

R.S. 54:4-23.6 ET AL.

October 27, 1971

LEGISLATIVE NOTES ON R.S. 54:4-23.6  
54:4-23.8  
54:4-23.17 (Repeals)  
(Farmland Assessment - date of application)

L. 1970, Chapter 243 - S690

March 19 - Introduced by Dumont & Tanzman.

Not amended during passage.

No statement.

Bill listed as approved in:

N.J. Association of Realtor Boards.

New Jersey Realtor. October 1970, p. 3.

"This bill would allow assessor more time to place his records in order".

League of N.J. Municipalities.

Legislative Bulletin. No. 6, p. 1, 4/9/70.

*No hearings or reports*

*No additional material located.*

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SENATE, No. 690

STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1970

By Senator DUMONT

Referred to Committee on Taxation

AN ACT to amend the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48) and repealing section 17 thereof.

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

1 1. Section 6 of P. L. 1964, chapter 48 (C. 54:4-23.6) is amended  
2 to read as follows:

3 6. Land which is actively devoted to agricultural or horticultural  
4 use shall be eligible for valuation, assessment and taxation as herein  
5 provided when it meets the following qualifications:

6 (a) It has been so devoted for at least the 2 successive years  
7 immediately preceding the tax year for which valuation under this  
8 act is requested;

9 (b) The area of such land is not less than 5 acres when measured  
10 in accordance with the provisions of section 11 hereof; and

11 (c) Application by the owner of such land for valuation here-  
12 under is submitted on or before **[October 1]** August 1 of the year  
13 immediately preceding the tax year to the assessor of the taxing  
14 district in which such land is situated on the form prescribed by  
15 the Director of the Division of Taxation.

1 2. Section 8 of P. L. 1964, chapter 48 (C. 54:4-23.8) is amended  
2 to read as follows:

3 8. When land which is in agricultural or horticultural use and  
4 is being valued, assessed and taxed under the provisions of this act,  
5 is applied to a use other than agricultural or horticultural, it shall  
6 be subject to additional taxes, hereinafter referred to as roll-back  
7 taxes, in an amount equal to the difference, if any, between the  
8 taxes paid or payable on the basis of the valuation and the assess-  
9 ment authorized hereunder and the taxes that would have been paid  
10 or payable had the land been valued, assessed and taxed as other

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

11 land in the taxing district, in the current tax year (the year of  
12 change in use) and in such of the 2 tax years immediately preceding,  
13 in which the land was valued, assessed and taxed as herein provided.

14 If the tax year in which a change in use of the land occurs, the  
15 land was not valued, assessed and taxed under this act, then such  
16 land shall be subject to roll-back taxes for such of the 2 tax years,  
17 immediately preceding, in which the land was valued, assessed and  
18 taxed hereunder.

19 In determining the amounts of the roll-back taxes chargeable on  
20 land which has undergone a change in use, the assessor shall for  
21 each of the roll-back tax years involved, ascertain:

22 (a) The full and fair value of such land under the valuation  
23 standard applicable to other land in the taxing district;

24 (b) The amount of the land assessment for the particular tax year  
25 by multiplying such full and fair value by the [average real prop-  
26 erty assessment ratio of the taxing district] *county percentage*  
27 *level*, as determined by the county board of taxation [for the pur-  
28 poses of the county equalization table for such year, pursuant to  
29 sections 54:3-17 to 19 of the Revised Statutes] *in accordance with*  
30 *section 3 of P. L. 1969, chapter 51 (C. 54:4-2.27)*;

31 (c) The amount of the additional assessment on the land for the  
32 particular tax year by deducting the amount of the actual assess-  
33 ment on the land for that year from the amount of the land assess-  
34 ment determined under (b) hereof; and

35 (d) The amount of the roll-back tax for that tax year by multiply-  
36 ing the amount of the additional assessment determined under (c)  
37 hereof by the general property tax rate of the taxing district  
38 applicable for that tax year.

1 3. Section 17 of P. L. 1964, chapter 48 (C. 54:4-23.17) is repealed.

1 4. This act shall take effect January 1, 1971.

