

[Second Reprint]

ASSEMBLY, No. 1135

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

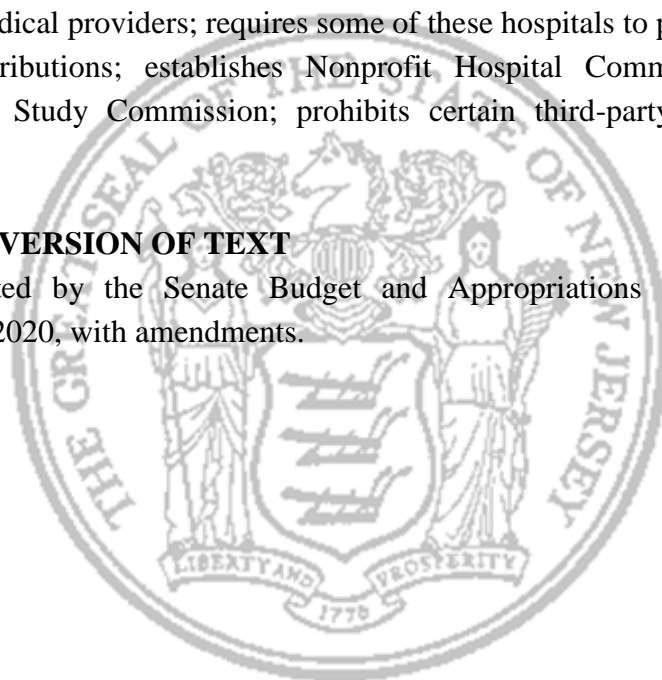
Assemblyman Giblin, Assemblywomen Pinkin, Murphy and Assemblyman Caputo

SYNOPSIS

Reinstates prior property tax exemption for nonprofit hospitals with on-site for-profit medical providers; requires some of these hospitals to pay community service contributions; establishes Nonprofit Hospital Community Service Contribution Study Commission; prohibits certain third-party property tax appeals.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on October 22, 2020, with amendments.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning property tax exemptions, supplementing
 2 chapter 48 of Title 40 and chapter 4 of Title 54 of the Revised
 3 Statutes, and amending R.S.54:4-3.6 and R.S.54:3-21.
 4

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

8 1. (New section) a. ¹(1)¹ The owner of property used as a
 9 hospital or a satellite emergency care facility, which is exempt from
 10 taxation pursuant to section 3 of P.L. , c. (C.) (pending
 11 before the Legislature as this bill), shall annually be assessed a
 12 community service contribution to the municipality in which the
 13 licensed beds of the hospital are located and, in the case of a
 14 satellite emergency care facility, to the municipality in which such
 15 facility is located. These contributions shall be remitted directly to
 16 the municipalities in which the contributions are assessed.

17 ¹(2) If a hospital and municipality have entered into a voluntary
 18 agreement prior to the enactment of P.L. , c. (C.) (pending
 19 before the Legislature as this bill), the hospital shall be required to
 20 pay the greater of the community service contribution required
 21 under paragraph (1) of subsection b. of this section, or the amount
 22 agreed upon in a voluntary agreement for the duration of the
 23 agreement between the municipality and the hospital.

24 (3) Nothing in this section shall be construed to prohibit a
 25 municipality and a hospital from entering into a voluntary
 26 agreement requiring additional payments by the hospital to the
 27 municipality pursuant to this section.¹

28 b. (1) For tax year ¹**2018** ¹**2021**¹, the annual community
 29 service contribution required pursuant to this section shall, for a
 30 hospital, be equal to \$2.50 a day for each licensed bed at the
 31 hospital in the prior tax year, and shall, for a satellite emergency
 32 care facility, be equal to \$250 for each day in the prior tax year.
 33 For tax year ¹**2019** ¹**2022**¹ and each tax year thereafter, the per day
 34 amount used to calculate an annual community service contribution
 35 for a hospital and a satellite emergency care facility shall increase
 36 by two percent over the prior tax year. The Commissioner of
 37 Health shall annually promulgate the per day amount to apply for
 38 each tax year. ¹For the purposes of this subsection, the number of
 39 licensed beds per hospital shall not be less than the number of such
 40 beds in existence on January 1, 2020.¹

41 (2) An annual community service contribution shall be reduced
 42 by an amount equal to the sum of any payments remitted to the
 43 municipality in which the licensed beds of the hospital or satellite
 44 emergency care facility, as the case may be, is located, pursuant to a

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:

¹Assembly AAP committee amendments adopted September 17, 2020.

