SENATE, No. 285

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Increases income eligibility limit for reduction or abatement of municipal or county utility authority fees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning municipal or county utility authority fees; amending P.L.1992, c.215 and P.L.1994, c.78.

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

1. Section 1 of P.L.1992, c.215 (C.40:14B-22.2) is amended to read as follows:

1. Any municipal or county authority, including any municipal authority which provides electricity to a single municipality, may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any municipal or county authority may establish within its district rates or schedules which provide for a reduction or total abatement of the rents, rates, fees, or other charges which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of **[**$10,000**]** $15,000 per year, as adjusted annually by the Commissioner of Community Affairs, in consultation with the Department of the Treasury, to reflect any increase in the consumer price index for all urban consumers in the New York City and Philadelphia areas as reported by the United States Department of Labor, exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

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.

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

(cf: P.L.2016, c.102, s.1)

2. Section 1 of P.L.1994, c.78 (C.40:14A-8.2) is amended to read as follows:

1. Any county or municipal sewerage authority may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any county or municipal sewerage authority may establish within its district rates or schedules which provide for a reduction or total abatement of the periodic rents, rates, fees, or other charges for the use or services of the sewerage system which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of **[**$10,000**]** $15,000 per year, as adjusted annually by the Commissioner of Community Affairs, in consultation with the Department of the Treasury, to reflect any increase in the consumer price index for all urban consumers in the New York City and Philadelphia areas as reported by the United States Department of Labor, exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974,"

45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

(cf; P.L.2016, c.102, s.2)

3. Section 5 of P.L.1994, c.78 (C.40A:26A-10.1) is amended to read as follows:

5. Any local unit operating a county or municipal sewerage facility may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any local unit operating a county or municipal sewerage facility may establish within its district rates or schedules which provide for a reduction or total abatement of the periodic rates, rentals, or other charges for the use or services of the sewerage system which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of **[**$10,000**]** $15,000 per year, as adjusted annually by the Commissioner of Community Affairs, in consultation with the Department of the Treasury, to reflect any increase in the consumer price index for all urban consumers in the New York City and Philadelphia areas as reported by the United States Department of Labor, exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from

coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

(cf: P.L.2016, c.102, s.3)

4. Section 7 of P.L.1994, c.78 (C.40A:31-10.1) is amended to read as follows:

7. Any local unit operating a county or municipal water supply facility may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any local unit operating a county or municipal water supply facility may establish within its district rates or schedules which provide for a reduction or total abatement of the periodic rates, rentals, or other charges for water supply service which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of **[**$10,000**]** $15,000 per year, as adjusted annually by the Commissioner of Community Affairs, in consultation with the Department of the Treasury, to reflect any increase in the consumer price index for all urban consumers in the New York City and Philadelphia areas as reported by the United States Department of Labor, exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in

lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

(cf: P.L.2016, c.102, s.4)

5. This act shall take effect immediately.

STATEMENT

This bill would increase from $10,000 to $15,000 per year the annual income eligibility limit for certain senior and disabled individuals to receive a reduction or total abatement of the rents, rates, fees, or other charges collected by a local unit or units operating a sewerage facility or a water supply facility, a municipal or county utilities authority, or a municipal or county sewerage authority. The bill would also require the Commissioner of Community Affairs to consult with the Department of the Treasury in order to adjust the income eligibility limit annually to reflect increases in the consumer price index for all urban consumers in the New York City and Philadelphia areas as reported by the United States Department of Labor.