

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 63

**NJSA:**54:4-8.57

(NJ SAVER and Homestead Rebate Act)

**BILL NO:**S12 (Substituted for A1)

**SPONSOR(S):**Mattheussen and Allen

**DATE INTRODUCED:** March 15, 1999

**COMMITTEE:**

**ASSEMBLY:**----

**SENATE:**Budget & Appropriations

**AMENDED DURING PASSAGE:**No

**DATE OF PASSAGE:**

**ASSEMBLY:**March 29, 1999

**SENATE:**March 22, 1999

**DATE OF APPROVAL:**April 15, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** *Yes*Original

(Amendments during passage denoted by superscript numbers)

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**S12**

**SPONSORS STATEMENT:** *Yes*(Begins on page 23 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:***No*

**SENATE:***Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

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# A1

**SPONSORS STATEMENT:** *Yes*(Begins on page 23 of original bill)  
Bill and Sponsor's Statement identical to S12

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

Identical to Senate Statement for S12

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:***No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

Identical to Legislative Fiscal Estimate for S12

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## GOVERNOR'S ACTIONS

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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## THE FOLLOWING WERE PRINTED:

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**REPORTS:** *Yes*

**Governor's State of the State Address**

[Fifth Annual Message], January 12, 1999.

-- as mentioned in Sponsor Statement.

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *Yes*

"Tax rebate to return about \$120 per home," Atlantic City Press, 4-16-99, p. A1.

"Whitman signs property tax rebate law," Bergen Record, 4-16-99, p. A3.

"Rebates will pad taxpayers pockets," Newark Star Ledger, 4-16-99, p. 1.

"Tax rebate program in your town," Newark Star Ledger, 4-16-99, p. A33.

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§3  
C. 54:4-8.58a  
§4  
C. 54:4-8.58b  
§§14-16,18-19  
C. 54:4-8.66a  
To 54:4-8.66e  
§20 Approp.

P.L. 1999, CHAPTER 63, *approved April 15, 1999*  
Senate, No. 12

1 **AN ACT** providing for direct property tax relief for individual  
2 homestead owners and renters in this State, establishing the New  
3 Jersey School Assessment Valuation Exemption Relief and  
4 Homestead Property Tax Rebate Act (the NJ SAVER and  
5 Homestead Rebate Act), amending and supplementing P.L.1990,  
6 c.61 (C.54:4-8.57 et seq.), amending P.L.1981, c.239 and  
7 P.L.1997, c.348, and making an appropriation.

8  
9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:

11  
12 1. Section 1 of P.L.1990, c.61 (C.54:4-8.57) is amended to read as  
13 follows:

14 1. Sections 1 through 10 of **[this act]** P.L.1990, c.61 (C.54:4-8.57  
15 through 54:4-8.66) and sections 3, 4 and 14 through 19 of P.L.1999,  
16 c. (C. ) (now pending before the Legislature as this bill) shall be  
17 known and may be cited as the "New Jersey School Assessment  
18 Valuation Exemption Relief and Homestead Property Tax Rebate Act  
19 **[of 1990.]**" (NJ SAVER and Homestead Rebate Act).  
20 (cf: P.L.1990, c.61, s.1)

21  
22 2. Section 2 of P.L.1990, c.61 (C.54:4-8.58) is amended to read as  
23 follows:

24 2. As used in sections 2 through 10 of **[this act]** P.L.1990, c.61  
25 (C.54:4-8.58 through 54:4-8.66) and sections 3, 4, and 14 through 16  
26 of P.L.1999, c. (C. ) (now pending before the Legislature as  
27 this bill):

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

31 "Continuing care retirement community" means a residential facility  
32 primarily for retired persons where lodging and nursing, medical or  
33 other health related services at the same or another location are  
34 provided as continuing care to an individual pursuant to an agreement  
35 effective for the life of the individual or for a period greater than one

**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 year, including mutually terminable contracts, and in consideration of  
2 the payment of an entrance fee with or without other periodic charges;

3 "Cooperative" means a housing corporation or association which  
4 entitles the holder of a share or membership interest thereof to possess  
5 and occupy for dwelling purposes a house, apartment, manufactured  
6 or mobile home or other unit of housing owned or leased by the  
7 corporation or association, or to lease or purchase a unit of housing  
8 constructed or to be constructed by the corporation or association;

9 "Director" means the Director of the Division of Taxation in the  
10 Department of the Treasury;

