

SENATE, No. 220

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator Stack

SYNOPSIS

Makes total property tax exemption for 100% disabled veterans retroactive to effective date of determination of total disability; requires State to reimburse municipalities for reimbursement of property taxes paid to veteran.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



(Sponsorship Updated As Of: 12/17/2020)

1 **AN ACT** concerning eligibility to receive the property tax exemption
2 granted to permanently and totally disabled veterans and
3 amending P.L.1948, c.259.

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

7
8 1. Section 1 of P.L.1948, c.259 (C.54:4-3.30) is amended to
9 read as follows:

10 1. a. The dwelling house and the lot or curtilage whereon the
11 same is erected, of any citizen and resident of this State, now or
12 hereafter honorably discharged or released under honorable
13 circumstances, from active service in any branch of the Armed
14 Forces of the United States, who has been or shall be declared by
15 the United States Department of Veterans' Affairs or its successor to
16 have a service-connected disability from paraplegia, sarcoidosis,
17 osteochondritis resulting in permanent loss of the use of both legs,
18 or permanent paralysis of both legs and lower parts of the body, or
19 from hemiplegia and has permanent paralysis of one leg and one
20 arm or either side of the body, resulting from injury to the spinal
21 cord, skeletal structure, or brain or from disease of the spinal cord
22 not resulting from any form of syphilis; or from total blindness; or
23 from amputation of both arms or both legs, or both hands or both
24 feet, or the combination of a hand and a foot; or from other service-
25 connected disability declared by the United States Department of
26 Veterans **Administration** Affairs or its successor to be a total or
27 100% permanent disability, and not so evaluated solely because of
28 hospitalization or surgery and recuperation, sustained through
29 enemy action, or accident, or resulting from disease contracted
30 while in such active service, shall be exempt from taxation
31 retroactive to the effective date of the determination of total
32 disability by the United States Department of Veterans Affairs, on
33 proper claim made therefor, and such exemption shall be in addition
34 to any other exemption of such person's real and personal property
35 which now is or hereafter shall be prescribed or allowed by the
36 Constitution or by law but no taxpayer shall be allowed more than
37 one exemption under **this act** P.L.1948, c.259 (C.54:4-3.30 et
38 seq.).

39 b. (1) The surviving spouse of any such citizen and resident of
40 this State, who at the time of death was entitled to the exemption
41 provided under **this act** P.L.1948, c.259 (C.54:4-3.30 et seq.),
42 shall be entitled, on proper claim made therefor, to the same
43 exemption as the deceased had, during the surviving spouse's
44 widowhood or widowerhood, as the case may be, and while a
45 resident of this State, for the time that the surviving spouse is the

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 legal owner thereof and actually occupies the said dwelling house
2 or any other dwelling house thereafter acquired.

3 (2) The surviving spouse of any citizen and resident of this State
4 who was honorably discharged and, after the citizen and resident's
5 death, is declared to have suffered a service-connected disability as
6 provided in subsection a. of this section, shall be entitled, on proper
7 claim made therefor, to the same exemption the deceased would
8 have become eligible for. The exemption shall continue during the
9 surviving spouse's widowhood or widowerhood, as the case may be,
10 and while a resident of this State, for the time that the surviving
11 spouse is the legal owner thereof and actually occupies the dwelling
12 house or any other dwelling house thereafter acquired.

13 c. The surviving spouse of any citizen and resident of this
14 State, who died in active service in any branch of the Armed Forces
15 of the United States, shall be entitled, on proper claim made
16 therefor, to an exemption from taxation on the dwelling house and
17 lot or curtilage whereon the same is erected, during the surviving
18 spouse's widowhood or widowerhood, as the case may be, and
19 while a resident of this State, for the time that the surviving spouse
20 is the legal owner thereof and actually occupies the said dwelling or
21 any other dwelling house thereafter acquired.

22 d. The surviving spouse of any citizen and resident of this State
23 who died prior to January 10, 1972, that being the effective date of
24 P.L.1971, c.398, and whose circumstances were such that, had said
25 law become effective during the deceased's lifetime, the deceased
26 would have become eligible for the exemption granted under this
27 section as amended by said law, shall be entitled, on proper claim
28 made therefor, to the same exemption as the deceased would have
29 become eligible for upon the dwelling house and lot or curtilage
30 occupied by the deceased at the time of death, during the surviving
31 spouse's widowhood or widowerhood, as the case may be, and
32 while a resident of this State, for the time that the surviving spouse
33 is the legal owner thereof and actually occupies the said dwelling
34 house on the premises to be exempted.

