

# SENATE, No. 1297

## STATE OF NEW JERSEY

### 219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Converts senior freeze reimbursement into credit applied directly to property tax bills.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the homestead property tax reimbursement  
2 program and amending P.L.1997, c.348.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 1 of P.L.1997, c.348 (C.54:4-8.67) is amended to  
8 read as follows:

9 1. As used in **【this act】** P.L.1997, c.348 (C.54:4-8.67 et seq.):

10 "Base year" means, in the case of a person who is an eligible  
11 claimant on or before December 31, 1997, the tax year 1997; and in  
12 the case of a person who first becomes an eligible claimant after  
13 December 31, 1997, the tax year in which the person first becomes  
14 an eligible claimant. In the case of an eligible claimant who  
15 subsequently moves from the homestead for which the initial  
16 eligibility was established, the base year shall be the first full tax  
17 year during which the person resides in the new homestead.  
18 Provided however, a base year for an eligible claimant after such a  
19 move shall not apply to tax years commencing prior to January 1,  
20 2009.

21 "Commissioner" means the Commissioner of Community  
22 Affairs.

23 **【"Director" means the Director of the Division of Taxation.】**

24 "Condominium" means the form of real property ownership  
25 provided for under the "Condominium Act," P.L.1969, c.257  
26 (C.46:8B-1 et seq.).

27 "Cooperative" means a housing corporation or association which  
28 entitles the holder of a share or membership interest thereof to  
29 possess and occupy for dwelling purposes a house, apartment or  
30 other unit of housing owned or leased by the corporation or  
31 association, or to lease or purchase a unit of housing constructed or  
32 to be constructed by the corporation or association.

33 "Director" means the Director of the Division of Taxation.

34 "Disabled person" means an individual receiving monetary  
35 payments pursuant to Title II of the federal Social Security Act (42  
36 U.S.C. s.401 et seq.) on December 31, 1998, or on December 31 in  
37 all or any part of the year for which a homestead property tax  
38 **【reimbursement】** freeze benefit under **【this act】** P.L.1997, c.348  
39 (C.54:4-8.67 et seq.) is claimed.

40 "Dwelling house" means any residential property assessed as real  
41 property which consists of not more than four units, of which not  
42 more than one may be used for commercial purposes, but shall not  
43 include a unit in a condominium, cooperative, horizontal property  
44 regime or mutual housing corporation.

45 "Eligible claimant" means a person who:

**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 is 65 or more years of age, or who is a disabled person;  
2 is an owner of a homestead, or the lessee of a site in a mobile  
3 home park on which site the applicant owns a manufactured or  
4 mobile home;  
5 has an annual income of less than \$17,918 in tax year 1998, less  
6 than \$18,151 in tax year 1999, or less than \$37,174 in tax year  
7 2000, if single, or, if married, whose annual income combined with  
8 that of the spouse is less than \$21,970 in tax year 1998, less than  
9 \$22,256 in tax year 1999, or less than \$45,582 in tax year 2000,  
10 which income eligibility limits for single and married persons shall  
11 be subject to adjustments in tax years 2001 through 2006 pursuant  
12 to section 9 of P.L.1997, c.348 (C.54:4-8.68);  
13 has an annual income of \$60,000 or less in tax year 2007,  
14 \$70,000 or less in tax year 2008, or \$80,000 or less in tax year  
15 2009, if single or married, which income eligibility limits shall be  
16 subject to adjustments in subsequent tax years pursuant to section 9  
17 of P.L.1997, c.348 (C.54:4-8.68);  
18 as a renter or homeowner, has made a long-term contribution to  
19 the fabric, social structure and finances of one or more communities  
20 in this State, as demonstrated through the payment of property taxes  
21 directly, or through rent, on any homestead or rental unit used as a  
22 principal residence in this State for at least 10 consecutive years at  
23 least three of which as owner of the homestead for which a  
24 homestead property tax **[reimbursement]** freeze benefit is sought  
25 prior to the date that an initial application for a homestead property  
26 tax **[reimbursement]** freeze benefit is filed. A person who has been  
27 an eligible claimant for a previous tax year shall qualify as an  
28 eligible claimant beginning the second full tax year following a  
29 move to another homestead in New Jersey, despite not meeting the  
30 three-year minimum residency and ownership requirement required  
31 for initial claimants under this paragraph; provided that the person  
32 satisfies the income eligibility limits for the tax year. Provided  
33 however, eligibility beginning in a second full tax year after such a  
34 move shall not apply to tax years commencing prior to January 1,  
35 2010.  
36 "Homestead" means:  
37 a dwelling house and the land on which that dwelling house is  
38 located which constitutes the place of the eligible claimant's  
39 domicile and is owned and used by the eligible claimant as the  
40 eligible claimant's principal residence;  
41 a site in a mobile home park equipped for the installation of  
42 manufactured or mobile homes, where these sites are under  
43 common ownership and control for the purpose of leasing each site  
44 to the owner of a manufactured or mobile home for the installation  
45 thereof and such site is used by the eligible claimant as the eligible  
46 claimant's principal residence;  
47 a dwelling house situated on land owned by a person other than  
48 the eligible claimant which constitutes the place of the eligible