11 "Dwelling house" means any residential property assessed as real  
12 property which consists of not more than four units, of which not more  
13 than one may be used for commercial purposes, but shall not include  
14 a unit in a condominium, cooperative, horizontal property regime or  
15 mutual housing corporation;

16 "Equalized property value" means the assessed value of a  
17 homestead on which a NJ SAVER applicant has paid property taxes  
18 for the tax year, as certified by the county board of taxation pursuant  
19 to R.S.54:4-55, divided by the ratio of assessed value to true value of  
20 the municipality, as adopted by the director on October 1 of that year  
21 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

22 "Homestead" means:

23 a. (1) a dwelling house and the land on which that dwelling house  
24 is located which constitutes the place of the claimant's domicile and is  
25 owned and used by the claimant as the claimant's principal residence;

26 (2) a dwelling house situated on land owned by a person other than  
27 the claimant which constitutes the place of the claimant's domicile and  
28 is owned and used by the claimant as the claimant's principal residence;

29 (3) a condominium unit or a unit in a horizontal property regime  
30 which constitutes the place of the claimant's domicile and is owned and  
31 used by the claimant as the claimant's principal residence;

32 (4) for purposes of this definition as provided in this subsection, in  
33 addition to the generally accepted meaning of owned or ownership, a  
34 homestead shall be deemed to be owned by a person if that person is  
35 a tenant for life or a tenant under a lease for 99 years or more and is  
36 entitled to and actually takes possession of the homestead under an  
37 executory contract for the sale thereof or under an agreement with a  
38 lending institution which holds title as security for a loan, or is a  
39 resident of a continuing care retirement community pursuant to a  
40 contract for continuing care for the life of that person which requires  
41 the resident to bear [, separately from any other charges, the  
42 proportionate] a share of the property taxes that are assessed upon  
43 the continuing care retirement community, if a share is attributable to  
44 the unit that the resident occupies;

45 b. a unit in a cooperative or mutual housing corporation which  
46 constitutes the place of domicile of a residential shareholder or lessee

1 therein, or of a lessee, or shareholder who is not a residential  
2 shareholder therein, and which is used by the claimant as the claimant's  
3 principal residence; and

4 c. a unit of residential rental property which unit constitutes the  
5 place of the claimant's domicile and is used by the claimant as the  
6 claimant's principal residence;

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

10 "Gross income" means all New Jersey gross income required to be  
11 reported pursuant to the "New Jersey Gross Income Tax Act,"  
12 N.J.S.54A:1-1 et seq., other than income excludable from the gross  
13 income tax return, but before reduction thereof by any applicable  
14 exemptions, deductions and credits, received during the taxable year  
15 by the owner or residential shareholder in, or lessee of, a homestead;

16 "Manufactured home" or "mobile home" means a unit of housing  
17 which:

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

21 (2) Is built on a permanent chassis;

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

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

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

41 (1) The construction and maintenance of streets;

42 (2) Lighting of streets and other common areas;

43 (3) Garbage removal;

44 (4) Snow removal; and

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

1 "Mutual housing corporation" means a corporation not-for-profit,  
2 incorporated under the laws of this State on a mutual or cooperative  
3 basis within the scope of section 607 of the Lanham Act (National  
4 Defense Housing), Pub.L.849, 76th Congress (42 U.S.C. s.1521 et  
5 seq.), as amended, which acquired a National Defense Housing Project  
6 pursuant to that act;

7 "NJ SAVER applicant" means an individual who files an application  
8 for a NJ SAVER rebate pursuant to section 4 of P.L.1999, c. \_\_\_\_\_,  
9 (C. \_\_\_\_\_)(now pending before the Legislature as this bill);

10 "NJ SAVER property value amount" means the lesser of

11 a. \$45,000, or

12 b. the highest equalized property value of a homestead for the 1997  
13 tax year or any subsequent tax year, provided that if in any such year  
14 the equalized property value of that homestead equals \$45,000 or  
15 more, the NJ SAVER property value amount for that homestead shall  
16 be \$45,000 in any subsequent tax year.

