

# ASSEMBLY, No. 4229

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 8, 2020

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**SYNOPSIS**

Expands eligibility under New Jersey earned income tax credit program to allow taxpayers with Individual Taxpayer Identification Numbers to qualify.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT expanding eligibility for certain taxpayers under the New  
2 Jersey earned income tax credit program, amending  
3 P.L.2000, c.80.

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

7  
8 1. Section 2 of P.L.2000, c.80 (C.54A:4-7) is amended to read  
9 as follows:

10 2. There is established the New Jersey Earned Income Tax  
11 Credit program in the Division of Taxation in the Department of the  
12 Treasury.

13 a. (1) A resident individual who is eligible for a credit under  
14 section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C.  
15 s.32) shall be allowed a credit for the taxable year equal to a  
16 percentage, as provided in paragraph (2) of this subsection, of the  
17 federal earned income tax credit that would be allowed to the  
18 individual or the married individuals filing a joint return under  
19 section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C.  
20 s.32) for the same taxable year for which a credit is claimed  
21 pursuant to this section, subject to the restrictions **[of this**  
22 **subsection and subsections b., c., d. and e.]** and modifications of  
23 this section.

24 (2) For the purposes of the calculation of the New Jersey earned  
25 income tax credit, the percentage of the federal earned income tax  
26 credit referred to in paragraph (1) of this subsection shall be:

27 (a) 10% for the taxable year beginning on or after January 1,  
28 2000, but before January 1, 2001;

29 (b) 15% for the taxable year beginning on or after January 1,  
30 2001, but before January 1, 2002;

31 (c) 17.5% for the taxable year beginning on or after January 1,  
32 2002, but before January 1, 2003;

33 (d) 20% for taxable years beginning on or after January 1, 2003,  
34 but before January 1, 2008;

35 (e) 22.5% for taxable years beginning on or after January 1,  
36 2008 but before January 1, 2009;

37 (f) 25% for taxable years beginning on or after January 1, 2009  
38 but before January 1, 2010;

39 (g) 20% for taxable years beginning on or after January 1, 2010,  
40 but before January 1, 2015;

41 (h) 30% for taxable years beginning on or after January 1, 2015,  
42 but before January 1, 2016;

43 (i) 35% for taxable years beginning on or after January 1, 2016,  
44 but before January 1, 2018;

45 (j) 37% for the taxable year beginning on or after January 1,  
46 2018, but before January 1, 2019;

**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 (k) 39% for the taxable year beginning on or after January 1,  
2 2019, but before January 1, 2020; and

3 (l) 40% for taxable years beginning on or after January 1, 2020.

4 (3) To qualify for the New Jersey earned income tax credit, if  
5 the claimant is married, except for a claimant who files as a head of  
6 household or surviving spouse for federal income tax purposes for  
7 the taxable year, the claimant shall file a joint return or claim for  
8 the credit.

9 (4) A taxpayer may claim a credit pursuant to this section  
10 whether the taxpayer has a Social Security number or an Individual  
11 Taxpayer Identification Number if, but for section 32(c)(1)(e) of the  
12 Internal Revenue Code (26 U.S.C. s.32), the taxpayer would be  
13 eligible to claim the credit.

14 b. In the case of a part-year resident claimant, the amount of  
15 the credit allowed pursuant to this section shall be pro-rated, based  
16 upon that proportion which the total number of months of the  
17 claimant's residency in the taxable year bears to 12 in that period.  
18 For this purpose, 15 days or more shall constitute a month.

19 c. The amount of the credit allowed pursuant to this section  
20 shall be applied against the tax otherwise due under N.J.S.54A:1-1  
21 et seq., after all other credits and payments. If the credit exceeds the  
22 amount of tax otherwise due, that amount of excess shall be an  
23 overpayment for the purposes of N.J.S.54A:9-7; provided however,  
24 that subsection (f) of N.J.S.54A:9-7 shall not apply. The credit  
25 provided under this section as a credit against the tax otherwise due  
26 and the amount of the credit treated as an overpayment shall be  
27 treated as a credit towards or overpayment of gross income tax,  
28 subject to all provisions of N.J.S.54A:1-1 et seq., except as may be  
29 otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

30 d. The Director of the Division of Taxation in the Department  
31 of the Treasury shall establish a program for the distribution of  
32 earned income tax credits pursuant to the provisions of this section.

33 e. Any earned income tax credit pursuant to this section shall  
34 not be taken into account as income or receipts for purposes of  
35 determining the eligibility of an individual for benefits or assistance  
36 or the amount or extent of benefits or assistance under any State  
37 program and, to the extent permitted by federal law, under any State  
38 program financed in whole or in part with federal funds.

39 (cf: P.L.2018, c.45, s.4)

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41 2. This act shall take effect immediately and apply to taxable  
42 years beginning on January 1 next following the date of enactment.

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#### STATEMENT

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46 This bill allows taxpayers with Individual Taxpayer  
47 Identification Numbers (ITIN) to qualify for the New Jersey earned  
48 income tax credit (NJEITC) program. Under the federal earned

1 income tax credit program, a taxpayer, including a spouse if filing a  
2 joint return, is required to have a Social Security number issued by  
3 the federal Social Security Administration in order to qualify.  
4 Eligibility for the NJEITC is generally linked to the federal earned  
5 income tax credit program; thus, an individual taxpayer who has an  
6 ITIN does not qualify for either the federal or State programs. The  
7 bill modifies the eligibility criteria under the NJEITC program to  
8 allow taxpayers with ITINs to qualify for the tax credit.

9 The sponsor's intent is for all records submitted by a taxpayer as  
10 part of their application for the NJEITC to remain confidential and  
11 privileged as set forth in the confidentiality statute that affects any  
12 State tax law.