²Senate SBA committee amendments adopted October 22, 2020.

1 voluntary agreement operative in the prior tax year between the
2 owner and the municipality to compensate for any municipal
3 ¹["public safety"] services benefitting the occupants and premises of
4 the hospital or satellite emergency care facility

5 (3) An annual community service contribution shall be payable
6 in equal quarterly installments. The installments shall be payable
7 on February 1, May 1, August 1, and November 1.

8 c. The obligation to remit an annual community service
9 contribution pursuant to this section is legal, valid, and binding. If
10 a quarterly installment of an annual community service contribution
11 installment is not paid as and when due pursuant to subsection b. of
12 this section, the unpaid balance shall constitute a municipal lien on
13 the hospital or satellite emergency care facility property after 30
14 days, and shall be enforced and collected in the same manner as
15 unpaid property taxes.

16 d. A municipality that receives an annual community service
17 contribution installment pursuant to this section, or a payment under
18 a voluntary agreement that reduces the amount of such contribution
19 pursuant to paragraph (2) of subsection b. of this section, shall
20 forthwith, upon receipt, remit five percent of the installment or
21 voluntary payment, as the case may be, to the county in which the
22 municipality is located.

23 e. The Commissioner of Health, in consultation with the New
24 Jersey Health Care Facilities Financing Authority in the Department
25 of Health and the Director of the Division of Local Government
26 Services in the Department of Community Affairs, shall, by
27 ¹["January 1, 2019"] the first day of the fourth month next following
28 the enactment of P.L. , c. (C.) (pending before the
29 Legislature as this bill)¹, adopt regulations necessary to effectuate
30 the provisions of this section pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

32 f. ¹Notwithstanding any other provision of this section to the
33 contrary, an owner of property used as a hospital that would
34 otherwise be required to remit a community service contribution
35 pursuant to this section shall be exempt from remitting any such
36 contribution for a tax year if prior to December 1 of the pre-tax
37 year: (1) the owner certifies to the Department of Health that the
38 hospital did not balance bill or collect payment from an individual
39 for inpatient services rendered at the hospital by its employed
40 physicians during the current calendar year, and that the hospital's
41 forbearance of payment was lawful and consistent with an advisory
42 opinion issued to the hospital by the federal government; and (2)
43 the hospital has provided community benefit over the preceding
44 three years for which the hospital has filed such forms averaging at
45 least 12 percent of the hospital's total expenses, as documented on
46 IRS Form 990, Schedule H, part 1, line 7K, column F. The hospital
47 shall file a copy of the documentation as enumerated in items (1)
48 and (2) of this subsection with the municipal tax assessor on or

1 before December 1 of the pre-tax year. Upon receipt of a copy of
2 the documentation, the tax assessor shall notify the hospital, on or
3 before December 31, that it is exempt from payment of the
4 community service contribution for the tax year commencing
5 January 1.

6 g.¹ As used in this section:

7 “Hospital” means a general acute care hospital licensed pursuant
8 to P.L.1971, c.136 (C.26:2H-1 et seq.), which maintains and
9 operates organized facilities and services as approved and licensed
10 by the Department of Health for the diagnosis, treatment, or care of
11 persons suffering from acute illness, injury, or deformity and in
12 which all diagnosis, treatment, and care are administered by or
13 performed under the direction of persons licensed to practice
14 medicine or osteopathy in the State, and includes all land and
15 buildings that are used in the delivery of health care services by
16 such hospital and its medical providers or that are used for the
17 management, maintenance, administration, support, and security of
18 such hospital and its medical providers.

19 “Licensed bed” means one of the total number of acute care beds
20 for which an acute care hospital is approved for patient care by the
21 Commissioner of Health, excluding skilled nursing, psychiatric,
22 sub-acute, and newborn beds, and further excluding any acute care
23 beds not commissioned for use.