17 "NJ SAVER school tax rate" means for a municipality the result of  
18 the total school tax levies divided by the net valuation taxable for the  
19 municipality as shown in the 1997 county abstract of ratables  
20 multiplied by the ratio of assessed value to true value of the  
21 municipality promulgated by the director on October 1, 1997, as  
22 prepared pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

23 "Principal residence" means a homestead actually and continually  
24 occupied by a claimant as the claimant's permanent residence, as  
25 distinguished from a vacation home, property owned and rented or  
26 offered for rent by the claimant, and other secondary real property  
27 holdings;

28 "Property tax" means payments to a municipality based upon an  
29 assessment made by the municipality upon real property on an ad  
30 valorem basis on land, improvements or both, but shall not include  
31 payments made in lieu of taxes;

32 "Rent constituting property taxes" means 18% of the rent paid by  
33 the homestead rebate claimant during the tax year on a unit of  
34 residential rental property which constitutes the claimant's homestead,  
35 and in the case of a manufactured home or mobile home in a mobile  
36 home park which constitutes the claimant's homestead means 18% of  
37 the site fee paid by the claimant during the tax year to the owner of the  
38 mobile home park;

39 "Resident" means an individual:

40 a. who is domiciled in this State, unless he maintains no permanent  
41 place of abode in this State, maintains a permanent place of abode  
42 elsewhere, and spends in the aggregate no more than 30 days of the  
43 tax year in this State; or

44 b. who is not domiciled in this State but maintains a permanent  
45 place of abode in this State and spends in the aggregate more than 183  
46 days of the tax year in this State, unless the individual is in the Armed

1 Forces of the United States;

2 "Residential rental property" means:

3 a. any building or structure or complex of buildings or structures  
4 in which dwelling units are rented or leased or offered for rental or  
5 lease for residential purposes;

6 b. a rooming house, hotel or motel, if the rooms constituting the  
7 homestead are equipped with kitchen and bathroom facilities; [and]

8 c. any building or structure or complex of buildings or structures  
9 constructed under the following sections of the National Housing Act  
10 (Pub. L.73-479) as amended and supplemented: section 202, Housing  
11 Act of 1959 (Pub.L.86-372) and as subsequently amended, section  
12 231, Housing Act of 1959; and

13 d. a site in a mobile home park equipped for the installation of  
14 manufactured or mobile homes, where these sites are under common  
15 ownership and control for the purpose of leasing each site to the  
16 owner of a manufactured or mobile home for the installation thereof;

17 "Residential shareholder in a cooperative or mutual housing  
18 corporation" means a tenant or holder of a membership interest in that  
19 cooperative or corporation, whose residential unit therein constitutes  
20 the tenant or holder's domicile and principal residence, and who may  
21 deduct real property taxes for purposes of federal income tax pursuant  
22 to section 216 of the federal Internal Revenue Code of 1986, 26  
23 U.S.C. s.216; and

24 "Tax year" means the calendar year in which property taxes are due  
25 and payable.

26 (cf: P.L.1990, c.61, s.2)

27

28 3. (New section) The director shall determine the amount of the  
29 NJ SAVER rebate or homestead rebate that shall be paid to each  
30 claimant pursuant to P.L.1999, c. (C. ) (now pending before the  
31 Legislature as this bill) based upon the information provided by the  
32 individual applicant in the application or from any other information  
33 as may be available to the director in order that each individual  
34 applicant shall be paid the greater of the NJ SAVER rebate amount  
35 that may be allowed to the applicant pursuant to section 4 of  
36 P.L.1999, c. (C. ) or the homestead rebate amount that may be  
37 allowed to the claimant pursuant to sections 3 through 5 of P.L.1990,  
38 c.61 (C.54:4-8.59 through 54:4-8.61). If the payment of the lesser  
39 rebate is actually first distributed to an individual who may be allowed  
40 for the same tax year the greater rebate, the director may provide for  
41 the payment of the amount of the difference to that individual in any  
42 convenient manner, form and time as the director shall prescribe.

43

44 4. (New section) a. A resident of this State who has paid property  
45 taxes for the tax year on a homestead that is owned as such, who has  
46 filed an application for a NJ SAVER rebate pursuant to the provisions

1 of P.L.1999, c. (C. ) (now pending before the Legislature as this  
2 bill), shall be allowed a NJ SAVER rebate in the amount determined  
3 by the director pursuant to this section. The amount of the NJ  
4 SAVER rebate shall be equal to the product of (1) the NJ SAVER  
5 property value amount, multiplied by (2) the NJ SAVER school tax  
6 rate for the municipality in which the claimant maintains the homestead  
7 for which the claimant has paid property taxes for the tax year;  
8 provided however, that the NJ SAVER rebate amount for the 1998 tax  
9 year to be paid on or before September 30, 1999 shall be 20% of the  
10 amount otherwise determined, the NJ SAVER rebate amount for the  
11 1999 tax year to be paid on or before September 30, 2000 shall be  
12 40% of the amount otherwise determined, the NJ SAVER rebate  
13 amount for the 2000 tax year to be paid on or before September 30,  
14 2001 shall be 60% of the amount otherwise determined, and the NJ  
15 SAVER rebate amount for the 2001 tax year to be paid on or before  
16 September 30, 2002 shall be 80% of the amount otherwise determined.

