

SENATE CONCURRENT RESOLUTION No. 22

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator BRYANT

1 A CONCURRENT RESOLUTION proposing to amend Article VIII, Section 1,
2 paragraph 4 of the Constitution of the State of New Jersey and to add a
3 new paragraph 8 to that section.

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

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8 1. The following proposed amendments to the Constitution of the State of
9 New Jersey are agreed to:

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PROPOSED AMENDMENTS

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13 a. Amend Article VIII, Section I, paragraph 4 to read as follows:

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

32 a. The Federal Social Security Act and all amendments and supplements

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 thereto;

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

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

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

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

31 (cf: Article VIII, Section I, paragraph 4 amended effective December 8,
32 1988.)

33 b. Amend Article VIII, Section I by the addition of a new paragraph 8 to
34 read as follows:

35 8. The Legislature shall enact laws to authorize any municipality in which
36 a revaluation of property has taken effect for calendar year 1992 or thereafter,
37 to establish, by ordinance, an annual municipal purposes tax rebate, to offset
38 a tax increase caused by the revaluation, for any municipal resident who is
39 eligible to receive the property tax deduction for senior and permanently and
40 totally disabled residents of this State authorized by Article VIII, Section I,
41 paragraph 4 of this Constitution. A municipal resident who is eligible to
42 receive the property tax deduction and whose municipal purposes portion of
43 the property tax bill has increased as a result of a revaluation of property in

1 1992 or in any year subsequent to 1992 shall be eligible to receive the
2 municipal purposes tax rebate. The amount of the municipal purposes tax
3 rebate paid annually to each eligible municipal resident shall not exceed the
4 amount of the increase in the municipal purposes portion of the eligible
5 resident's property tax bill attributable to the revaluation or \$200.00,
6 whichever amount shall be less. The ordinance providing for municipal
7 purposes tax rebates shall take effect for the calendar year following its
8 adoption and shall be applicable for each year thereafter. The ordinance may
9 be rescinded only by subsequent ordinance of the governing body. The cost
10 of municipal purposes tax rebates shall be met by the municipality, and the
11 governing body shall annually appropriate funds sufficient to meet the annual
12 costs thereof. A municipal purposes tax rebate shall be in addition to the
13 property tax deduction provided by law to senior and disabled residents of this
14 State, the property tax deduction provided by law to veterans of this State,
15 and any homestead rebate or credit provided by law.

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17 2. When these proposed amendments to the Constitution are finally agreed
18 to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
19 to the people at the next general election occurring more than three months
20 after the final agreement and shall be published at least once in at least one
21 newspaper of each county designated by the President of the Senate, the
22 Speaker of the General Assembly and the Secretary of State, not less than
23 three months prior to the general election.

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

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

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

31 If you favor the proposition printed below make a cross (X), plus (+) or
32 check (T) in the square opposite the word 'Yes'. If you are opposed thereto
33 make a cross (X), plus (+) or check (T) in the square opposite the word
34 'No'.

