

SENATE, No. 131

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senators Stack and Johnson

SYNOPSIS

Makes total property tax exemption for 100% disabled veterans retroactive to effective date of determination of total disability; requires State to reimburse municipalities for reimbursement of property taxes paid to veteran.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



(Sponsorship Updated As Of: 3/3/2022)

1 AN ACT concerning eligibility to receive the property tax exemption
2 granted to permanently and totally disabled veterans and
3 amending P.L.1948, c.259.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.1948, c.259 (C.54:4-3.30) is amended to
9 read as follows:

10 1. a. The dwelling house and the lot or curtilage whereon the
11 same is erected, of any citizen and resident of this State, now or
12 hereafter honorably discharged or released under honorable
13 circumstances, from active service in any branch of the Armed
14 Forces of the United States, who has been or shall be declared by
15 the United States Department of Veterans' Affairs or its successor
16 to have a service-connected disability from paraplegia, sarcoidosis,
17 osteochondritis resulting in permanent loss of the use of both legs,
18 or permanent paralysis of both legs and lower parts of the body, or
19 from hemiplegia and has permanent paralysis of one leg and one
20 arm or either side of the body, resulting from injury to the spinal
21 cord, skeletal structure, or brain or from disease of the spinal cord
22 not resulting from any form of syphilis; or from total blindness; or
23 from amputation of both arms or both legs, or both hands or both
24 feet, or the combination of a hand and a foot; or from other service-
25 connected disability declared by the United States Veterans
26 Administration or its successor to be a total or 100% permanent
27 disability, and not so evaluated solely because of hospitalization or
28 surgery and recuperation, sustained through enemy action, or
29 accident, or resulting from disease contracted while in such active
30 service, shall be exempt from taxation retroactive to the effective
31 date of the determination of total disability by the United States
32 Department of Veterans' Affairs, on proper claim made therefor and
33 such exemption shall be in addition to any other exemption of such
34 person's real and personal property which now is or hereafter shall
35 be prescribed or allowed by the Constitution or by law but no
36 taxpayer shall be allowed more than one exemption under **[this act]**
37 P.L.1948, c.259 (C.54:4-3.30 et seq.).

38 b. (1) The surviving spouse of any such citizen and resident of
39 this State, who at the time of death was entitled to the exemption
40 provided under **[this act]** P.L.1948, c.259 (C.54:4-3.30 et seq.)
41 shall be entitled, on proper claim made therefor, to the same
42 exemption as the deceased had, during the surviving spouse's
43 widowhood or widowerhood, as the case may be, and while a
44 resident of this State, for the time that the surviving spouse is the
45 legal owner thereof and actually occupies the said dwelling house
46 or any other dwelling house thereafter acquired.

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) The surviving spouse of any citizen and resident of this State
2 who was honorably discharged and, after the citizen and resident's
3 death, is declared to have suffered a service-connected disability as
4 provided in subsection a. of this section, shall be entitled, on proper
5 claim made therefor, to the same exemption the deceased would
6 have become eligible for. The exemption shall continue during the
7 surviving spouse's widowhood or widowerhood, as the case may be,
8 and while a resident of this State, for the time that the surviving
9 spouse is the legal owner thereof and actually occupies the dwelling
10 house or any other dwelling house thereafter acquired.

11 c. The surviving spouse of any citizen and resident of this
12 State, who died in active service in any branch of the Armed Forces
13 of the United States, shall be entitled, on proper claim made
14 therefor, to an exemption from taxation on the dwelling house and
15 lot or curtilage whereon the same is erected, during the surviving
16 spouse's widowhood or widowerhood, as the case may be, and
17 while a resident of this State, for the time that the surviving spouse
18 is the legal owner thereof and actually occupies the said dwelling or
19 any other dwelling house thereafter acquired.

20 d. The surviving spouse of any citizen and resident of this State
21 who died prior to January 10, 1972, that being the effective date of
22 P.L.1971, c.398, and whose circumstances were such that, had said
23 law become effective during the deceased's lifetime, the deceased
24 would have become eligible for the exemption granted under this
25 section as amended by said law, shall be entitled, on proper claim
26 made therefor, to the same exemption as the deceased would have
27 become eligible for upon the dwelling house and lot or curtilage
28 occupied by the deceased at the time of death, during the surviving
29 spouse's widowhood or widowerhood, as the case may be, and
30 while a resident of this State, for the time that the surviving spouse
31 is the legal owner thereof and actually occupies the said dwelling
32 house on the premises to be exempted.