1 claimant's domicile and is owned and used by the eligible claimant  
2 as the eligible claimant's principal residence;

3 a condominium unit or a unit in a horizontal property regime or a  
4 continuing care retirement community which constitutes the place  
5 of the eligible claimant's domicile and is owned and used by the  
6 eligible claimant as the eligible claimant's principal residence.

7 In addition to the generally accepted meaning of "owned" or  
8 "ownership," a homestead shall be deemed to be owned by a person  
9 if that person is a tenant for life or a tenant under a lease for 99  
10 years or more, is entitled to and actually takes possession of the  
11 homestead under an executory contract for the sale thereof or under  
12 an agreement with a lending institution which holds title as security  
13 for a loan, or is a resident of a continuing care retirement  
14 community pursuant to a contract for continuing care for the life of  
15 that person which requires the resident to bear, separately from any  
16 other charges, the proportionate share of property taxes attributable  
17 to the unit that the resident occupies;

18 a unit in a cooperative or mutual housing corporation which  
19 constitutes the place of domicile of a residential shareholder or  
20 lessee therein, or of a lessee or shareholder who is not a residential  
21 shareholder therein, which is used by the eligible claimant as the  
22 eligible claimant's principal residence.

23 "Homestead property tax **【reimbursement】** freeze benefit"  
24 means payment to a municipality with respect to an eligible  
25 claimant's homestead or to an eligible claimant, as applicable, of  
26 the difference between the amount of property tax or site fee  
27 constituting property tax due and paid in any year on **【any】** that  
28 homestead, exclusive of improvements not included in the  
29 assessment on the real property for the base year, and the amount of  
30 property tax or site fee constituting property tax due and paid in the  
31 base year, when the amount paid in the base year is the lower  
32 amount; but such calculations shall be reduced by any current year  
33 property tax reductions or reductions in site fees constituting  
34 property taxes resulting from judgments entered by county boards  
35 of taxation or the State Tax Court.

36 "Horizontal property regime" means the form of real property  
37 ownership provided for under the "Horizontal Property Act,"  
38 P.L.1963, c.168 (C.46:8A-1 et seq.).

39 "Income" means income as determined pursuant to P.L.1975,  
40 c.194 (C.30:4D-20 et seq.).

