

# ASSEMBLY, No. 5910

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 21, 2021

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**SYNOPSIS**

Permits administrator or executor of estate to file claim for payment of homestead property tax reimbursement for portion of tax year during which decedent lived.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the homestead property tax reimbursement,  
2 amending and supplementing P.L.1997, c.348.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 3 of P.L.1997, c.348 (C.54:4-8.70) is amended to read  
8 as follows:

9 3. An application for a homestead property tax reimbursement  
10 hereunder shall be filed with the director annually beginning April 1  
11 and ending October 31 of the year following the year for which the  
12 claim is being made, and shall reflect the prerequisites for a  
13 homestead property tax reimbursement on December 31 of the tax  
14 year for which the claim is being made, except as provided in section  
15 2 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
16 provided, however, that the director may, by rule, designate a later  
17 date as the date by which the application shall be filed or waive the  
18 requirement for filing an annual application for any year or years  
19 subject to any limitations and conditions the director may deem  
20 appropriate. The application shall be on a form prescribed by the  
21 director and provided for the use of applicants hereunder. Each  
22 applicant making a claim for a homestead property tax  
23 reimbursement under this act shall provide, if required by the  
24 director, to the director a copy of his or her current year property tax  
25 bill or current year site fee bill on the homestead constituting that  
26 person's principal residence and a copy of his or her property tax bill  
27 for the base year or site fee bill for the base year on the same  
28 homestead, or other equivalent proof as permitted by the director.

29 It shall be the duty of every eligible claimant to inform the director  
30 of any change in his or her status or homestead which may affect his  
31 or her right to continuance of the homestead property tax  
32 reimbursement.

33 If an eligible claimant receives an additional homestead property  
34 tax reimbursement to which the claimant was not entitled or greater  
35 than the reimbursement to which the claimant was entitled, the  
36 director shall permit the claimant to enter into an installment payment  
37 agreement for a reasonable period of time that will enable the  
38 claimant to completely satisfy the amount of the reimbursement paid  
39 to which the claimant was not entitled. If the claimant does not enter  
40 into an installment payment agreement, the director may, in addition  
41 to all other available legal remedies, offset such amount against a  
42 gross income tax refund or amount due pursuant to P.L.1990, c.61.  
43 (cf: P.L.2017, c.370, s.1)

**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       2. (New section) a. If a resident of this State who otherwise  
2       qualifies as an eligible claimant dies prior to the end of the year in  
3       which property tax or site fee constituting property tax is due and  
4       payable, and the surviving spouse does not satisfy the criteria of an  
5       eligible claimant, the administrator or executor of the decedent's  
6       estate shall be entitled to file a claim for a pro rata reimbursement for  
7       the tax year that the decedent lived. The claim for reimbursement  
8       shall reflect the prerequisites for a homestead property tax  
9       reimbursement on the date of the decedent's death.

10      b. A pro rata reimbursement payable pursuant to this section  
11      shall be equal to (1) the difference between the amount of property  
12      tax or site fee constituting property tax due and paid in the tax year  
13      on any homestead, exclusive of any improvements on the real  
14      property for the base year, and the amount of property or site  
15      constituting property tax due and paid in the base year; multiplied by  
16      (2) the number of days of the tax year the decedent lived, divided by  
17      365.

18  
19      3. This act shall take effect on the first day of the first calendar  
20      year following enactment.

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# STATEMENT

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25      This bill permits the administrator or executor of the estate of  
26      someone who was eligible to receive the homestead property tax  
27      reimbursement to file a claim for a pro rata reimbursement for the  
28      number of days of the tax year that the deceased spouse or parent  
29      lived. Under current law, an applicant must satisfy all prerequisites  
30      for a homestead property tax reimbursement as of December 31 of  
31      the tax year for which the claim is being made. The bill establishes  
32      a formula for determining the pro rata reimbursement.

33      Current law allows a surviving spouse to file an application on  
34      behalf of a spouse who dies after December 31 of the tax year. The  
35      Division of Taxation also allows the executor of estate to file an  
36      application on behalf of an eligible claimant who dies after December  
37      31 of the tax year. However, no provision of law allows a surviving  
38      spouse or surviving child to claim a partial reimbursement based  
39      upon the number of days an eligible claimant lives during the tax  
40      year. This bill is intended to relieve an unusual hardship placed upon  
41      the surviving spouse of someone who was eligible for the  
42      reimbursement but is not themselves eligible.