

ASSEMBLY, No. 2796

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Prohibits certain third-party property tax appeals; clarifies ability to appeal property tax exempt status.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning property tax appeals and amending R.S.54:3-
2 21.

3

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

6

7 1. R.S.54:3-21 is amended to read as follows:

8 54:3-21. a. (1) Except as provided in subsection b. of this
9 section, a taxpayer feeling aggrieved by the assessed valuation or
10 exempt status of the taxpayer's property **】, or feeling discriminated**
11 **against by the assessed valuation of other property in the county】**,
12 or a taxing district which may feel discriminated against by the
13 assessed valuation or exempt status of property in the taxing
14 district, or by the assessed valuation or exempt status of property in
15 another taxing district in the county, may on or before April 1, or 45
16 days from the date the bulk mailing of notification of assessment is
17 completed in the taxing district, whichever is later, appeal to the
18 county board of taxation by filing with it a petition of appeal;
19 provided, however, that any such taxpayer or taxing district may on
20 or before April 1, or 45 days from the date the bulk mailing of
21 notification of assessment is completed in the taxing district,
22 whichever is later, file a complaint directly with the Tax Court, if
23 the assessed valuation of the property subject to the appeal exceeds
24 \$1,000,000. In a taxing district where a municipal-wide revaluation
25 or municipal-wide reassessment has been implemented, a taxpayer
26 or a taxing district may appeal before or on May 1 to the county
27 board of taxation by filing with it a petition of appeal or, if the
28 assessed valuation of the property subject to the appeal exceeds
29 \$1,000,000, by filing a complaint directly with the **【State】** Tax
30 Court. Within ten days of the completion of the bulk mailing of
31 notification of assessment, the assessor of the taxing district shall
32 file with the county board of taxation a certification setting forth the
33 date on which the bulk mailing was completed. If a county board of
34 taxation completes the bulk mailing of notification of assessment,
35 the tax administrator of the county board of taxation shall within ten
36 days of the completion of the bulk mailing prepare and keep on file
37 a certification setting forth the date on which the bulk mailing was
38 completed. A taxpayer shall have 45 days to file an appeal upon the
39 issuance of a notification of a change in assessment. An appeal to
40 the Tax Court by one party in a case in which the Tax Court has
41 jurisdiction shall establish jurisdiction over the entire matter in the
42 Tax Court. All appeals to the Tax Court hereunder shall be in
43 accordance with the provisions of the State Uniform Tax Procedure
44 Law, R.S.54:48-1 et seq.

45 If a petition of appeal or a complaint is filed on April 1 or during

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 the 19 days next preceding April 1, a taxpayer or a taxing district
2 shall have 20 days from the date of service of the petition or
3 complaint to file a cross-petition of appeal with a county board of
4 taxation or a counterclaim with the Tax Court, as appropriate.

5 (2) With respect to property located in a county participating in
6 the demonstration program established in section 4 of
7 P.L.2013, c.15 (C.54:1-104), a property located in a county
8 operating under the "Property Tax Assessment Reform Act,"
9 P.L.2009, c.118 (C.54:1-86 et seq.), or a property located in a
10 county that has adopted, by resolution, the provisions of section 1
11 of P.L.2018, c.94 (C.54:1-105), and except as provided in
12 subsection b. of this section, a taxpayer feeling aggrieved by the
13 assessed valuation or exempt status of the taxpayer's property **1**, or
14 feeling discriminated against by the assessed valuation of other
15 property in the county **1**, or a taxing district which may feel
16 discriminated against by the assessed valuation or exempt status of
17 property in the taxing district, or by the assessed valuation or
18 exempt status of property in another taxing district in the county,
19 may on or before January 15, or 45 days from the date the bulk
20 mailing of notification of assessment is completed in the taxing
21 district, whichever date is later, appeal to the county board of
22 taxation by filing with it a petition of appeal; provided, however,
23 that any such taxpayer, or taxing district, may on or before April 1,
24 or 45 days from the date the bulk mailing of notification of
25 assessment is completed in the taxing district, whichever date is
26 later, file a complaint directly with the Tax Court, if the assessed
27 valuation of the property subject to the appeal exceeds \$1,000,000.

28 If a petition of appeal is filed on January 15 or during the 19
29 days next preceding January 15, or a complaint is filed with the Tax
30 Court on April 1 or during the 19 days next preceding April 1, a
31 taxpayer or a taxing district shall have 20 days from the date of
32 service of the petition or complaint to file a cross-petition of appeal
33 with a county board of taxation or a counterclaim with the Tax
34 Court, as appropriate.

35 Within 10 days of the completion of the bulk mailing of
36 notification of assessment, the assessor of the taxing district shall
37 file with the county board of taxation a certification setting forth the
38 date on which the bulk mailing was completed. If a county board of
39 taxation completes the bulk mailing of notification of assessment,
40 the tax administrator of the county board of taxation shall within 10
41 days of the completion of the bulk mailing prepare and keep on file
42 a certification setting forth the date on which the bulk mailing was
43 completed. A taxpayer shall have 45 days to file an appeal upon the
44 issuance of a notification of a change in assessment. An appeal to
45 the Tax Court by one party in a case in which the Tax Court has
46 jurisdiction shall establish jurisdiction over the entire matter in the
47 Tax Court. All appeals to the Tax Court hereunder shall be in

1 accordance with the provisions of the State Uniform Tax Procedure
2 Law, R.S.54:48-1 et seq.

3 b. No taxpayer or taxing district shall be entitled to appeal
4 either an assessment or an exemption or both that is granted to
5 another taxpayer and is based on , related to, results from, or in any
6 way arises from a financial agreement subject to the provisions of
7 the "Long Term Tax Exemption **【Law】** Law," P.L.1991, c.431
8 (C.40A:20-1 et seq.), or any other financial agreement entered into
9 between a taxpayer and a taxing district in which the taxpayer's
10 property is located, including, but not limited to, a host community
11 agreement, settlement agreement, or voluntary contribution
12 agreement, under the appeals process set forth in subsection a. of
13 this section.

14 (cf: P.L.2018, c.94, s.5)

15
16 2. This act shall take effect immediately and shall be applicable
17 to property tax appeals filed for the tax year next following the date
18 of enactment.

21 STATEMENT

22
23 This bill would prohibit property taxpayers from filing property
24 tax appeals with respect to the property of others. Under current
25 law, property taxpayers may challenge the assessment or exempt
26 status of their own property as well as that of any other property in
27 their county. Property tax appeals, however, can be costly and
28 create uncertainty in local government finances. This bill would
29 reduce property tax appeals by limiting property taxpayers to filing
30 property tax appeals concerning their own property. The bill would
31 not disturb the ability of local governments to appeal the assessment
32 or exempt status of any property in the county.

33 The bill also prohibits a taxpayer or taxing district from
34 appealing an assessment or exemption granted to another taxpayer
35 arising from a financial agreement between the taxpayer and the
36 taxing district in which the taxpayer's property is located.

37 Consistent with judicial precedent, this bill would also clarify
38 that the process for challenging the exempt status of property is the
39 same process for challenging the assessed valuation of property.