41 "Manufactured home" or "mobile home" means a unit of housing  
42 which:

43 (1) Consists of one or more transportable sections which are  
44 substantially constructed off site and, if more than one section, are  
45 joined together on site;

46 (2) Is built on a permanent chassis;

47 (3) Is designed to be used, when connected to utilities, as a  
48 dwelling on a permanent or nonpermanent foundation; and

(4) Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s.5401 et seq.) and the standards promulgated for a manufactured or mobile home by the commissioner pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

"Mobile home park" means a parcel of land, or two or more parcels of land, containing no fewer than 10 sites equipped for the installation of manufactured or mobile homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured or mobile home for the installation thereof, and where the owner or owners provide services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include but shall not be limited to:

(1) The construction and maintenance of streets;

(2) Lighting of streets and other common areas;

(3) Garbage removal;

(4) Snow removal; and

(5) Provisions for the drainage of surface water from home sites and common areas.

"Mutual housing corporation" means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the Langham Act (National Defense Housing), Pub.L.849, (42 U.S.C. s.1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act.

["Income" means income as determined pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.).]

"Principal residence" means a homestead actually and continually occupied by an eligible claimant as his or her permanent residence, as distinguished from a vacation home, property owned and rented or offered for rent by the claimant, and other secondary real property holdings.

"Property tax" means the general property tax due and paid as set forth in this section, and shall include the amount of property tax credit as defined in section 1 of P.L.2018, c.11 (C.54:4-66.6), on a homestead, but does not include special assessments and interest and penalties for delinquent taxes. For the sole purpose of qualifying for a benefit under P.L.1997, c.348 (C.54:4-8.67 et seq.), property taxes paid by June 1 of the year following the year for which the benefit is claimed will be deemed to be timely paid.

"Site fee constituting property tax" means 18 percent of the annual site fee paid or payable to the owner of a mobile home park.

"Tax year" means the calendar year in which a homestead is assessed and the property tax is levied thereon and it means the

1   calendar year in which income is received or accrued.  
2   (cf: P.L.2018, c.11, s.11)

3

4       2.   Section 2 of P.L.1997, c.348 (C.54:4-8.69) is amended to  
5   read as follows:

6       2.   Every eligible claimant shall be entitled to **【reimbursement】**  
7   a homestead property tax freeze benefit for each year subsequent to  
8   the base year and annually thereafter, on proper claim being made  
9   therefor to the director **【,** to a homestead property tax  
10   reimbursement**】**. The amount of the homestead property tax  
11   **【reimbursement】** freeze benefit shall not be reduced by the amount  
12   of the deductions taken by the eligible claimant pursuant to  
13   P.L.1963, c.171 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255  
14   (C.54:4-8.40 to 54:4-8.45 et al.). The surviving spouse of a  
15   deceased resident of this State who during his or her life received a  
16   homestead property tax reimbursement or freeze benefit pursuant to  
17   P.L.1997, c.348 (C.54:4-8.67 et seq.) shall be entitled, so long as he  
18   or she remains a resident in the same homestead with respect to  
19   which the homestead property tax reimbursement or freeze benefit  
20   was granted, and so long as he or she is an eligible claimant, to the  
21   same homestead property tax **【reimbursement】** freeze benefit that  
22   the deceased resident would have been entitled to if that resident  
23   had survived, upon the same conditions, with respect to the same  
24   homestead.

25   (cf: P.L.1999, c.63, s.17)

26

27       3.   Section 3 of P.L.1997, c.348 (C.54:4-8.70) is amended to  
28   read as follows:

29       3.   a. An application for a homestead property tax  
30   **【reimbursement】** freeze benefit hereunder shall be filed with the  
31   director annually beginning April 1 and ending October 31 of the  
32   tax year 【following the year】 for which the claim is being made and  
33   shall reflect the prerequisites for a homestead property tax  
34   **【reimbursement on December 31 of】** freeze benefit for the tax year  
35   for which the claim is being made; provided, however, that the  
36   director may, by rule, designate a later date as the date by which the  
37   application shall be filed or waive the requirement for filing an  
38   annual application for any year or years subject to any limitations  
39   and conditions the director may deem appropriate. The director  
40   shall, for good cause shown, extend the time of any applicant to file  
41   a claim for a homestead property tax freeze benefit for a reasonable  
42   period. In such case, the director shall process the application and  
43   pay the homestead property tax freeze benefit in accordance with  
44   the procedures established in the case of applications timely filed,  
45   except that the director may delay the date for payment of the credit  
46   or rebate for a reasonable period.

