

**ASSEMBLY CONCURRENT
RESOLUTION No. 18**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Proposes constitutional amendment eliminating cap on certain benefits to qualify for senior and disabled citizens' \$250 property tax deduction.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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10 PROPOSED AMENDMENT

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12 Amend Article VIII, Section 1, paragraph 4 to read as follows:

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

33 a. The Federal Social Security Act and all amendments and
34 supplements thereto;

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

41 c. Pension, disability or retirement programs of any state or its
42 political subdivisions, or agencies thereof, for persons not covered
43 under a. hereof **【**; provided, however, that the total amount of
44 benefits to be allowed exclusion by any owner under b. or c. hereof
45 shall not be in excess of the maximum amount of benefits payable

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, and allowable for exclusion by, an owner in similar
2 circumstances under a. hereof**】**.

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

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

24 (cf: Article VIII, Section I, paragraph 4 amended effective
25 December 8, 1988)

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

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

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

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

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

1 b. In every municipality the following question:
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	YES	<p>CONSTITUTIONAL AMENDMENT TO LIFT AN INCOME LIMIT FOR SENIOR AND DISABLED CITIZENS' PROPERTY TAX DEDUCTION</p> <p>Do you approve amending the Constitution to fully exclude certain benefits from the income limit for the \$250 property tax deduction? The income limit excludes certain retirement and disability benefits. Currently, there is a limit on how much of these benefits can be excluded. This amendment would remove that limit. These benefits would be fully excluded from the income limit.</p> <p>The deduction is available to seniors and disabled persons who meet the income limit.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Seniors and disabled persons may qualify for a \$250 property tax deduction. To do so, they have to meet a \$10,000 income limit. Currently, a limited amount of certain retirement and disability benefits are excluded from the income limit. They are excluded up to the amount of the highest social security benefit. This amendment would fully exclude those benefits from the income limit. This would allow more seniors and disabled persons to get the deduction.</p>

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STATEMENT

This constitutional amendment would eliminate the cap on certain benefits for purposes of qualifying for the senior and disabled citizens' \$250 property tax deduction.

Currently, an eligible senior or disabled person qualifies for this deduction if they have an income of \$10,000 or less. Certain government pension, disability, and retirement benefits provided in lieu of social security do not count as income for the purposes of this \$10,000 limit. These benefits are only excluded from income up to the maximum social security benefit amount. Therefore, if

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1 these benefits exceed the maximum social security benefit amount,
2 then the excess amount counts toward the \$10,000 limit.

3 This amendment would lift that cap and allow any amount of
4 these benefits to be excluded from the \$10,000 limit. Accordingly,
5 senior or disabled persons may receive benefits greater than the
6 maximum social security benefit amount and still be eligible for the
7 \$250 property tax deduction, provided that they do not have other
8 income exceeding \$10,000.