17 b. Eligibility for a NJ SAVER rebate shall be based upon the  
18 prerequisites for a NJ SAVER rebate having been met by the applicant  
19 at 12:01 A.M. on October 1 of the tax year for which the NJ SAVER  
20 rebate is claimed.

21 c. If title to a homestead is held by more than one individual, other  
22 than a husband and wife, as joint tenants or tenants in common, each  
23 individual shall be allowed a NJ SAVER rebate pursuant to this  
24 section only in relation to the individual's proportionate share of  
25 interest in the title. Title shall be presumed to be held in equal shares  
26 among all co-owners, but if the applicant satisfactorily demonstrates  
27 to the director that under the conveyance under which the title is held,  
28 or otherwise satisfactorily demonstrates that the title provides for  
29 unequal interests therein, that applicant's NJ SAVER rebate shall be in  
30 proportion to the claimant's interest in the title.

31 d. If the homestead of a NJ SAVER applicant is a residential  
32 property consisting of more than one unit, that applicant shall be  
33 allowed a NJ SAVER rebate pursuant to this section only in relation  
34 to the proportionate share of the school property taxes assessed and  
35 levied against the residential unit occupied by that applicant, as  
36 satisfactorily demonstrated by the applicant to the director.

37 e. A homestead held by husband and wife, as tenants by the  
38 entirety, shall be deemed wholly owned by each tenant, but no more  
39 than one NJ SAVER rebate in regard to that homestead shall be  
40 allowed in any year. If a husband and wife file separate NJ SAVER  
41 applications for a tax year for the same homestead, the amount of the  
42 NJ SAVER rebate allowed in regard to that homestead shall be paid  
43 in one-half equal amounts to each applicant. An application for a NJ  
44 SAVER rebate shall be allowed for a homestead the title to which is  
45 held by a partnership, to the extent of the applicant's interest as a  
46 partner therein, and by a guardian, trustee, committee, conservator or



1 other fiduciary for any individual who would be otherwise be eligible  
2 for a NJ SAVER rebate.

3

4 5. Section 3 of P.L.1990, c.61 (C.54:4-8.59) is amended to read as  
5 follows:

6 3. a. [Except for a resident of this State who is allowed a rebate  
7 pursuant to subsection b. of this section which exceeds the minimum  
8 rebate provided for in this subsection, or who is allowed a rebate  
9 pursuant to section 4 or 5 of this act, a resident of this State shall be  
10 allowed:

11 (1) a minimum rebate of \$150 for property taxes paid on one  
12 homestead for the tax year if the claimant's gross income does not  
13 exceed \$70,000 for that year; or

14 (2) a minimum rebate of \$100 for property taxes paid on one  
15 homestead for the tax year if the claimant's gross income exceeds  
16 \$70,000 but does not exceed \$100,000 for that year.

17 If a claimant who is eligible for the minimum rebate pursuant to this  
18 subsection paid property taxes on homesteads maintained as such in  
19 this State for less than the full tax year, the minimum rebate shall be  
20 prorated in the proportion which the number of days that the  
21 homesteads were maintained during the tax year bears to 365 days. A  
22 claim for the minimum rebate pursuant to this subsection shall be  
23 subject to any further proportionate reduction as may be required  
24 pursuant to subsections d. and e. of this section. A minimum rebate  
25 subject to any proportionate reduction shall be rounded to the nearest  
26 whole dollar. A claim for a minimum rebate based upon a homestead  
27 maintained by both spouses shall be determined based upon the  
28 combined gross income of both spouses regardless of whether the  
29 claimants filed a joint New Jersey gross income tax return or separate  
30 New Jersey gross income tax returns for the tax year.