24 “Medical provider” means an individual or entity which, acting
25 within the scope of a licensure or certification, provides health care
26 services, and includes, but is not limited to, a physician, physician
27 assistant, psychologist, pharmacist, dentist, nurse, nurse
28 practitioner, social worker, paramedic, respiratory care practitioner,
29 medical or laboratory technician, ambulance or emergency medical
30 worker, orthotist or prosthetist, radiological or other diagnostic
31 service facility, bioanalytical laboratory, health care facility, or
32 other limited licensed health care professional, and further includes
33 administrative support staff of the individual or entity.

34 “Owner” means an association or corporation organized as a
35 nonprofit entity pursuant to Title 15 of the Revised Statutes or Title
36 15A of the New Jersey Statutes exclusively for hospital purposes
37 that owns a hospital.

38 “Satellite emergency care facility” means a facility, which is
39 owned and operated by a hospital, and which provides emergency
40 care and treatment for patients.

41 ¹“Voluntary agreement” means any payment in lieu of taxes
42 agreement or other agreement entered into between the owner of the
43 property and the municipality for the purpose of compensating the
44 municipality for any municipal services the municipality provides
45 to the hospital.¹

46
47 2. (New section) a. There is established, in but not of the
48 Department of Health, a commission to be known as the Nonprofit

1 Hospital Community Service Contribution Study Commission. The
2 commission shall consist of nine members as follows: the
3 Commissioner of Health, ex officio; two members of the Senate to
4 be appointed by the President of the Senate, who shall not both be
5 of the same political party; two members of the General Assembly
6 to be appointed by the Speaker of the General Assembly, who shall
7 not both be of the same political party; two members, appointed by
8 the Governor, who are mayors of municipalities entitled to receive
9 annual community service contributions pursuant to section 1 of
10 P.L. , c. (C.) (pending before the Legislature as this bill);
11 and two members, appointed by the Governor, who are chief
12 executive officers of hospitals assessed annual community service
13 contributions pursuant to section 1 of P.L. , c. (C.)
14 (pending before the Legislature as this bill). Each member may
15 designate a representative to attend meetings of the commission,
16 and each designee may lawfully vote and otherwise act on behalf of
17 the member who designated that individual to serve as a designee.
18 The members shall serve for terms of three years, commencing on
19 the date of appointment, and may be reappointed. Vacancies in the
20 membership of the commission shall be filled for the unexpired
21 terms in the same manner as the original appointments.

22 b. The members shall be appointed within 60 days following
23 the effective date of this section. The commission shall organize as
24 soon as practicable after the appointment of a majority of its
25 members and shall select a chair and a treasurer from among its
26 members, and a secretary who need not be a member of the
27 commission. The presence of five members of the commission
28 shall constitute a quorum. The commission may conduct business
29 without a quorum, but may only vote on the issuance of the report
30 required to be submitted to the Governor and the Legislature
31 pursuant to subsection e. of this section, and on any
32 recommendations, when a quorum is present.

33 c. All commission members shall serve without compensation,
34 but shall be eligible for reimbursement of necessary and reasonable
35 expenses incurred in the performance of their official duties within
36 the limits of funds appropriated or otherwise made available to the
37 commission for its purposes.

38 d. The commission may meet and hold public hearings at the
39 place or places it designates during the sessions or recesses of the
40 Legislature.

41 e. The commission shall study the implementation of P.L. ,
42 c (C.) (pending before the Legislature as this bill) and shall
43 issue a report to the Governor and the Legislature, pursuant to
44 section 2 of P.L.1991, c.164 (C.52:14-19.1), every three years from
45 the effective date of this section; provided, however, that the initial
46 report shall be issued within one year following that effective date.
47 The reports shall include: (1) an analysis of the financial impact of
48 P.L. , c. (C.) (pending before the Legislature as this bill) on

1 both hospitals and satellite emergency care facilities assessed
 2 annual community service contributions thereunder and the
 3 municipalities receiving such contributions; (2) an assessment of
 4 the adequacy of the amount of the annual community service
 5 contributions; (3) an analysis of the administration and equity of
 6 these contributions; and (4) any recommendations that the
 7 commission determines would improve the administration, equity,
 8 or any other aspect of the annual community service contribution
 9 system established by P.L. , c. (C.) (pending before the
 10 Legislature as this bill).

