

ASSEMBLY CONCURRENT RESOLUTION No. 71

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywoman ALLEN, Assemblymen DeSOPO, LeFevre,
Kelly, Bodine and Blee

1 A CONCURRENT RESOLUTION proposing to amend Article VIII, Section I,
2 paragraph 4 of the Constitution of the State of New Jersey.

3

4 BE IT RESOLVED by the General Assembly of the State of New Jersey
5 (the Senate concurring):

6

7 1. The following proposed amendment to the Constitution of the State of
8 New Jersey is agreed to:

9

10 PROPOSED AMENDMENT

11

12 Amend Article VIII, Section I, paragraph 4 to read as follows:

13 4. The Legislature may, from time to time, enact laws granting an annual
14 deduction, from the amount of any tax bill for taxes on the real property, and
15 from taxes attributable to a residential unit in a cooperative or mutual housing
16 corporation, of any citizen and resident of this State of the age of 65 or more
17 years, or any citizen and resident of this State less than 65 years of age who
18 is permanently and totally disabled according to the provisions of the Federal
19 Social Security Act, residing in a dwelling house owned by him which is a
20 constituent part of such real property, or residing in a dwelling house owned
21 by him which is assessed as real property but which is situated on land owned
22 by another or others, or residing as tenant-shareholder in a cooperative or
23 mutual housing corporation, but no such deduction shall be in excess of
24 \$160.00 with respect to any year prior to 1981, \$200.00 per year in 1981,
25 \$225.00 per year in 1982, [and] \$250.00 per year in 1983 through 1996, and
26 \$389.25 per year adjusted annually in direct proportion to any rise of the
27 federal Consumer Price Index in 1997 and any year thereafter and such
28 deduction shall be restricted to owners having an income not in excess of
29 \$5,000.00 per year with respect to any year prior to 1981, \$8,000.00 per
30 year in 1981, \$9,000.00 per year in 1982, [and] \$10,000.00 per year in 1983
31 through 1996, and \$15,500.00 per year adjusted annually in direct proportion

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 to any rise of the federal Consumer Price Index in 1997 and any year
2 thereafter, exclusive of benefits under any one of the following:

3 a. The Federal Social Security Act and all amendments and supplements
4 thereto;

5 b. Any other program of the federal government or pursuant to any other
6 federal law which provides benefits in whole or in part in lieu of benefits
7 referred to in, or for persons excluded from coverage under, a. hereof
8 including but not limited to the Federal Railroad Retirement Act and federal
9 pension, disability and retirement programs; or

10 c. Pension, disability or retirement programs of any state or its political
11 subdivisions, or agencies thereof, for persons not covered under a. hereof;
12 provided, however, that the total amount of benefits to be allowed exclusion
13 by any owner under b. or c. hereof shall not be in excess of the maximum
14 amount of benefits payable to, and allowable for exclusion by, an owner in
15 similar circumstances under a. hereof.

16 The surviving spouse of a deceased citizen and resident of the State who
17 during his or her life received a deduction pursuant to this paragraph shall be
18 entitled, so long as he or she shall remain unmarried and a resident of the same
19 dwelling house situated on the same land with respect to which said deduction
20 was granted, to the same deduction, upon the same conditions, with respect
21 to the same real property or with respect to the same dwelling house which is
22 situated on land owned by another or others, or with respect to the same
23 cooperative or mutual housing corporation, notwithstanding that said surviving
24 spouse is under the age of 65 and is not permanently and totally disabled,
25 provided that said surviving spouse is 55 years of age or older.

26 Any such deduction when so granted by law shall be granted so that it will
27 not be in addition to any other deduction or exemption, except a deduction
28 granted under authority of paragraph 3 of this section, to which the said citizen
29 and resident may be entitled, but said citizen and resident may receive in
30 addition any homestead rebate or credit provided by law. The State shall
31 annually reimburse each taxing district in an amount equal to one-half of the tax
32 loss to the district resulting from the allowance of tax deductions pursuant to
33 this paragraph.