31 b. Except for a] A resident of this State who is [allowed a rebate  
32 pursuant to subsection a. of this section, or who is allowed a rebate  
33 pursuant to section 4 or 5 of this act, a resident of this State] 65 years  
34 of age or older at the close of the tax year, or who is allowed to claim  
35 a personal deduction as a blind or disabled taxpayer pursuant to  
36 subsection b. of N.J.S.54A:3-1, shall be allowed a homestead rebate  
37 for the tax year equal to the amount by which property taxes paid by  
38 the claimant in that tax year on the claimant's homestead exceed 5%  
39 of the claimant's gross income, up to a maximum homestead rebate of  
40 \$500 (rounded to the nearest whole dollar), provided that:

41 (1) in the case of a married couple filing a joint New Jersey gross  
42 income tax return or an individual filing a return who determines gross  
43 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
44 does not exceed \$70,000 for that year;

45 (2) in the case of an unmarried individual who determines gross  
46 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income

1 does not exceed \$35,000 for that year;

2 (3) in the case of a married individual filing a separate New Jersey  
3 gross income tax return, if the spouse of the claimant maintains the  
4 same homestead as the claimant and also files a separate gross income  
5 tax return in this State, the combined gross income of both spouses  
6 does not exceed \$70,000, but in no event shall the homestead rebate  
7 claimed under this subsection exceed one-half of the amount of the  
8 homestead rebate allowable had the spouses filed a joint return and  
9 homestead rebate application; and

10 (4) in the case of a married individual filing a separate gross  
11 income tax return and maintaining a homestead apart from that  
12 individual's spouse, gross income does not exceed \$35,000.

13 [c.] b. A homestead rebate shall be allowed pursuant to subsection  
14 [b.] a. of this section in relation to the amount of the property taxes  
15 actually paid by or allocable to a resident property taxpayer who is a  
16 claimant on more than one homestead, but the aggregate amount of  
17 the property taxes claimed shall not exceed the total of the  
18 proportionate amounts of property taxes assessed and levied against  
19 or allocable to each homestead for the portion of the tax year the  
20 claimant occupied it as the claimant's principal residence.

21 [d.] c. If title to a homestead is held by more than one individual  
22 as joint tenants or tenants in common, each individual shall be allowed  
23 a homestead rebate pursuant to this section only in relation to the  
24 individual's proportionate share of the property taxes assessed and  
25 levied against the homestead. The individual's proportionate share of  
26 the property taxes on that homestead shall be equal to the share of that  
27 individual's interest in the title. Title [may] shall be presumed to be  
28 held in equal shares among all co-owners, but if the claimant  
29 satisfactorily demonstrates to the director that title provides for  
30 unequal interests, either under the conveyance under which the title is  
31 held [provides for unequal interests therein, a] or as otherwise may  
32 be demonstrated, that claimant's share of the property taxes paid on  
33 that homestead shall be in proportion to the claimant's interest in the  
34 title.

35 [e.] d. If the homestead of a claimant is a residential property  
36 consisting of more than one unit, that claimant shall be allowed a  
37 homestead rebate pursuant to this section only in relation to the  
38 proportionate share of the property taxes assessed and levied against  
39 the residential unit occupied by that claimant, as determined by the  
40 local tax assessor.

41 [f.] e. Nothing in this section shall preclude a co-owner, other than  
42 a husband or wife claiming a homestead rebate on the same  
43 homestead, from [claiming] receiving a [minimum] homestead rebate  
44 determined pursuant to subsection [a.] f. or g. of this section if  
45 another co-owner claims a homestead rebate pursuant to subsection

1 [b.] a. of this section, provided however, that each [such] claim for  
2 a homestead rebate determined pursuant to subsection a. and f. of this  
3 section shall be separately subject to the provisions of subsections c.  
4 and d. [and e.] of this section and each claim for a homestead rebate  
5 determined pursuant to subsection g. of this section shall be separately  
6 subject to the provisions of that subsection.

7 f. (1) Notwithstanding the provisions of subsection a. of this  
8 section to the contrary, a homestead rebate shall be allowed for a  
9 resident of this State who is 65 years of age or older at the close of the  
10 tax year, or who is allowed to claim a personal deduction as a blind or  
11 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who has  
12 paid property taxes in that tax year on the claimant's homestead, which  
13 shall not be less than:

14 (a) \$150 for property taxes paid on one homestead for the tax year  
15 if the claimant's gross income does not exceed \$70,000 for that year;  
16 or

17 (b) \$100 for property taxes paid on one homestead for the tax year  
18 if the claimant's gross income exceeds \$70,000 but does not exceed  
19 \$100,000 for that year.