35 e. Nothing in **【this act】** P.L.1948, c.259 (C.54:4-3.30 et seq.)
36 shall be intended to include paraplegia or hemiplegia resulting from
37 locomotor ataxia or other forms of syphilis of the central nervous
38 system, or from chronic alcoholism, or to include other forms of
39 disease resulting from the veteran's own misconduct which may
40 produce signs and symptoms similar to those resulting from
41 paraplegia, osteochondritis, or hemiplegia.
42 (cf: P.L.2019, c.413, s.1)

43
44 2. Section 2 of P.L.1948, c.259 (C.54:4-3.31) is amended to
45 read as follows:

46 2. All exemptions from taxation under P.L.1948, c.259
47 (C.54:4-3.30 et seq.) shall be allowed by the assessor upon the
48 filing with him of a claim in writing under oath, made by or on

1 behalf of the person claiming the same, showing the right to the
2 exemption, briefly describing the property for which exemption is
3 claimed and having annexed thereto a certificate of the claimant's
4 honorable discharge or release under honorable circumstances, from
5 active service in any branch of the Armed Forces of the United
6 States and a certificate from the United States Department of
7 Veterans' Affairs or its successor, certifying to a service-connected
8 disability of such claimant of the character described in section 1 of
9 P.L.1948, c.259 (C.54:4-3.30). Any application for an exemption
10 from taxation under this section shall be retroactive to the effective
11 date of the determination of total disability by the United States
12 Department of Veterans Affairs. In the case of a claim by a
13 surviving spouse of such veteran, the claimant shall establish in
14 writing under oath that the claimant is the owner of the legal title to
15 the premises on which exemption is claimed; that the claimant
16 occupies the dwelling house on said premises as the claimant's legal
17 residence in this State; that the veteran shall have been declared,
18 either during the veteran's lifetime or after the veteran's death, by
19 the United States Department of Veterans' Affairs to have or to have
20 had a service-connected disability of a character described in **[this**
21 **act]** P.L.1948, c.259 (C.54:4-3.30 et seq.), or, in the case of a claim
22 for an exemption under subsection c. of section 1 of P.L.1948,
23 c.259 (C.54:4-3.30), that the veteran shall have been declared to
24 have died in active service; that the veteran was entitled to an
25 exemption provided for in **[this act]** P.L.1948, c.259 (C.54:4-3.30
26 et seq.), except for an exemption under paragraph (2) of subsection
27 b. and subsection c. of section 1 **[hereof]** of P.L.1948, c.259
28 (C.54:4-3.30), at the time of death; and that the claimant is a
29 resident of this State and has not remarried. Such exemptions shall
30 be allowed and prorated by the assessor for the remainder of any
31 taxable year from the date the claimant shall have acquired title to
32 the real property intended to be exempt by **[this act]** P.L.1948,
33 c.259 (C.54:4-3.30 et seq.). Where a portion of a multiple-family
34 building or structure occupied by the claimant is the subject of such
35 exemption, the assessor shall aggregate the assessment on the lot or
36 curtilage and building or structure and allow an exemption of that
37 percentage of the aggregate assessment as the value of the portion
38 of the building or structure occupied by the claimant bears to the
39 value of the entire building or structure.
40 (cf: P.L.2019, c.413, s.2)

41
42 3. Section 3 of P.L.1948, c.259 (C.54:4-3.32) is amended to
43 read as follows:

44 3. The governing body of each municipality, by appropriate
45 resolution, **[may]** shall return all taxes collected on property which
46 would have been exempt had proper claim in writing been made
47 therefor in the manner provided by **[this act]**. The governing body

1 of each municipality, by appropriate resolution, may also return to
2 the veteran or the veteran's surviving spouse all property tax
3 payments made since the time of the veteran's actual disability or
4 since the time of the veteran's death. No refunds shall be made
5 under this section for any year or portion thereof prior to the
6 effective date of P.L.1948, c.259 (C.54:4-3.30 et seq.)**】**
7 P.L.1948, c.259 (C.54:4-3.30 et seq.), as of the effective date of the
8 determination of total disability by the United States Department of
9 Veterans Affairs. The tax assessor of the municipality shall
10 annually notify the Director of the Division of Taxation in the
11 Department of the Treasury of any amounts reimbursed during a tax
12 year pursuant to this section. The State shall reimburse each
13 municipality an amount equal to 102 percent of the amount of any
14 veterans' property tax reimbursement granted in that municipality
15 and reported by the tax assessor.

16 (cf: P.L.2007, c.317, s.3)

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18 4. This act shall take effect immediately.