

# ASSEMBLY, No. 1327

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

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**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Revises criteria to establish base year for homestead property tax reimbursement after relocation.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the base year for a homestead property tax  
2 reimbursement and amending 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 1 of P.L.1997, c.348 (C.54:4-8.67) is amended to  
8 read as follows:

9 1. As used in this act:

10 "Base year" means, in the case of a person who is an eligible  
11 claimant on or before December 31, 1997, the tax year 1997; and in  
12 the case of a person who first becomes an eligible claimant after  
13 December 31, 1997, the tax year in which the person first becomes  
14 an eligible claimant. In the case of an eligible claimant who  
15 subsequently moves from the homestead for which the initial  
16 eligibility was established, the base year shall continue to be the  
17 **【first full tax】** base year **【during which the person resides in the**  
18 **new】** applicable to their former homestead. **【Provided however, a**  
19 **base year for an eligible claimant after such a move shall not apply**  
20 **to tax years commencing prior to January 1, 2009.】** If the current  
21 homestead constitutes new construction, then the base year shall be  
22 deemed to be the first full tax year following completion of the new  
23 construction.

24 "Commissioner" means the Commissioner of Community  
25 Affairs.

26 "Director" means the Director of the Division of Taxation.

27 "Condominium" means the form of real property ownership  
28 provided for under the "Condominium Act," P.L.1969, c.257  
29 (C.46:8B-1 et seq.).

30 "Cooperative" means a housing corporation or association which  
31 entitles the holder of a share or membership interest thereof to  
32 possess and occupy for dwelling purposes a house, apartment or  
33 other unit of housing owned or leased by the corporation or  
34 association, or to lease or purchase a unit of housing constructed or  
35 to be constructed by the corporation or association.

36 "Disabled person" means an individual receiving monetary  
37 payments pursuant to Title II of the federal Social Security Act  
38 (42 U.S.C. s.401 et seq.) on December 31, 1998, or on December 31  
39 in all or any part of the year for which a homestead property tax  
40 reimbursement under this act is claimed.

41 "Dwelling house" means any residential property assessed as real  
42 property which consists of not more than four units, of which not  
43 more than one may be used for commercial purposes, but shall not  
44 include a unit in a condominium, cooperative, horizontal property  
45 regime or mutual housing corporation.

**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 "Eligible claimant" means a person who:  
2 is 65 or more years of age, or who is a disabled person;  
3 is an owner of a homestead, or the lessee of a site in a mobile  
4 home park on which site the applicant owns a manufactured or  
5 mobile home;  
6 has an annual income of less than \$17,918 in tax year 1998, less  
7 than \$18,151 in tax year 1999, or less than \$37,174 in tax year  
8 2000, if single, or, if married, whose annual income combined with  
9 that of the spouse is less than \$21,970 in tax year 1998, less than  
10 \$22,256 in tax year 1999, or less than \$45,582 in tax year 2000,  
11 which income eligibility limits for single and married persons shall  
12 be subject to adjustments in tax years 2001 through 2006 pursuant  
13 to section 9 of P.L.1997, c.348 (C.54:4-8.68);  
14 has an annual income of \$60,000 or less in tax year 2007,  
15 \$70,000 or less in tax year 2008, or \$80,000 or less in tax year  
16 2009, if single or married, which income eligibility limits shall be  
17 subject to adjustments in subsequent tax years pursuant to section 9  
18 of P.L.1997, c.348 (C.54:4-8.68);  
19 as a renter or homeowner, has made a long-term contribution to  
20 the fabric, social structure and finances of one or more communities  
21 in this State, as demonstrated through the payment of property taxes  
22 directly, or through rent, on any homestead or rental unit used as a  
23 principal residence in this State for at least 10 consecutive years at  
24 least three of which as owner of the homestead for which a  
25 homestead property tax reimbursement is sought prior to the date  
26 that an initial application for a homestead property tax  
27 reimbursement is filed. A person who has been an eligible claimant  
28 for a previous tax year shall qualify as an eligible claimant  
29 **【beginning the second full tax year】** immediately following a move  
30 to another homestead in New Jersey, despite not meeting the three-  
31 year minimum residency and ownership requirement required for  
32 initial claimants under this paragraph; provided that the person  
33 satisfies the income eligibility limits for the tax year. Provided  
34 however, that immediate eligibility **【beginning in a second full tax**  
35 **year】** after such a move shall not apply to tax years commencing  
36 prior to January 1, **【2010】** 2013.  
37 "Homestead" means:  
38 a dwelling house and the land on which that dwelling house is  
39 located which constitutes the place of the eligible claimant's  
40 domicile and is owned and used by the eligible claimant as the  
41 eligible claimant's principal residence;  
42 a site in a mobile home park equipped for the installation of  
43 manufactured or mobile homes, where these sites are under  
44 common ownership and control for the purpose of leasing each site  
45 to the owner of a manufactured or mobile home for the installation  
46 thereof and such site is used by the eligible claimant as the eligible  
47 claimant's principal residence;

1 a dwelling house situated on land owned by a person other than  
2 the eligible claimant which constitutes the place of the eligible  
3 claimant's domicile and is owned and used by the eligible claimant  
4 as the eligible claimant's principal residence;

5 a condominium unit or a unit in a horizontal property regime or a  
6 continuing care retirement community which constitutes the place  
7 of the eligible claimant's domicile and is owned and used by the  
8 eligible claimant as the eligible claimant's principal residence.