35 In every municipality the following question:

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| 1 | | AUTHORIZES CERTAIN MUNICIPALITIES |
| 2 | | TO ESTABLISH SENIOR CITIZEN AND |
| 3 | | DISABLED MUNICIPAL PURPOSES TAX |
| 4 | | REBATES AT MUNICIPAL EXPENSE. |
| 5 | | |
| 6 | | Shall the amendments to Article VIII, Section I of |
| 7 | | the Constitution, agreed to by the Legislature, and |
| 8 | | requiring the Legislature to authorize municipalities |
| 9 | | in which a revaluation of property has taken effect |
| 10 | | for calendar year 1992 or thereafter to establish, |
| 11 | | by ordinance, a municipal purposes tax rebate for |
| 12 | | senior citizens and disabled persons who receive |
| 13 | | the property tax deduction currently provided by |
| 14 | | law and whose municipal purposes share of their |
| 15 | | property tax bill has increased as a result of a |
| 16 | | reevaluation of property for 1992 or for any year |
| 17 | | subsequent to 1992, which rebate shall not exceed |
| 18 | YES | the amount of the increase in the municipal |
| 19 | | purposes portion of the senior or disabled |
| 20 | | resident's property tax bill attributable to the |
| 21 | | reevaluation or \$200, whichever is less, which |
| 22 | | rebate is to be paid for by municipal residents, and |
| 23 | | which rebate shall be in addition to the property tax |
| 24 | | deduction provided by law to senior and disabled |
| 25 | | residents of this State, the property tax deduction |
| 26 | | provided by law to veterans of this State, and any |
| 27 | | homestead rebate or credit provided by law, be |
| 28 | | approved? |
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| 1 | | INTERPRETIVE STATEMENT |
| 2 | | If approved, these proposed amendments would |
| 3 | | require the Legislature to enact laws to permit |
| 4 | | municipalities to provide certain senior citizens and |
| 5 | | disabled residents with property tax rebates of up |
| 6 | | to \$200 if their municipal purposes taxes were |
| 7 | | increased by a revaluation of property. A |
| 8 | | municipality in which a revaluation of property has |
| 9 | | taken effect for calendar 1992 or thereafter, would |
| 10 | | be permitted to adopt an ordinance to establish an |
| 11 | | annual municipal purposes tax rebate to offset a tax |
| 12 | | increase resulting from the municipal revaluation. |
| 13 | | In order to receive a tax rebate, a municipal |
| 14 | | resident must also receive the \$250 property tax |
| 15 | | deduction for senior and permanently and totally |
| 16 | | disabled residents. In addition, the municipal |
| 17 | | purposes share of the property tax bill must have |
| 18 | | increased as a result of a revaluation of property in |
| 19 | | 1992 or in any year subsequent to 1992. The |
| 20 | NO | amount of the municipal purposes tax rebate for |
| 21 | | each senior citizen or disabled resident would be |
| 22 | | the amount of the increase in the municipal |
| 23 | | purposes portion of their property tax bill |
| 24 | | attributable to the revaluation or \$200, whichever |
| 25 | | amount is less. The cost of the municipal purposes |
| 26 | | tax rebate is to be met by the municipality. A |
| 27 | | municipal purposes tax rebate so granted shall be |
| 28 | | in addition to the \$250 property tax deduction |
| 29 | | provided by law to senior and disabled residents of |
| 30 | | this State, the \$50 property tax deduction provided |
| 31 | | by law to veterans of this State, and any homestead |
| 32 | | rebate or credit provided by law. |
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40 **STATEMENT**

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42 These proposed amendments to the Constitution would require the
43 Legislature to authorize any municipality in which a municipal revaluation of

1 property has taken effect for calendar year 1992 or thereafter, to establish, by
2 ordinance, an annual municipal purposes tax rebate not to exceed \$200, to
3 offset a tax increase caused by the municipal revaluation, for those persons
4 who receive the \$250 property tax deduction for senior and permanently and
5 totally disabled residents of this State currently provided by the State
6 constitution. The proposed amendment limits the actual amount of the rebate
7 to the amount of the increase in the municipal purposes portion of the senior
8 or permanently and totally disabled resident's property tax bill that is
9 attributable to the revaluation or \$200, whichever amount is less.

10 These proposed constitutional amendments limit eligibility to receive a
11 municipal purposes tax rebate to those municipal residents who receive the
12 \$250 property tax deduction if the municipal purposes share of their property
13 tax bill increase as a result of a revaluation of municipal property in 1992 or
14 in any year subsequent to 1992. A municipal purposes tax rebate would take
15 effect in the calendar year following the passage of the ordinance by the
16 municipal governing body, and would be applicable in each year thereafter.
17 A municipal purposes tax rebate program could be rescinded only by
18 ordinance of the governing body. The proposed constitutional amendment
19 requires that the cost of the municipal purposes tax rebate be met by the
20 municipality, and that any municipal purposes tax rebate granted shall be in
21 addition to the \$250 property tax deduction provided by law to senior and
22 disabled residents of this State, the \$50 property tax deduction provided by
23 law to veterans of this State, and any homestead rebate or credit provided by
24 law.

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29 Proposes constitutional amendment to permit municipal purposes tax rebate
30 in certain municipalities.