board of
21 appeals unless such period of time has been extended with the consent
22 of the applicant. The enforcing agency may approve changes in plans
23 and specifications previously approved by it, if the plans and
24 specifications when so changed remain in conformity with law. Except
25 as otherwise provided in this act or the code, the construction or
26 alteration of a building or structure shall not be commenced until a
27 construction permit has been issued. The construction of a building or
28 structure shall be in compliance with the approved application for a
29 construction permit; and the enforcing agency shall insure such
30 compliance in the manner set forth in section 14 of this act.

31 The commissioner, after consultation with the code advisory board,
32 may, for certain classes or types of occupancy posing special or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 unusual hazards to public safety, establish regulations designating the
2 department as the enforcing agency for purposes of approving plans
3 and specifications. A municipal enforcing agency shall not grant an
4 occupancy permit for any such class or type of construction unless the
5 applicant submits appropriate plans and specifications certified or
6 approved by the department. Upon submission by an applicant of such
7 certified approved plans and specifications, the enforcing agency shall
8 recognize the approval when deciding whether to approve the
9 application for a construction permit.

10 b. A construction permit, issued in accordance with the foregoing
11 provisions, pursuant to which no construction has been undertaken
12 above the foundation walls within [1] one year from the time of
13 issuance, shall expire. The enforcing agency may suspend, revoke or
14 cancel a construction permit in case of neglect or failure to comply
15 with the provisions of this act or the code, or upon a finding by it that
16 a false statement or representation has been made in the application for
17 the construction permit or in the accompanying owner's statement
18 required by subsection c. of this section.

19 c. Every application for a construction permit shall be accompanied
20 by a statement, signed by the owner of the property or, if the owner is
21 a corporation or association, an officer, director or other authorized
22 agent of the corporation or association and certified by a resolution of
23 the board of directors of the corporation or association, attesting that
24 no property taxes due to the municipality in which the permit is
25 sought, upon the property for which construction is proposed in the
26 application, or upon adjacent and associated parcels of property under
27 substantially the same ownership or control, and for which the owner
28 making the application is responsible, are currently delinquent. For the
29 purposes of this subsection, every officer and director of a corporation
30 or association, and any person holding more than a 10 percent interest
31 in the capital stock of the corporation or association, shall be deemed
32 an "owner" of the property for which the permit is sought. No permit
33 shall be issued if such attestation is not presented, or if the enforcing
34 agency has any reasonable grounds to believe that such attestation is
35 false.

36 (cf: P.L.1975, c.217, s.13)

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38 2. This act shall take effect immediately.

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STATEMENT

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43 This bill would prevent a developer, whether an individual or the
44 officer, director or a principal stockholder of a corporation, from
45 obtaining building permits in any municipality where the developer, or
46 the corporation with which he is connected, currently owes delinquent

1 property taxes on the property under development.

2 The bill requires that every application for a construction permit be
3 accompanied by a signed attestation by the owner of the property,
4 certifying that no such tax delinquency exists. In the case of a
5 corporation or association, the attestation must be certified by the
6 board of directors; and every officer, director and holder of more than
7 10 percent interest in the corporation or association would be deemed
8 an "owner" in regard to their responsibility under this legislation.

9 A construction permit would be denied if such attestation were
10 lacking, or if the enforcing agency has reasonable grounds for
11 believing that it is false. A construction permit that has been issued
12 may be suspended, revoked or canceled if the attestation is
13 subsequently found to have been false. In addition, any person
14 involved in filing a false attestation would be subject to the penalties
15 generally provided under the "State Uniform Construction Code Act,"
16 P.L.1975, c.217 (C.52:27D-119 et seq.).

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21 Denies construction permits when applicant is delinquent on local
22 property taxes.