34 (cf: Art.VIII, Sec.I, par.4; effective Dec. 8, 1988.)

35

36 2. When this proposed amendment to the Constitution is finally agreed to
37 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
38 to the people at the next general election occurring more than three months
39 after the final agreement and shall be published at least once in at least one
40 newspaper of each county designated by the President of the Senate, the
41 Speaker of the General Assembly and the Secretary of State, not less than
42 three months prior to the general election.

43

1 3. This proposed amendment to the Constitution shall be submitted to the
2 people at that election in the following manner and form:

3 There shall be printed on each official ballot to be used at the general
4 election, the following:

5 a. In every municipality in which voting machines are not used, a legend
6 which shall immediately precede the question, as follows:

7 If you favor the proposition printed below make a cross (X), plus (+) or
8 check (T) in the square opposite the word "Yes." If you are opposed thereto
9 make a cross (X), plus (+) or check (T) in the square opposite the word
10 "No."

11 b. In every municipality the following question:

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p>YES</p>	<p style="text-align: center;">INCREASE IN PROPERTY TAX DEDUCTION AND ANNUAL INCOME LIMITATION FOR SENIOR CITIZENS AND PERSONS WHO ARE PERMANENTLY AND TOTALLY DISABLED</p> <p>Shall the amendment to Article VIII, Section I, paragraph 4 of the State Constitution, agreed to by the Legislature, authorizing the Legislature to increase the annual property tax deduction, and to increase the annual income limitation to receive the deduction, from property taxes assessed against dwellings owned by certain citizens and residents of the State, of age 65 or older or permanently and totally disabled, by increasing the annual deduction from \$250.00 to \$389.25, by increasing the annual income limitation for eligibility to receive the deduction from \$10,000 to \$15,500, and by adjusting annually both the \$389.25 and \$15,500 amounts in direct proportion to any rise of the Consumer Price Index, be approved?</p>
<p>24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42</p>	<p>NO</p>	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This proposed constitutional amendment would authorize an increase in the annual deduction from property taxes assessed against the residences of senior citizens, 65 years or older, or permanently and totally disabled residents, by increasing the deduction from \$250.00 to \$389.25 and adjusting annually the \$389.25 amount according to any rise of the Consumer Price Index. The proposed amendment also would authorize an increase in the annual income limitation for eligibility to receive the annual deduction by increasing the income limitation from \$10,000 to \$15,500 and adjusting annually the \$15,500 amount according to any rise of the Consumer Price Index.</p>

ACR71
5

1

1 STATEMENT

2

3 This concurrent resolution proposes a constitutional amendment authorizing
4 the enactment of an increase in the annual deduction from property taxes
5 assessed against dwellings owned by certain citizens, age 65 years or older,
6 or permanently and totally disabled residents. The amendment would also
7 authorize an increase in the annual income limitation for eligibility to receive the
8 annual property tax deduction.

9 The proposed amendment would raise the deduction from \$250 to
10 \$389.25, would raise the annual income limitation for eligibility for the
11 deduction from \$10,000 to \$15,500, and would annually adjust both of these
12 amounts in direct proportion to any rise of the Consumer Price Index for All
13 Urban Consumers (CPI-U), as reported by the United States Department of
14 Labor.

15 The \$389.25 amount in this bill represents the current \$250 deduction
16 amount adjusted for an increase in the CPI-U for the period 1983 through
17 March 1996 (CPI-U value=155.7). The \$15,500 amount in this bill
18 represents the current \$10,000 income limitation amount adjusted for an
19 increase in the CPI-U for the same period, with slight statistical rounding.

20 The deduction amount was last raised in 1983 when it was raised to \$250,
21 and the income limitation was also last raised in 1983 when it was raised to
22 \$10,000.

23

24

25

26

27 Proposes constitutional amendment to increase amount of property tax
28 deduction and annual income limitation for eligibility to receive property tax
29 deduction for senior and disabled citizens.