

**ASSEMBLY CONCURRENT
RESOLUTION No. 158**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

SYNOPSIS

Proposes constitutional amendment to increase annual income limitation for eligibility to receive property tax deduction for senior and disabled citizens.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/9/2020)

1 **A CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section I, paragraph 4 of the Constitution of the State of New
3 Jersey.

4
5 **BE IT RESOLVED** *by the General Assembly of the State of New*
6 *Jersey (the Senate concurring):*

7
8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

10
11 PROPOSED AMENDMENT

12
13 Amend Article VIII, Section I, paragraph 4 to read as follows:

14 4. The Legislature may, from time to time, enact laws granting
15 an annual deduction, from the amount of any tax bill for taxes on
16 the real property, and from taxes attributable to a residential unit in
17 a cooperative or mutual housing corporation, of any citizen and
18 resident of this State of the age of 65 or more years, or any citizen
19 and resident of this State less than 65 years of age who is
20 permanently and totally disabled according to the provisions of the
21 Federal Social Security Act, residing in a dwelling house owned by
22 him which is a constituent part of such real property, or residing in
23 a dwelling house owned by him which is assessed as real property
24 but which is situated on land owned by another or others, or
25 residing as tenant-shareholder in a cooperative or mutual housing
26 corporation, but no such deduction shall be in excess of \$160.00
27 with respect to any year prior to 1981, \$200.00 per year in 1981,
28 \$225.00 per year in 1982, and \$250.00 per year in 1983 and any
29 year thereafter and such deduction shall be restricted to owners
30 having an income not in excess of \$5,000.00 per year with respect
31 to any year prior to 1981, \$8,000.00 per year in 1981, \$9,000.00 per
32 year in 1982, **【and】** \$10,000.00 per year in 1983 through 2020 and
33 \$15,000.00 per year in 2021 and in any year thereafter, exclusive of
34 benefits under any one of the following:

35 a. The Federal Social Security Act and all amendments and
36 supplements thereto;

37 b. Any other program of the federal government or pursuant to
38 any other federal law which provides benefits in whole or in part in
39 lieu of benefits referred to in, or for persons excluded from
40 coverage under, a. hereof including but not limited to the Federal
41 Railroad Retirement Act and federal pension, disability and
42 retirement programs; or

43 c. Pension, disability or retirement programs of any state or its
44 political subdivisions, or agencies thereof, for persons not covered
45 under a. hereof; provided, however, that the total amount of benefits

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 to be allowed exclusion by any owner under b. or c. hereof shall not
2 be in excess of the maximum amount of benefits payable to, and
3 allowable for exclusion by, an owner in similar circumstances under
4 a. hereof.

5 The surviving spouse of a deceased citizen and resident of the
6 State who during his or her life received a deduction pursuant to
7 this paragraph shall be entitled, so long as he or she shall remain
8 unmarried and a resident of the same dwelling house situated on the
9 same land with respect to which said deduction was granted, to the
10 same deduction, upon the same conditions, with respect to the same
11 real property or with respect to the same dwelling house which is
12 situated on land owned by another or others, or with respect to the
13 same cooperative or mutual housing corporation, notwithstanding
14 that said surviving spouse is under the age of 65 and is not
15 permanently and totally disabled, provided that said surviving
16 spouse is 55 years of age or older.

17 Any such deduction when so granted by law shall be granted so
18 that it will not be in addition to any other deduction or exemption,
19 except a deduction granted under authority of paragraph 3 of this
20 section, to which the said citizen and resident may be entitled, but
21 said citizen and resident may receive in addition any homestead
22 rebate or credit provided by law. The State shall annually reimburse
23 each taxing district in an amount equal to one-half of the tax loss to
24 the district resulting from the allowance of tax deductions pursuant
25 to this paragraph.

26 (cf: Art.VIII, Sec.I, par.4 amended effective Dec. 8, 1988.)

27
28 2. When this proposed amendment to the Constitution is finally
29 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
30 shall be submitted to the people at the next general election
31 occurring more than three months after the final agreement and
32 shall be published at least once in at least one newspaper of each
33 county designated by the President of the Senate, the Speaker of the
34 General Assembly and the Secretary of State, not less than three
35 months prior to the general election.

36
37 3. This proposed amendment to the Constitution shall be
38 submitted to the people at that election in the following manner and
39 form:

40 There shall be printed on each official ballot to be used at the
41 general election, the following:

42 a. In every municipality in which voting machines are not used,
43 a legend which shall immediately precede the question, as follows:

44 If you favor the proposition printed below make a cross (X), plus
45 (+), or check (T) in the square opposite the word "Yes." If you are
46 opposed thereto make a cross (X), plus (+) or check (T) in the
47 square opposite the word "No."

48 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO INCREASE ANNUAL INCOME LIMIT FOR SENIOR AND DISABLED PROPERTY TAX DEDUCTION</p> <p>Do you approve amending the Constitution to increase from \$10,000 to \$15,000 the annual income limit for the senior and disabled property tax deduction? The increase will take effect in 2021.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Currently the Constitution limits to \$10,000 the amount of income that can be earned annually in order to qualify for the senior and disabled property tax deduction.</p> <p>This amendment will increase the annual income limit to \$15,000, beginning in 2021.</p> <p>The income limit was last increased in 1983, from \$9,000 to \$10,000.</p>

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STATEMENT

This concurrent resolution proposes a constitutional amendment authorizing an increase from \$10,000 to \$15,000 in the annual income limitation for eligibility to receive the annual senior and disabled property tax deduction. The change to the income limitation would take effect in 2021.

In order to qualify for this deduction, a senior citizen must be 65 years of age or older, and have an annual income that does not exceed the Constitutional income limit (currently \$10,000). A person who is permanently and totally disabled does not need to meet an age requirement, but does need to meet the Constitutional income limit.

The annual income limit has not been increased since 1983, when the State’s voters approved an increase from \$9,000 per year to the current \$10,000 per year.