20 (2) If a claimant who is eligible to receive a homestead rebate in an  
21 amount set forth in paragraph (1) of this subsection paid property  
22 taxes on homesteads maintained as such in this State for less than the  
23 full tax year, the homestead rebate amount set forth in paragraph (1)  
24 shall be prorated in the proportion which the number of days that the  
25 homesteads were maintained during the tax year bears to 365 days.  
26 The homestead rebate amount set forth in paragraph (1) of this  
27 subsection shall be subject to any further proportionate reduction as  
28 may be applicable pursuant to subsections c. and d. of this section. The  
29 homestead rebate amount set forth in paragraph (1) of this subsection  
30 that is subject to any proportionate reduction shall be rounded to the  
31 nearest whole dollar. The homestead rebate amount set forth in  
32 paragraph (1) of this subsection that is claimed based upon a  
33 homestead maintained by both spouses shall be determined based upon  
34 the combined gross income of both spouses regardless of whether the  
35 claimants filed a joint New Jersey gross income tax return or separate  
36 New Jersey gross income tax returns for the tax year.

37 g. (1) A resident of this State who is not 65 years of age or older  
38 at the close of the tax year, and who is not allowed to claim a personal  
39 deduction as a blind or disabled taxpayer pursuant to subsection b. of  
40 N.J.S.54A:3-1, who maintains a homestead for which property taxes  
41 have been paid for the tax year, who has gross income for the tax year  
42 not in excess of \$40,000, shall be allowed a homestead rebate pursuant  
43 to this subsection of \$90, provided however, that the homestead rebate  
44 allowed pursuant to this subsection shall be subject to the limitations  
45 and reductions as may apply pursuant to the provisions of subsections  
46 b. through d. of this section.

1       (2) In the case of a claimant who is a married individual filing a  
2 separate New Jersey gross income tax return, if the spouse of the  
3 claimant maintains the same homestead as the claimant and also files  
4 a separate gross income tax return in this State: (a) if the combined  
5 gross income of both spouses exceeds \$40,000 then neither spouse  
6 shall be entitled to a rebate pursuant to this subsection; or (b) if the  
7 combined gross income of both spouses does not exceed \$40,000, then  
8 the maximum homestead rebate paid pursuant to this subsection to  
9 each spouse shall not exceed one-half of the amount of the homestead  
10 rebate allowable had the spouses filed a joint return and homestead  
11 rebate application.

12       (3) A rebate paid pursuant to this subsection shall be subject to  
13 such proportionate reductions in amount as relate to the claimant's  
14 number of days as an owner of the homestead during the tax year.

15 (cf: P.L.1990, c.61, s.3)

16

17       6. Section 4 of P.L.1990, c.61 (C.54:4-8.60) is amended to read as  
18 follows:

19       4. a. [Except for a resident of this State who is allowed a rebate  
20 pursuant to subsection b. of this section which exceeds the minimum  
21 rebate provided for in this subsection, or who is allowed a rebate  
22 pursuant to section 3 or 5 of this act, a resident of this State whose  
23 homestead is a unit of residential rental property shall be allowed:

24       (1) a minimum rebate of \$65 for property taxes paid through rent  
25 on the homestead for the tax year if the claimant's gross income does  
26 not exceed \$70,000 for that year; or

27       (2) a minimum rebate of \$35 for property taxes paid through rent  
28 on the homestead for the tax year if the claimant's gross income  
29 exceeds \$70,000 but does not exceed \$100,000 for that year.

30       If a claimant who is eligible for the minimum rebate pursuant to this  
31 subsection paid rent for less than the full tax year on one or more  
32 homesteads in this State maintained as such for less than the full tax  
33 year, the minimum rebate shall be prorated in the proportion which the  
34 number of days that the homestead was maintained during the tax year  
35 bears to 365 days. A claim for a minimum rebate pursuant to this  
36 subsection shall be subject to such further proportionate reduction as  
37 may be required pursuant to subsections c. and d. of this section. A  
38 minimum rebate subject to any proportionate reduction shall be  
39 rounded to the nearest whole dollar. A claim for a minimum rebate  
40 based upon a homestead maintained by both spouses shall be  
41 determined based upon the combined gross income of both spouses  
42 regardless of whether the claimants filed a joint New Jersey gross  
43 income tax return or separate New Jersey gross income tax returns for  
44 the tax year.