6th Board of Directors' Meeting, the following action was taken:

### SENATE BILLS

**S-613** Requires tax sale certificates to state whether the land is being assessed or has been assessed within 3 years last past under the Farmland Assessment Act of 1964 (P.L. 1964, c. 48) and may be subject to roll-back taxes thereunder.

### FAVOR

Improvement in present Farmland Assessment Act.

**S-690** Changes from October 1 to August 1 the date by which a land owner must apply for an assessment under the "Farmland Assessment Act".

### FAVOR

This bill would allow assessor more time to place his records in order.

**S-848** Permits any county to appropriate funds for county assistance for hospitalization and medical care of the poor.

### OPPOSE

While the concept has certain value, the guidelines for operation are too loose to be practical.

**S-881** Prohibits a real estate broker to collect commission on a transaction, when at the same time representing either party in a transaction in a different capacity for consideration without the full disclosure to all parties in interest.

### FAVOR

This suggested amendment to State License Law is consistent with Article 13 of the Realtor's Code of Ethics.

**S-887** Provides that the transfer of one or more lots, tract or parcels of land shall constitute a subdivision of land or when the land and premises to be retained by the transfer would not conform to the requirements of the municipal planning and zoning ordinance and regulations.

reimburse each municipality in lieu of taxes for all lands and improvements owned by the State in the municipality; effective January 1, 1971. (FN - \$11,200,000 to \$16,900,000)

**A-823** Provides that all lands purchased by the State or any county except lands acquired for parks or highways purposes after December 31, 1970 shall be taxed in the municipality wherein situated at the same rate as all other property taxed by the municipality.

**A-1057** Provides for the assessment and taxation of State developed lands.

### OPPOSE

These bills all deal with formulas whereby the State would pay partial taxes for lands and a building within the municipalities. While NJARB is sympathetic to the need for such payments, we prefer Assembly Bill 1006 which provides for a more equitable approach to the problem.

However, in view of the comprehensive study of New Jersey's tax structure now underway by the Special Tax Study Commission, we recommend that all in lieu of tax bills be held in abeyance until the committee report is finalized.

**A-747** Appropriates an additional 10% of the net receipts of the sales tax revenue to the municipalities; effective January 1, 1971.

### FAVOR

Wise use of an additional 10% sales tax rebate to local government could aid the local property taxpayer.

**A-842** Increases from 5 to 30 acres the land tax exempt of a non-profit organization, provides that land acquired under a building program shall be deemed to be actually used by a non-profit institution or organization and shall qualify for tax exemption before commencement of construction.

city for work done or services performed or rendered in the city.

### OPPOSE

This legislation, designed to raise revenues for the City of Newark, is unrealistic because it fails to recognize that Newark is a segment of a metropolitan area. A tax such as advocated in A-1161 will drive valuable ratables and job opportunities out of Newark only complicating the city's problems.

**A-1185** Requires all deeds and other instruments offered for recording to contain the names and addresses of all persons, partnerships or corporations receiving any real estate commissions directly or indirectly as a result of the conveyance.

### STRONG OPPOSITION

There is no valid reason why this information should be public record. Bills such as this only unnecessarily add to the cost of county government while not rendering a valid public service. Real estate licensees are entitled to their privacy like any other ordinary citizen.

**A-1188** Requires a county welfare board to reconvey real estate to recipient of old age assistance when the county has received full reimbursement for the assistance paid to the recipient.

### FAVOR

Makes more sense than the present law.

**A-1192** Requires the tax assessor on or before September 1, to mail to each taxpayer whose land has been valued, assessed and taxed for the current tax year pursuant to the "Farmland Assessment Act of 1964", a copy of the form prescribed to claim a continuance of the farmland assessment.

### FAVOR

Improvement to present procedures.

(Continued on page 7, col. 1)



**OK**

to fast commitments (good for 100 days) on VA and FHA loans.

**OK**

to extra service (personalized, too).

**OK**

to residential, commercial & industrial financing (existing and proposed).

## MORTGAGES from MARGARETTEN & COMPANY, INC.

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NJ Realtor Oct. 1970