

[First Reprint]

SENATE, No. 1411

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

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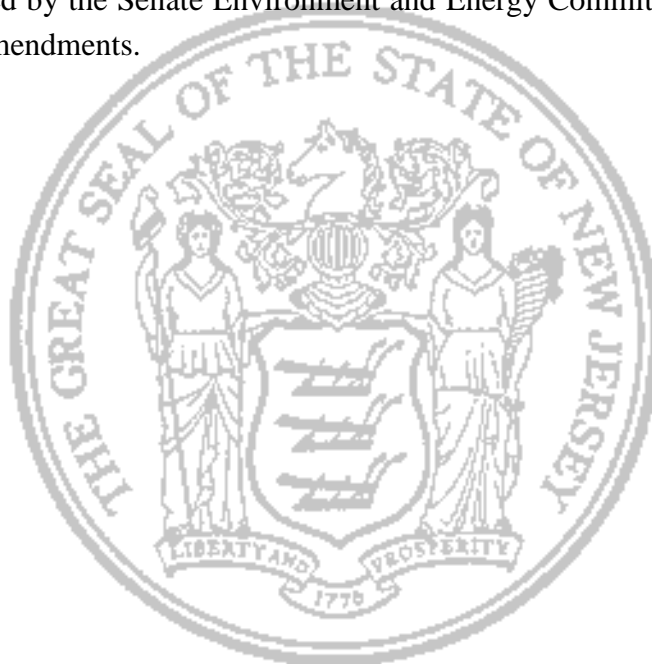
Senators Diegnan, Greenstein, O'Scanlon and Oroho

SYNOPSIS

Allows gross income tax deduction for amounts paid for removal of lead, asbestos, and other contaminants from taxpayer's residential property.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on June 15, 2021, with amendments.



(Sponsorship Updated As Of: 11/8/2021)

AN ACT allowing a gross income tax deduction for amounts paid for 'removal of' lead ¹or asbestos hazard abatement in , asbestos, and other contaminants from¹ a taxpayer's ¹primary residence residential property¹, supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

¹1. The Legislature finds and declares that:

a. Lead has been proven to be a neurotoxin that affects the brain and has been connected to developmental delays or brain damage in children.

b. Lead abatement is expensive and can be a costly burden on families.

c. Currently there are lead abatement programs provided through the federal government, state government, and local governments for taxpayers with below 80 percent area median income, but the cost of lead abatement can be a burden on taxpayers whose income exceeds 80 percent of area median income.

d. Taxpayers frequently have to obtain a second mortgage or request burdensome loans to address the cost of lead abatement.

e. The State should provide incentives or methods to ease the cost burden of lead abatement for taxpayers.¹

¹[1] 2.¹ a. A taxpayer shall be allowed to deduct from gross income amounts paid in the taxable year for:

lead-based paint hazard abatement in the taxpayer's ¹primary residence residential property¹, if performed by a ¹[State-]¹ certified lead abatement contractor;

asbestos hazard abatement in the taxpayer's ¹primary residence residential property¹, if performed by a ¹[State-]¹ licensed asbestos abatement contractor;

replacement of a water service line containing hazardous amounts of lead, provided that the line is owned by the taxpayer, the line is on the real property of the taxpayer's ¹primary residence residential property¹, and the line's replacement is necessary for abatement of the hazard in the taxpayer's ¹primary residence residential property¹; ¹[and]¹

replacement of plumbing containing hazardous amounts of lead in the taxpayer's primary residence¹.;

remediation of lead and other contaminants within soil on the taxpayer's residential property; and

replacement of leaded windows on the taxpayer's residential property.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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted June 15, 2021.

1 b. The total deduction allowed for a taxpayer pursuant to this
2 section shall not exceed ¹~~["\$25,000"]~~ \$45,000¹ in a taxable year. ¹A
3 taxpayer shall be eligible to claim the deductions set forth in this
4 section regardless of income.¹

5 c. To be eligible for the deduction for amounts paid for lead-
6 based paint hazard abatement, a taxpayer shall submit to the director
7 ¹~~[a receipt of]~~ an affidavit from the municipality where the residential
8 property is located acknowledging the¹ work done and amounts paid to
9 a ¹~~[State-]~~¹ certified lead abatement contractor. To be eligible for the
10 deduction for amounts paid for asbestos hazard abatement, a taxpayer
11 shall submit to the director ¹~~[a receipt of]~~ an affidavit from the
12 municipality where the residential property is located acknowledging
13 the¹ work done and amounts paid to a ¹~~[State-]~~¹ licensed asbestos
14 abatement contractor.

15 d. The director shall promulgate standards by which taxpayers
16 shall document proof of eligibility for the deduction.

17 ¹e. As used in this section:

18 "Residential property" means a taxpayer's primary residence,
19 owner occupied home, or rental unit.¹

20
21 ¹3. During the first taxable year following enactment, a taxpayer
22 shall be allowed to deduct any expenses incurred between January
23 1, 2018 and the first taxable year following enactment of this
24 P.L. , c. (C.) (pending before the Legislature as this bill) for
25 expenses described in section 2 of this bill, but the amount of the
26 deduction shall not exceed the amount otherwise allowed pursuant
27 to section 2 of this P.L. , c. (C.) (pending before the
28 Legislature as this bill).¹

29
30 ¹~~[2]~~ 4.¹ This act shall take effect immediately ¹~~[.]~~ and shall
31 expire on December 31, 2025.¹