45       b. Except for a] A resident of this State who is [allowed a rebate  
46 pursuant to subsection a. of this section, or who is allowed a rebate

1 pursuant to section 3 or 5 of this act, a resident of this State] 65 years  
2 of age or older at the close of the tax year, or who is allowed to claim  
3 a personal deduction as a blind or disabled taxpayer pursuant to  
4 subsection b. of N.J.S.54A:3-1, whose homestead is a unit of  
5 residential rental property shall be allowed a homestead rebate for the  
6 tax year equal to the amount by which the claimant's rent constituting  
7 property taxes in that tax year exceeds 5% of the claimant's gross  
8 income, up to a maximum rebate of \$500 (rounded to the nearest  
9 whole dollar), provided that:

10 (1) in the case of a married couple filing a joint New Jersey gross  
11 income tax return or an individual filing a return who determines gross  
12 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
13 does not exceed \$70,000 for that year;

14 (2) in the case of an unmarried individual who determines gross  
15 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
16 does not exceed \$35,000 for that year;

17 (3) in the case of a married individual filing a separate New Jersey  
18 gross income tax return, if the spouse of the claimant maintains the  
19 same homestead as the claimant and also files a separate gross income  
20 tax return in this State, the combined gross income of both spouses  
21 does not exceed \$70,000, but in no event shall the homestead rebate  
22 claimed under this subsection exceed one-half of the amount of the  
23 homestead rebate allowable had the spouses filed a joint return and  
24 homestead rebate application; and

25 (4) in the case of a married individual filing a separate gross  
26 income tax return and maintaining a homestead apart from that  
27 individual's spouse, gross income does not exceed \$35,000.

28 [c.] b. If more than one resident, other than a husband and wife,  
29 qualify for a homestead rebate by reason of their having occupied the  
30 same unit of residential rental property as their homestead, it shall be  
31 presumed that each claimant shall be allowed a homestead rebate  
32 pursuant to [either subsection a. or subsection b. of] this section only  
33 in relation to the individual's proportionate share of the total rent  
34 constituting property taxes paid by that claimant which homestead  
35 rebate shall be in proportion to the percentage that the total rent paid  
36 by that claimant bears to the total rent paid by all tenants of the same  
37 unit. For the purposes of a homestead rebate claimed by an individual  
38 subject to this subsection, the names and social security numbers of  
39 each co-tenant shall be reported by the claimant and the total rent paid  
40 shall be presumed to be paid in equal parts among all co-tenants.

41 [d.] c. If a claimant for a homestead rebate [either] pursuant to  
42 [subsection a. or subsection b. of] this section has no other homestead  
43 in this State other than a unit of residential rental property, and that  
44 claimant was not a resident of this State for the full tax year, but paid  
45 rent for the full tax year for one or more units of residential rental  
46 property in this State, the claimant's total homestead rebate otherwise

1 calculated pursuant to [subsection a. or subsection b. of] this section  
2 shall be prorated in the proportion which the number of days the  
3 claimant occupied residential rental property in this State as a  
4 homestead during the tax year bears to 365 days.

5 [e.] d. Nothing in this section shall preclude a co-tenant, other  
6 than a husband or wife claiming a homestead rebate on the same  
7 homestead, from [claiming] receiving a [minimum] homestead rebate  
8 determined pursuant to subsection [a.] e. or f. of this section if  
9 another co-tenant claims a rebate pursuant to subsection [b.] a. of this  
10 section, provided however, that each such claim shall be separately  
11 subject to the provisions of subsections b. and c. [and d.] of this  
12 section.

13 e. (1) Notwithstanding the provisions of subsection a. of this  
14 section to the contrary, a homestead rebate shall be allowed for a  
15 resident of this State who is 65 years of age or older at the close of the  
16 tax year, or who is allowed to claim a personal deduction as a blind or  
17 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, whose  
18 homestead is a unit of residential rental property which shall not be  
19 less than:

20 (a) \$65 for property taxes paid through rent on the homestead for  
21 the tax year if the claimant's gross income does not exceed \$70,000 for  
22 that year; or

23 (b) \$35 for property taxes paid through rent on the homestead for  
24 the tax year if the claimant's gross income exceeds \$70,000 but does  
25 not exceed \$100,000 for that year.