1     For the purposes of this subsection, in order to establish good  
2 cause to extend the time of any applicant to file a claim for a  
3 homestead property tax freeze benefit the applicant shall provide to  
4 the director either: (1) medical evidence, such as a doctor's  
5 certification, that the applicant was unable to file the claim by the  
6 date prescribed by the director because of illness or hospitalization,  
7 or (2) evidence that the applicant attempted to file a timely  
8 application. Except as may be established by medical evidence of  
9 inability to file a claim, good cause shall not be established due to  
10 an eligible claimant not having received an application from the  
11 director.

12     b. The application shall be on a form prescribed by the director  
13 and provided for the use of applicants hereunder. [Each] The  
14 director may require that each applicant making a claim for a  
15 homestead property tax [reimbursement] freeze benefit under [this  
16 act shall] P.L.1997, c.348 (C.54:4-8.67 et seq.) provide [, if  
17 required by the director,] to the director a copy of his or her current  
18 year property tax bill or current year site fee bill on the homestead  
19 constituting that person's principal residence and a copy of his or  
20 her property tax bill for the base year or site fee bill for the base  
21 year on the same homestead, or other equivalent proof as permitted  
22 by the director. In the case of an eligible claimant for a homestead  
23 property tax freeze benefit whose homestead is a unit in a  
24 cooperative, mutual housing corporation, or continuing care  
25 retirement community, the director may provide that the application  
26 shall include the name and address of the property and the amount  
27 of real property taxes attributed to the cooperative, mutual housing  
28 corporation, or continuing care retirement community unit, as shall  
29 be indicated in an official notice which shall be furnished by the  
30 cooperative, mutual housing corporation, or continuing care  
31 retirement community for the same year.

32     c. Upon approval of homestead property tax freeze benefit  
33 applications by the director, the director shall prepare lists of  
34 individuals entitled to credits, together with the respective amounts  
35 due each eligible claimant, and shall forward such lists to the State  
36 Treasurer, the Director of the Division of Budget and Accounting,  
37 and any other officials as the director deems appropriate on or  
38 before the earliest of such date or dates as may be convenient for  
39 the director to compile such lists. The director may inspect all  
40 records in the offices of the tax collector and tax assessor of a  
41 municipality with respect to applications, claims, and allowances  
42 for homestead property tax freeze benefits.

43     d. It shall be the duty of every eligible claimant to inform the  
44 director of any change in his or her status or homestead which may  
45 affect his or her right to continuance of the homestead property tax  
46 [reimbursement] freeze benefit.

1 e. If an eligible claimant receives an additional homestead  
2 property tax **【reimbursement】 freeze benefit** to which the claimant  
3 was not entitled or greater than the **【reimbursement】 freeze benefit**  
4 to which the claimant was entitled, the director shall permit the  
5 claimant to enter into an installment payment agreement for a  
6 reasonable period of time that will enable the claimant to  
7 completely satisfy the amount of the **【reimbursement】 freeze**  
8 **benefit** paid to which the claimant was not entitled. If the claimant  
9 does not enter into an installment payment agreement, the director  
10 may, in addition to all other available legal remedies, offset such  
11 amount against a gross income tax refund or amount due pursuant  
12 to P.L.1990, c.61.

