

54:4-3.73 et. seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 54:4-3.73; 54:4-3.75; 54:4-3.79

Laws of 1975 Chapter 283

Bill No. S3348

Sponsor(s) Merlino

Date Introduced August 26

Committee: Assembly -----

Senate -----

Amended during passage Yes No

Date of passage: Assembly Dec. 15, 1975 (substituted for A 3658)

Senate Sept. 4, 1975

Date of approval Jan. 12, 1976

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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SENATE, No. 3348

SUBSTITUTED
FOR A 3658

STATE OF NEW JERSEY

INTRODUCED AUGUST 26, 1975

By Senator MERLINO

(Without Reference)

AN ACT to amend and supplement "An act to provide for exemption from taxation in certain cases, and supplementing chapter 4 of Title 54 of the Revised Statutes," approved May 29, 1975 (P. L. 1975, c. 104).

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

1 1. Section 2 of P. L. 1975, c. 104 (C. 54:4-3.73) is amended to
2 read as follows:

3 2. As used in this act:

4 a. "Assessor" means the assessor, board of assessors or any
5 other official or body of a taxing district charged with the duty of
6 assessing real property for the purpose of general taxation.

7 b. "Completion" means substantially ready for the use for
8 which it was intended.

9 c. "Dwelling" means any building *or part of a building* used,
10 to be used or held for use [in whole or part,] as [the] a home or
11 residence [of one or more families], including accessory buildings
12 located on the same premises, together with the land upon which
13 such building or buildings are erected and which may be necessary
14 for the fair enjoyment thereof.

15 d. "Home Improvement" means the improvement of a dwelling
16 which *does not change* [neither changes its size nor] its permitted
17 use, [except that a garage may be enlarged to the extent necessary
18 to accommodate a modern automobile] and shall include the
19 modernization, rehabilitation, renovation, alteration or repair of
20 a dwelling.

21 e. "Qualified municipality" means any municipality in which
22 residential neighborhoods have been declared by the county plan-
23 ning board or the Commissioner of the Department of Community

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

24 Affairs to be endangered by blight, pursuant to section 3 of this act.

1 2. Section 4 of P. L. 1975, c. 104 (C. 54:4-3.75) is amended to
2 read as follows:

3 4. In determining the value of real property for the purposes
4 of taxation, qualified municipalities, *after passage by the municipal*
5 *governing body of a general ordinance providing for such abate-*
6 *ments either throughout the municipality or in designated resi-*
7 *dential neighborhoods to be specified in such ordinance*, may regard
8 the first \$4,000.00 in assessor's full and true value of home
9 improvements for each dwelling unit primarily and directly
10 affected by a home improvement in any single or multiple-dwelling
11 property more than 20 years old, as not increasing the value of
12 such property for a period of 5 years, notwithstanding that the
13 value of the dwelling to which such improvements are made is
14 increased thereby, provided, however, that during said period, the
15 assessment on such dwelling shall in no case, except that of damage
16 through action of the elements sufficient to warrant a reduction,
17 be less than the assessment thereon existing immediately prior
18 to such home improvements.

1 3. (New section) The commissioner of the Department of Com-
2 munity Affairs is authorized to promulgate rules and regulations
3 to effectuate the purposes of this act.

1 4. This act shall take effect immediately.

STATEMENT

This bill clarifies certain provisions of the tax abatement statute approved by the Legislature and Governor in the 1974-75 legislative session which the administering agencies have found somewhat ambiguous.

Section 1 of the bill clarifies the definition of "dwelling" to eliminate uncertainty as to the applicability of the abatement to each dwelling unit in multi-family housing. It further eliminates the exclusion of improvements which enlarge the unit's floor space, since the \$4,000.00 abatement limits is a sufficient limitation.

Section 2 of the bill makes clear that the municipality alone decides whether or not to avail itself of the tax abatement option by an ordinance adopted by the municipal governing body.

Section 3 empowers the Commissioner of the Department of Community Affairs to promulgate rules and regulations.