9 In addition to the generally accepted meaning of "owned" or  
10 "ownership," a homestead shall be deemed to be owned by a person  
11 if that person is a tenant for life or a tenant under a lease for 99  
12 years or more, is entitled to and actually takes possession of the  
13 homestead under an executory contract for the sale thereof or under  
14 an agreement with a lending institution which holds title as security  
15 for a loan, or is a resident of a continuing care retirement  
16 community pursuant to a contract for continuing care for the life of  
17 that person which requires the resident to bear, separately from any  
18 other charges, the proportionate share of property taxes attributable  
19 to the unit that the resident occupies;

20 a unit in a cooperative or mutual housing corporation which  
21 constitutes the place of domicile of a residential shareholder or  
22 lessee therein, or of a lessee or shareholder who is not a residential  
23 shareholder therein, which is used by the eligible claimant as the  
24 eligible claimant's principal residence.

25 "Homestead property tax reimbursement" means payment of the  
26 difference between the amount of property tax or site fee  
27 constituting property tax due and paid in any year on any  
28 homestead, exclusive of improvements not included in the  
29 assessment on the real property for the base year, and the amount of  
30 property tax or site fee constituting property tax due and paid in the  
31 base year, when the amount paid in the base year is the lower  
32 amount; but such calculations shall be reduced by any current year  
33 property tax reductions or reductions in site fees constituting  
34 property taxes resulting from judgments entered by county boards  
35 of taxation or the State Tax Court. When an eligible claimant did  
36 not occupy the homestead as a principle residence in the base year  
37 but occupied another homestead in the base year, and then moved  
38 from that former homestead into the current homestead, the  
39 payment shall be based on the property taxes assessed on the  
40 current homestead for the claimant's base year, even though the  
41 claimant did not occupy the current homestead as a principle  
42 residence at that time.

43 "Horizontal property regime" means the form of real property  
44 ownership provided for under the "Horizontal Property Act,"  
45 P.L.1963, c.168 (C.46:8A-1 et seq.).

46 "Manufactured home" or "mobile home" means a unit of housing  
47 which:

1 (1) Consists of one or more transportable sections which are  
2 substantially constructed off site and, if more than one section, are  
3 joined together on site;

4 (2) Is built on a permanent chassis;

5 (3) Is designed to be used, when connected to utilities, as a  
6 dwelling on a permanent or nonpermanent foundation; and

7 (4) Is manufactured in accordance with the standards  
8 promulgated for a manufactured home by the Secretary of the  
9 United States Department of Housing and Urban Development  
10 pursuant to the "National Manufactured Housing Construction and  
11 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s.5401 et  
12 seq.) and the standards promulgated for a manufactured or mobile  
13 home by the commissioner pursuant to the "State Uniform  
14 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

15 "Mobile home park" means a parcel of land, or two or more  
16 parcels of land, containing no fewer than 10 sites equipped for the  
17 installation of manufactured or mobile homes, where these sites are  
18 under common ownership and control for the purpose of leasing  
19 each site to the owner of a manufactured or mobile home for the  
20 installation thereof, and where the owner or owners provide  
21 services, which are provided by the municipality in which the park  
22 is located for property owners outside the park, which services may  
23 include but shall not be limited to:

24 (1) The construction and maintenance of streets;

25 (2) Lighting of streets and other common areas;

26 (3) Garbage removal;

27 (4) Snow removal; and

28 (5) Provisions for the drainage of surface water from home sites  
29 and common areas.

30 "Mutual housing corporation" means a corporation not-for-profit,  
31 incorporated under the laws of this State on a mutual or cooperative  
32 basis within the scope of section 607 of the Langham Act (National  
33 Defense Housing), Pub.L.849, (42 U.S.C. s.1521 et seq.), as  
34 amended, which acquired a National Defense Housing Project  
35 pursuant to that act.

36 "Income" means income as determined pursuant to P.L.1975,  
37 c.194 (C.30:4D-20 et seq.).

38 "New construction" means a homestead that first became taxable  
39 in a year subsequent to an eligible claimant's base year.

40 "Principal residence" means a homestead actually and  
41 continually occupied by an eligible claimant as his or her permanent  
42 residence, as distinguished from a vacation home, property owned  
43 and rented or offered for rent by the claimant, and other secondary  
44 real property holdings.

45 "Property tax" means the general property tax due and paid as set  
46 forth in this section, on a homestead, but does not include special  
47 assessments and interest and penalties for delinquent taxes. For the  
48 sole purpose of qualifying for a benefit under P.L.1997, c.348

(C.54:4-8.67 et seq.), property taxes paid by June 1 of the year following the year for which the benefit is claimed will be deemed to be timely paid. In the case of an eligible claimant who moves to a homestead after establishing a base year at another homestead, the property tax shall include any amount of the general property tax due and paid for the tax year by the previous owner of the homestead, provided that the eligible claimant resides in the homestead on December 31 of the tax year for which the homestead property tax reimbursement is being claimed.

"Site fee constituting property tax" means 18 percent of the annual site fee paid or payable to the owner of a mobile home park.

"Tax year" means the calendar year in which a homestead is assessed and the property tax is levied thereon and it means the calendar year in which income is received or accrued.

(cf: P.L.2012, c.17, s.431)

2. This act shall take effect immediately.

#### STATEMENT

This bill would revise criteria to establish the base year for the homestead property tax reimbursement. Under current law, when an eligible claimant moves from one home to another, the base year changes to the first full tax year during which the person resides in the new homestead.

This bill would allow the claimant to keep the base year established in their initial year of eligibility. Thus, the reimbursement amount for the current homestead would be calculated with reference to the base year applicable to their former homestead. However, if the new homestead is new construction, or has been newly constructed during any year since the claimant's eligibility began, the base year would be the first full tax year following the construction's completion. New construction would mean a homestead that first became taxable in a year subsequent to an eligible claimant's base year. This bill would further revise current law to allow the claimant to receive reimbursement immediately following a move to a new homestead. Under current law, the claimant must wait until the second full tax year following relocation for reimbursement eligibility to resume.