13 (cf: P.L.2017, c.370, s.1)

14  
15 4. Section 4 of P.L.1997, c.348 (C.54:4-8.71) is amended to  
16 read as follows:

17 4. a. The director shall administer the homestead property tax  
18 **【reimbursement】 freeze benefit** program. **【A payment for the**  
19 **homestead property tax reimbursement amount, as calculated by the**  
20 **director, shall be mailed to each person determined by the director**  
21 **to be an eligible claimant under this act on or before July 15, 1999**  
22 **and July 15 annually thereafter, except that the payment of any**  
23 **homestead property tax reimbursement amount for an eligible**  
24 **claimant whose application is filed during the period May 1 through**  
25 **June 1 shall be mailed on or before September 1 annually. Provided**  
26 **further, however, that the payment of any homestead property tax**  
27 **reimbursement amount for an eligible claimant whose application is**  
28 **filed during a period after June 1 pursuant to an extended**  
29 **application deadline as may be designated by the director shall be**  
30 **mailed on or before such latter mailing date as the director may**  
31 **determine】**

32 b. A homestead property tax freeze benefit allowed by the  
33 director for an eligible claimant, whose homestead is not a unit in a  
34 cooperative, mutual housing corporation, or continuing care  
35 retirement community, shall be paid by the State Treasurer, upon  
36 certification of the director and upon warrant of the Director of the  
37 Division of Budget and Accounting, through electronic funds  
38 transfers made by the director to the local property tax account  
39 maintained by the local tax collector for the homestead of the  
40 claimant as the claimant shall identify, in equal installments after  
41 the application for the benefit has been approved, at the dates and in  
42 the manner as the director shall determine to best coincide with the  
43 next local property tax quarterly due dates of August 1 and  
44 November 1; provided, however, that a homestead property tax  
45 freeze benefit owing pursuant to this subsection shall be paid and  
46 distributed as a rebate if the director is unable to ensure that the  
47 benefit will be applied to the appropriate taxpayer. Notice of

1 payments of credit installments shall be provided to the claimant  
2 and the appropriate local tax collector.

3 c. A homestead property tax freeze benefit allowed by the  
4 director for an eligible claimant, whose homestead is a unit in a  
5 cooperative, mutual housing corporation, or continuing care  
6 retirement community, shall be paid by the State Treasurer, upon  
7 certification of the director and upon warrant of the Director of the  
8 Division of Budget and Accounting, as a rebate distributed to the  
9 claimant after the application for the benefit has been approved, at  
10 the dates and in the manner as the director shall determine, on or  
11 before October 31.

12 d. All payments made pursuant to this section shall be  
13 appropriated from receipts in the Casino Revenue Fund.  
14 (cf: P.L.2003, c.30, s.2)

15

16 5. Section 5 of P.L.1997, c.348 (C.54:4-8.72) is amended to  
17 read as follows:

18 5. a. When title to a homestead as to which a homestead  
19 property tax [reimbursement] freeze benefit is claimed is held by  
20 an eligible claimant and another or others, either as tenants in  
21 common or as joint tenants, the eligible claimant shall not be  
22 allowed a homestead property tax [reimbursement] freeze benefit  
23 in an amount in excess of his or her proportionate share of the taxes  
24 assessed against the homestead, which proportionate share, for the  
25 purposes of [this act] P.L.1997, c.348 (C.54:4-8.67 et seq.), shall  
26 be deemed to be equal to that of each of the other tenants, unless it  
27 is shown that the interests in question are not equal, in which event  
28 the eligible claimant's proportionate share shall be as shown.  
29 Nothing herein shall preclude more than one tenant, whether title be  
30 held in common or joint tenancy, from claiming a homestead  
31 property tax [reimbursement] freeze benefit from the taxes  
32 assessed against the property so held, but no more than the  
33 equivalent of one full homestead property tax [reimbursement]  
34 freeze benefit in regard to such homestead shall be allowed in any  
35 year. In any case in which the eligible claimants cannot agree as to  
36 the apportionment thereof, such homestead property tax  
37 [reimbursement] freeze benefit shall be apportioned between or  
38 among them in proportion to their interest. Property held by  
39 husband and wife, as tenants by the entirety, shall be deemed  
40 wholly owned by each tenant, but no more than one full homestead  
41 property tax [reimbursement] freeze benefit in regard to such  
42 homestead shall be allowed in any year. Right to claim a  
43 homestead property tax [reimbursement] freeze benefit hereunder  
44 shall extend to a homestead the title to which is held by a  
45 partnership, to the extent of the eligible claimant's interest as a  
46 partner therein, and by a guardian, trustee, committee, conservator  
47 or other fiduciary for any person who would otherwise be entitled to