11

12 3. (New section) a. Property, including land and buildings, used
 13 as a hospital or a satellite emergency care facility, which is owned by
 14 an association or corporation organized as a nonprofit entity pursuant
 15 to Title 15 of the Revised Statutes or Title 15A of the New Jersey
 16 Statutes exclusively for hospital purposes, shall be exempt from
 17 taxation, ²and the exemption shall extend to any portion of the
 18 hospital property that is leased to or otherwise used by a profit-making
 19 medical provider for medical purposes; provided, however, that any
 20 portion of the property that is leased to any other profit-making
 21 organization or otherwise used for any other purposes which are not
 22 themselves exempt from taxation shall be subject to taxation and the
 23 remaining portion only shall be exempt from taxation] provided that,
 24 except as provided in subsection b. of this section, if any portion of the
 25 property is leased to a profit-making organization or otherwise used
 26 for purposes which are not themselves exempt from taxation, that
 27 portion shall be subject to taxation and the remaining portion only
 28 shall be exempt from taxation².

29 b. ²If any portion of a hospital or a satellite emergency care
 30 facility is leased to or otherwise used by a profit-making medical
 31 provider for medical purposes related to the delivery of health care
 32 services directly to the hospital, that portion shall be exempt from
 33 taxation.

34 c.² The owner of property exempt from taxation pursuant to
 35 subsection a. of this section shall be assessed an annual community
 36 service contribution pursuant to section 1 of P.L. , c. (C.)
 37 (pending before the Legislature as this bill).

38 ²[c.] d.² As used in this section:

39 “Hospital” means a general acute care hospital licensed pursuant to
 40 P.L.1971, c.136 (C.26:2H-1 et seq.), which maintains and operates
 41 organized facilities and services as approved and licensed by the
 42 Department of Health for the diagnosis, treatment, or care of persons
 43 suffering from acute illness, injury, or deformity and in which all
 44 diagnosis, treatment, and care are administered by or performed under
 45 the direction of persons licensed to practice medicine or osteopathy in
 46 the State, and includes all land and buildings that are used in the
 47 delivery of health care services by such hospital and its medical

1 providers or that are used for the management, maintenance,
 2 administration, support, and security of such hospital and its medical
 3 providers.

4 “Medical provider” means an individual or entity which, acting
 5 within the scope of a licensure or certification, provides health care
 6 services, and includes, but is not limited to, a physician, physician
 7 assistant, psychologist, pharmacist, dentist, nurse, nurse practitioner,
 8 social worker, paramedic, respiratory care practitioner, medical or
 9 laboratory technician, ambulance or emergency medical worker,
 10 orthotist or prosthetist, radiological or other diagnostic service facility,
 11 bioanalytical laboratory, health care facility, or other limited licensed
 12 health care professional, and further includes administrative support
 13 staff of the individual or entity.

14 “Satellite emergency care facility” means a facility, which is
 15 owned and operated by a hospital, and which provides emergency care
 16 and treatment for patients.

17
 18 4. (New section) For tax years 2014, 2015, 2016, **¹and¹**
 19 2017, **¹2018, 2019, and 2020,¹** property that would have been
 20 exempt from taxation pursuant to section 3 of P.L. , c. (C.)
 21 (pending before the Legislature as this bill), had that section been
 22 effective in those tax years, shall not be assessed as **¹an¹** omitted
 23 **¹property¹** assessment¹ pursuant to P.L.1947, c.413 (C.54:4-63.12
 24 et seq.) **¹or as a regular assessment pursuant to R.S.54:4-1¹**. This
 25 section shall apply to all property owned by an association or
 26 corporation organized as a nonprofit entity pursuant to Title 15 of
 27 the Revised Statutes or Title 15A of the New Jersey Statutes
 28 exclusively for hospital purposes, whether or not assessed as **¹an¹**
 29 omitted **¹property¹** assessment or a regular assessment¹, as well as
 30 the omitted assessments **¹or regular assessments¹** of such property
 31 that is the subject of litigation that is pending or that may be subject
 32 to appeal before the county board of taxation, the tax court, or any
 33 other court on or after the date of enactment of P.L. ,
 34 c. (C.) (pending before the Legislature as this bill). **¹Any¹**
 35 Nothing in this section shall be construed to require a municipality
 36 to refund any¹ taxes paid on such property **¹as a result of such**
 37 omitted assessments or regular assessments pursuant to any
 38 previous settlement of litigation or other agreement¹ for tax years
 39 2014, 2015, 2016, **¹or¹** 2017 **¹shall be refunded¹** , 2018, 2019,
 40 and 2020¹.