33 e. Nothing in this act shall be intended to include paraplegia or
34 hemiplegia resulting from locomotor ataxia or other forms of
35 syphilis of the central nervous system, or from chronic alcoholism,
36 or to include other forms of disease resulting from the veteran's own
37 misconduct which may produce signs and symptoms similar to
38 those resulting from paraplegia, osteochondritis, or hemiplegia.

39 (cf: P.L.2019, c.413, s.1)

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41 2. Section 2 of P.L.1948, c.259 (C.54:4-3.31) is amended to
42 read as follows:

43 2. All exemptions from taxation under this act shall be allowed
44 by the assessor upon the filing with him of a claim in writing under
45 oath, made by or on behalf of the person claiming the same,
46 showing the right to the exemption, briefly describing the property
47 for which exemption is claimed and having annexed thereto a
48 certificate of the claimant's honorable discharge or release under

1 honorable circumstances, from active service in any branch of the
2 Armed Forces of the United States and a certificate from the United
3 States Department of Veterans' Affairs or its successor, certifying
4 to a service-connected disability of such claimant of the character
5 described in section 1 of P.L.1948, c.259 (C.54:4-3.30). Any
6 application for an exemption from taxation under this section shall
7 be retroactive to the effective date of the determination of total
8 disability by the United States Department of Veterans' Affairs. In
9 the case of a claim by a surviving spouse of such veteran, the
10 claimant shall establish in writing under oath that the claimant is the
11 owner of the legal title to the premises on which exemption is
12 claimed; that the claimant occupies the dwelling house on said
13 premises as the claimant's legal residence in this State; that the
14 veteran shall have been declared, either during the veteran's
15 lifetime or after the veteran's death, by the United States
16 Department of Veterans' Affairs to have or to have had a service-
17 connected disability of a character described in P.L.1948, c.259
18 (C.54:4-3.30 et seq.), or, in the case of a claim for an exemption
19 under subsection c. of section 1 of P.L.1948, c.259 (C.54:4-3.30),
20 that the veteran shall have been declared to have died in active
21 service that the veteran was entitled to an exemption provided for in
22 this act, except for an exemption under paragraph (2) of subsection
23 b. and subsection c. of section 1 hereof, at the time of death; and
24 that the claimant is a resident of this State and has not remarried.
25 Such exemptions shall be allowed and prorated by the assessor for
26 the remainder of any taxable year from the date the claimant shall
27 have acquired title to the real property intended to be exempt by
28 P.L.1948, c.259 (C.54:4-3.30 et seq.). Where a portion of a
29 multiple-family building or structure occupied by the claimant is
30 the subject of such exemption, the assessor shall aggregate the
31 assessment on the lot or curtilage and building or structure and
32 allow an exemption of that percentage of the aggregate assessment
33 as the value of the portion of the building or structure occupied by
34 the claimant bears to the value of the entire building or structure.
35 (cf: P.L.2019, c.413, s.2)

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37 3. Section 3 of P.L.1948, c.259 (C.54:4-3.32) is amended to
38 read as follows:

39 3. The governing body of each municipality, by appropriate
40 resolution, **【may】 shall** return all taxes collected on property which
41 would have been exempt had proper claim in writing been made
42 therefor in the manner provided by **【this act.** The governing body
43 of each municipality, by appropriate resolution, may also return to
44 the veteran or the veteran's surviving spouse all property tax
45 payments made since the time of the veteran's actual disability or
46 since the time of the veteran's death. No refunds shall be made
47 under this section for any year or portion thereof prior to the
48 effective date of P.L.1948, c.259 (C.54:4-3.30 et seq.)**】**

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1 P.L.1948, c.259 (C.54:4-3.30 et seq.), as of the effective date of the
2 determination of total disability by the United States Department of
3 Veterans' Affairs. The tax assessor of the municipality shall
4 annually notify the Director of the Division of Taxation in the
5 Department of the Treasury of any amounts reimbursed during a tax
6 year pursuant to this section. The State shall reimburse each
7 municipality an amount equal to 102 percent of the amount of any
8 veterans' property tax reimbursement granted in that municipality
9 and reported by the tax assessor.

10 (cf: P.L.2007, c.317, s.3)

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12 4. This act shall take effect immediately.