1 claim such homestead property tax **【reimbursement】** freeze benefit  
2 hereunder, but not to a homestead the title to which is held by a  
3 corporation; except that a residential shareholder in a cooperative or  
4 mutual housing corporation shall be entitled to claim a homestead  
5 property tax **【reimbursement】** freeze benefit if he or she is  
6 otherwise eligible to receive it, to the extent of the proportionate  
7 share of the taxes assessed against the homestead of the  
8 corporation, or any other entity holding title, attributable to his or  
9 her unit therein. **【No】** An eligible claimant shall not be entitled to  
10 **【payment under this act for】** a homestead property tax  
11 **【reimbursement】** freeze benefit on more than one homestead within  
12 the State in the same tax year.

13 b. When title to a homestead with respect to which a homestead  
14 property tax freeze benefit is claimed for a year is transferred to  
15 another owner during that year, the amount of the benefit shall be  
16 prorated proportionally to the number of days the eligible claimant  
17 occupied the homestead during the year.  
18 (cf: P.L.1997, c.348, s.5)

19  
20 6. Section 6 of P.L.1997, c.348 (C.54:4-8.73) is amended to  
21 read as follows:

22 6. Pursuant to the "Administrative Procedure Act," P.L.1968,  
23 c.410 (C.52:14B-1 et seq.), the director shall promulgate such rules  
24 and regulations and prescribe such forms as the director shall deem  
25 necessary to implement **【this act】** P.L.1997, c.348 (C.54:4-8.67 et  
26 seq.). The director shall also promulgate rules and regulations to  
27 implement an appeals process for aggrieved persons to use if  
28 eligibility for a homestead property tax **【reimbursement rebate or**  
29 **credit】** freeze benefit is denied.  
30 (cf: P.L.2007, c.62, s.32)

31  
32 7. This act shall take effect on the first day of the tax year next  
33 following enactment, except the director may take any anticipatory  
34 administrative action in advance as shall be necessary for the  
35 implementation of this act.

36

37

## 38 STATEMENT

39

40 This bill would transform the homestead property tax  
41 reimbursement program, commonly known as the senior freeze  
42 program, from a reimbursement program into a credit program for  
43 most eligible homeowners. Currently, eligible seniors and disabled  
44 persons may apply for a senior freeze benefit that reimburses them  
45 for any property tax increases paid in the prior tax year over and  
46 above the amount of property taxes paid in the applicable base year.  
47 This bill would allow most of these eligible homeowners to realize

1   these savings in the form of a credit directly applied to reduce the  
2   payable amount for their third and fourth quarter property tax bills  
3   for the current tax year. Currently, eligible seniors and disabled  
4   persons are provided their senior freeze benefits as a reimbursement  
5   in the following tax year.

6       Eligible homeowners who reside in a unit in a cooperative,  
7   mutual housing corporation, or continuing care retirement  
8   community, and who do not pay property taxes directly to the  
9   municipality, would receive a rebate payment instead of a credit  
10   directly applied to the applicable property tax bill. These rebates  
11   would be paid during the current tax year for which the senior  
12   freeze benefit is sought so that these homeowners also do not have  
13   to wait until the next year to receive their senior freeze benefit.

14       It is the intention of the sponsor that this bill would be  
15   administered in the same manner as the homestead property tax  
16   credit benefit, resulting in administrative savings to the State, as  
17   well as provide current tax year savings to eligible senior and  
18   disabled residents.