41
 42 5. R.S.54:4-3.6 is amended to read as follows:

43 54:4-3.6. The following property shall be exempt from taxation
 44 under this chapter: all buildings actually used for colleges, schools,
 45 academies or seminaries, provided that if any portion of such
 46 buildings are leased to profit-making organizations or otherwise
 47 used for purposes which are not themselves exempt from taxation,

1 said portion shall be subject to taxation and the remaining portion
2 only shall be exempt; all buildings actually used for historical
3 societies, associations or exhibitions, when owned by the State,
4 county or any political subdivision thereof or when located on land
5 owned by an educational institution which derives its primary
6 support from State revenue; all buildings actually and exclusively
7 used for public libraries, asylum or schools for adults and children
8 with intellectual disabilities; all buildings used exclusively by any
9 association or corporation formed for the purpose and actually
10 engaged in the work of preventing cruelty to animals; all buildings
11 actually and exclusively used and owned by volunteer first-aid
12 squads, which squads are or shall be incorporated as associations
13 not for pecuniary profit; all buildings actually used in the work of
14 associations and corporations organized exclusively for the moral
15 and mental improvement of men, women and children, provided
16 that if any portion of a building used for that purpose is leased to
17 profit-making organizations or is otherwise used for purposes which
18 are not themselves exempt from taxation, that portion shall be
19 subject to taxation and the remaining portion only shall be exempt;
20 all buildings actually used in the work of associations and
21 corporations organized exclusively for religious purposes, including
22 religious worship, or charitable purposes, provided that if any
23 portion of a building used for that purpose is leased to a profit-
24 making organization or is otherwise used for purposes which are not
25 themselves exempt from taxation, that portion shall be subject to
26 taxation and the remaining portion shall be exempt from taxation,
27 and provided further that if any portion of a building is used for a
28 different exempt use by an exempt entity, that portion shall also be
29 exempt from taxation; all buildings , other than those exempt from
30 taxation pursuant to section 3 of P.L. , c. (C.) (pending
31 before the Legislature as this bill), actually used in the work of
32 associations and corporations organized exclusively for hospital
33 purposes, provided that if any portion of a building used for hospital
34 purposes is leased to profit-making organizations or otherwise used
35 for purposes which are not themselves exempt from taxation, that
36 portion shall be subject to taxation and the remaining portion only
37 shall be exempt; all buildings owned or held by an association or
38 corporation created for the purpose of holding the title to such
39 buildings as are actually and exclusively used in the work of two or
40 more associations or corporations organized exclusively for the
41 moral and mental improvement of men, women and children; all
42 buildings owned by a corporation created under or otherwise
43 subject to the provisions of Title 15 of the Revised Statutes or Title
44 15A of the New Jersey Statutes and actually and exclusively used in
45 the work of one or more associations or corporations organized
46 exclusively for charitable or religious purposes, which associations
47 or corporations may or may not pay rent for the use of the premises
48 or the portions of the premises used by them; the buildings, not

1 exceeding two, actually occupied as a parsonage by the officiating
2 clergymen of any religious corporation of this State, together with
3 the accessory buildings located on the same premises; the land
4 whereon any of the buildings hereinbefore mentioned are erected,
5 and which may be necessary for the fair enjoyment thereof, and
6 which is devoted to the purposes above mentioned and to no other
7 purpose and does not exceed five acres in extent; the furniture and
8 personal property in said buildings if used in and devoted to the
9 purposes above mentioned; all property owned and used by any
10 nonprofit corporation in connection with its curriculum, work, care,
11 treatment and study of men, women, or children with intellectual
12 disabilities shall also be exempt from taxation, provided that such
13 corporation conducts and maintains research or professional
14 training facilities for the care and training of men, women, or
15 children with intellectual disabilities; provided, in case of all the
16 foregoing, the buildings, or the lands on which they stand, or the
17 associations, corporations or institutions using and occupying them
18 as aforesaid, are not conducted for profit, except that the exemption
19 of the buildings and lands used for charitable, benevolent or
20 religious purposes shall extend to cases where the charitable,
21 benevolent or religious work therein carried on is supported partly
22 by fees and charges received from or on behalf of beneficiaries
23 using or occupying the buildings; provided the building is wholly
24 controlled by and the entire income therefrom is used for said
25 charitable, benevolent or religious purposes; and any tract of land
26 purchased pursuant to subsection (n) of section 21 of P.L.1971,
27 c.199 (C.40A:12-21), and located within a municipality, actually
28 used for the cultivation and sale of fresh fruits and vegetables and
29 owned by a duly incorporated nonprofit organization or association
30 which includes among its principal purposes the cultivation and sale
31 of fresh fruits and vegetables, other than a political, partisan,
32 sectarian, denominational or religious organization or association.
33 The foregoing exemption shall apply only where the association,
34 corporation or institution claiming the exemption owns the property
35 in question and is incorporated or organized under the laws of this
36 State and authorized to carry out the purposes on account of which
37 the exemption is claimed or where an educational institution, as
38 provided herein, has leased said property to a historical society or
39 association or to a corporation organized for such purposes and
40 created under or otherwise subject to the provisions of Title 15 of
41 the Revised Statutes or Title 15A of the New Jersey Statutes.

42 As used in this section "hospital purposes" includes health care
43 facilities for the elderly, such as nursing homes; residential health
44 care facilities; assisted living residences; facilities with a Class C
45 license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the
46 "Rooming and Boarding House Act of 1979"; similar facilities that
47 provide medical, nursing or personal care services to their residents;
48 and that portion of the central administrative or service facility of a

1 continuing care retirement community that is reasonably allocable
2 as a health care facility for the elderly.
3 (cf: P.L.2011, c.171, s.4)
4

5 ¹¶6. R.S.54:3-21 is amended to read as follows:

6 54:3-21. a. (1) Except as provided in subsection b. of this
7 section a taxpayer feeling aggrieved by the assessed valuation or
8 exempt status of the taxpayer's property **],** or feeling discriminated
9 against by the assessed valuation of other property in the county, **]**
10 or a taxing district which may feel discriminated against by the
11 assessed valuation or exempt status of property in the taxing
12 district, or by the assessed valuation or exempt status of property in
13 another taxing district in the county, may on or before April 1, or 45
14 days from the date the bulk mailing of notification of assessment is
15 completed in the taxing district, whichever is later, appeal to the
16 county board of taxation by filing with it a petition of appeal;
17 provided, however, that any such taxpayer or taxing district may on
18 or before April 1, or 45 days from the date the bulk mailing of
19 notification of assessment is completed in the taxing district,
20 whichever is later, file a complaint directly with the Tax Court, if
21 the assessed valuation of the property subject to the appeal exceeds
22 \$1,000,000. In a taxing district where a municipal-wide revaluation
23 or municipal-wide reassessment has been implemented, a taxpayer
24 or a taxing district may appeal before or on May 1 to the county
25 board of taxation by filing with it a petition of appeal or, if the
26 assessed valuation of the property subject to the appeal exceeds
27 \$1,000,000, by filing a complaint directly with the State Tax Court.
28 Within ten days of the completion of the bulk mailing of
29 notification of assessment, the assessor of the taxing district shall
30 file with the county board of taxation a certification setting forth the
31 date on which the bulk mailing was completed. If a county board of
32 taxation completes the bulk mailing of notification of assessment,
33 the tax administrator of the county board of taxation shall within ten
34 days of the completion of the bulk mailing prepare and keep on file
35 a certification setting forth the date on which the bulk mailing was
36 completed. A taxpayer shall have 45 days to file an appeal upon the
37 issuance of a notification of a change in assessment. An appeal to
38 the Tax Court by one party in a case in which the Tax Court has
39 jurisdiction shall establish jurisdiction over the entire matter in the
40 Tax Court. All appeals to the Tax Court hereunder shall be in
41 accordance with the provisions of the State Uniform Tax Procedure
42 Law, R.S.54:48-1 et seq.

43 If a petition of appeal or a complaint is filed on April 1 or during
44 the 19 days next preceding April 1, a taxpayer or a taxing district
45 shall have 20 days from the date of service of the petition or
46 complaint to file a cross-petition of appeal with a county board of
47 taxation or a counterclaim with the Tax Court, as appropriate.

(2) With respect to property located in a county participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) or a property located in a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), and except as provided in subsection b. of this section, a taxpayer feeling aggrieved by the assessed valuation or exempt status of the taxpayer's property **■**, or feeling discriminated against by the assessed valuation of other property in the county, **■** or a taxing district which may feel discriminated against by the assessed valuation or exempt status of property in the taxing district, or by the assessed valuation or exempt status of property in another taxing district in the county, may on or before January 15, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever date is later, appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer, or taxing district, may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever date is later, file a complaint directly with the Tax Court, if the assessed valuation of the property subject to the appeal exceeds \$1,000,000.

If a petition of appeal is filed on January 15 or during the 19 days next preceding January 15, or a complaint is filed with the Tax Court on April 1 or during the 19 days next preceding April 1, a taxpayer or a taxing district shall have 20 days from the date of service of the petition or complaint to file a cross-petition of appeal with a county board of taxation or a counterclaim with the Tax Court, as appropriate.

Within 10 days of the completion of the bulk mailing of notification of assessment, the assessor of the taxing district shall file with the county board of taxation a certification setting forth the date on which the bulk mailing was completed. If a county board of taxation completes the bulk mailing of notification of assessment, the tax administrator of the county board of taxation shall within 10 days of the completion of the bulk mailing prepare and keep on file a certification setting forth the date on which the bulk mailing was completed. A taxpayer shall have 45 days to file an appeal upon the issuance of a notification of a change in assessment. An appeal to the Tax Court by one party in a case in which the Tax Court has jurisdiction shall establish jurisdiction over the entire matter in the Tax Court. All appeals to the Tax Court hereunder shall be in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

b. No taxpayer or taxing district shall be entitled to appeal either an assessment or an exemption or both that is based on a financial agreement subject to the provisions of the "Long Term

1 Tax Exemption Law" under the appeals process set forth in
2 subsection a. of this section.

3 (cf: P.L.2017, c.306, s.4)】¹
4

5 ¹6. R.S.54:3-21 is amended to read as follows:

6 54:3-21. a. (1) Except as provided in subsection b. of this
7 section a taxpayer feeling aggrieved by the assessed valuation or
8 exempt status of the taxpayer's property **】**, or feeling discriminated
9 against by the assessed valuation of other property in the county, **】**
10 or a taxing district which may feel discriminated against by the
11 assessed valuation or exempt status of property in the taxing
12 district, or by the assessed valuation or exempt status of property in
13 another taxing district in the county, may on or before April 1, or 45
14 days from the date the bulk mailing of notification of assessment is
15 completed in the taxing district, whichever is later, appeal to the
16 county board of taxation by filing with it a petition of appeal;
17 provided, however, that any such taxpayer or taxing district may on
18 or before April 1, or 45 days from the date the bulk mailing of
19 notification of assessment is completed in the taxing district,
20 whichever is later, file a complaint directly with the Tax Court, if
21 the assessed valuation of the property subject to the appeal exceeds
22 \$1,000,000. In a taxing district where a municipal-wide revaluation
23 or municipal-wide reassessment has been implemented, a taxpayer
24 or a taxing district may appeal before or on May 1 to the county
25 board of taxation by filing with it a petition of appeal or, if the
26 assessed valuation of the property subject to the appeal exceeds
27 \$1,000,000, by filing a complaint directly with the State Tax Court.
28 Within ten days of the completion of the bulk mailing of
29 notification of assessment, the assessor of the taxing district shall
30 file with the county board of taxation a certification setting forth the
31 date on which the bulk mailing was completed. If a county board of
32 taxation completes the bulk mailing of notification of assessment,
33 the tax administrator of the county board of taxation shall within ten
34 days of the completion of the bulk mailing prepare and keep on file
35 a certification setting forth the date on which the bulk mailing was
36 completed. A taxpayer shall have 45 days to file an appeal upon the
37 issuance of a notification of a change in assessment. An appeal to
38 the Tax Court by one party in a case in which the Tax Court has
39 jurisdiction shall establish jurisdiction over the entire matter in the
40 Tax Court. All appeals to the Tax Court hereunder shall be in
41 accordance with the provisions of the State Uniform Tax Procedure
42 Law, R.S.54:48-1 et seq.

43 If a petition of appeal or a complaint is filed on April 1 or during
44 the 19 days next preceding April 1, a taxpayer or a taxing district
45 shall have 20 days from the date of service of the petition or
46 complaint to file a cross-petition of appeal with a county board of
47 taxation or a counterclaim with the Tax Court, as appropriate.

1 (2) With respect to property located in a county participating in
2 the demonstration program established in section 4 of
3 P.L.2013, c.15 (C.54:1-104), a property located in a county
4 operating under the "Property Tax Assessment Reform Act,"
5 P.L.2009, c.118 (C.54:1-86 et seq.), or a property located in a
6 county that has adopted, by resolution, the provisions of section 1
7 of P.L.2018, c.94 (C.54:1-105), and except as provided in
8 subsection b. of this section, a taxpayer feeling aggrieved by the
9 assessed valuation or exempt status of the taxpayer's property **],** or
10 feeling discriminated against by the assessed valuation of other
11 property in the county,**]** or a taxing district which may feel
12 discriminated against by the assessed valuation or exempt status of
13 property in the taxing district, or by the assessed valuation or
14 exempt status of property in another taxing district in the county,
15 may on or before January 15, or 45 days from the date the bulk
16 mailing of notification of assessment is completed in the taxing
17 district, whichever date is later, appeal to the county board of
18 taxation by filing with it a petition of appeal; provided, however,
19 that any such taxpayer, or taxing district, may on or before April 1,
20 or 45 days from the date the bulk mailing of notification of
21 assessment is completed in the taxing district, whichever date is
22 later, file a complaint directly with the Tax Court, if the assessed
23 valuation of the property subject to the appeal exceeds \$1,000,000.

24 If a petition of appeal is filed on January 15 or during the 19
25 days next preceding January 15, or a complaint is filed with the Tax
26 Court on April 1 or during the 19 days next preceding April 1, a
27 taxpayer or a taxing district shall have 20 days from the date of
28 service of the petition or complaint to file a cross-petition of appeal
29 with a county board of taxation or a counterclaim with the Tax
30 Court, as appropriate.

31 Within 10 days of the completion of the bulk mailing of
32 notification of assessment, the assessor of the taxing district shall
33 file with the county board of taxation a certification setting forth the
34 date on which the bulk mailing was completed. If a county board of
35 taxation completes the bulk mailing of notification of assessment,
36 the tax administrator of the county board of taxation shall within 10
37 days of the completion of the bulk mailing prepare and keep on file
38 a certification setting forth the date on which the bulk mailing was
39 completed. A taxpayer shall have 45 days to file an appeal upon the
40 issuance of a notification of a change in assessment. An appeal to
41 the Tax Court by one party in a case in which the Tax Court has
42 jurisdiction shall establish jurisdiction over the entire matter in the
43 Tax Court. All appeals to the Tax Court hereunder shall be in
44 accordance with the provisions of the State Uniform Tax Procedure
45 Law, R.S.54:48-1 et seq.

46 b. No taxpayer or taxing district shall be entitled to appeal
47 either an assessment or an exemption or both that is based on a
48 financial agreement subject to the provisions of the "Long Term

1 Tax Exemption Law" under the appeals process set forth in
2 subsection a. of this section.¹

3 (cf: P.L.2018.c. 94, s.5)

4

5 7. This act shall take effect immediately ¹["and shall be
6 retroactive to January 1, 2018"]¹ , except that section 4 of the bill
7 shall ¹be retroactive and¹ apply to tax years 2014, 2015, 2016,
8 ¹["and"]¹ 2017 ¹, 2018, 2019, and 2020¹ only.