26 (2) If a claimant who is eligible to receive a homestead rebate in an  
27 amount set forth in paragraph (1) of this subsection paid rent for less  
28 than the full tax year on one or more homesteads in this State  
29 maintained as such for less than the full tax year, the homestead rebate  
30 amount set forth in paragraph (1) shall be prorated in the proportion  
31 which the number of days that the homestead was maintained during  
32 the tax year bears to 365 days. A claim for a homestead rebate in an  
33 amount set forth in paragraph (1) of this subsection shall be subject to  
34 such further proportionate reduction as may be required pursuant to  
35 subsections b. and c. of this section. A homestead rebate in an amount  
36 set forth in paragraph (1) of this subsection subject to any  
37 proportionate reduction shall be rounded to the nearest whole dollar.  
38 A claim for a homestead rebate in an amount set forth in paragraph (1)  
39 of this subsection based upon a homestead maintained by both spouses  
40 shall be determined based upon the combined gross income of both  
41 spouses regardless of whether the claimants filed a joint New Jersey  
42 gross income tax return or separate New Jersey gross income tax  
43 returns for the tax year.

44 f. (1) A resident of this State who is not 65 years of age or older  
45 at the close of the tax year, and who is not allowed to claim a personal  
46 deduction as a blind or disabled taxpayer pursuant to subsection b. of

1 N.J.S.54A:3-1, whose homestead is a unit of residential rental  
2 property, who has gross income for the tax year not in excess of  
3 \$100,000, shall be allowed a homestead rebate pursuant to this  
4 subsection of \$30 for property taxes paid through rent during the 1998  
5 tax year, \$40 for property taxes paid through rent during the 1999 tax  
6 year, \$60 for property taxes paid through rent during the 2000 tax  
7 year, \$80 for property taxes paid through rent during the 2001 tax  
8 year, and \$100 for property taxes paid through rent during any tax  
9 year thereafter, provided however, that the homestead rebate allowed  
10 pursuant to this subsection shall be subject to the limitations and  
11 reductions as may apply pursuant to the provisions of subsections b.  
12 and c. of this section and such proportionate reduction as may relate  
13 to the number of days the claimant was a tenant in a unit of residential  
14 rental property maintained as a homestead in this State during the tax  
15 year.

16 (2) The gross income limit imposed in paragraph (1) of this  
17 subsection for a claim for a homestead rebate made pursuant to this  
18 subsection that is based upon a homestead maintained by both spouses  
19 shall be based upon the combined gross income of both spouses if the  
20 claimants filed a joint New Jersey gross income tax return for the tax  
21 year. If a claim by a married individual for a homestead rebate made  
22 pursuant to this subsection is based upon a homestead maintained by  
23 both spouses who each file separate New Jersey gross income tax  
24 returns for the tax year, no homestead rebate for the tax year shall be  
25 paid to either spouse if their combined gross income exceeds the gross  
26 income limit imposed in paragraph (1) of this subsection. For such a  
27 claim, if the combined gross income of both spouses does not exceed  
28 the gross income limit imposed in paragraph (1) of this subsection,  
29 then each such spouse making a claim shall be allowed a homestead  
30 rebate amount equal to one-half of the homestead rebate amount  
31 otherwise allowed pursuant to this subsection.

32 (cf: P.L.1990, c.61, s.4)

33

34 7. Section 5 of P.L.1990, c.61 (C.54:4-8.61) is amended to read as  
35 follows:

36 5. a. [Except for a resident of this State who is allowed a rebate  
37 pursuant to subsection b. of this section which exceeds the minimum  
38 rebate provided for in this subsection, or who is allowed a rebate  
39 pursuant to section 3 or 4 of this act, a resident of this State for the  
40 full tax year for which a rebate is claimed, who has paid property taxes  
41 on a homestead other than a unit of residential rental property for a  
42 part of the tax year and has paid property taxes through rent on a unit  
43 of residential rental property for the remainder of that year, shall be  
44 allowed a minimum rebate for that tax year equal to:

45 (1) the sum of that portion of \$150 which the number of days that  
46 the claimant's homestead was other than a unit of residential rental

1 property bears to 365 days and that portion of \$65 which the number  
2 of days that the claimant's homestead was a unit of residential rental  
3 property bears to 365 days, if the claimant's gross income does not  
4 exceed \$70,000 for that year; or

5 (2) the sum of that portion of \$100 which the number of days that  
6 the claimant's homestead was other than a unit of residential rental  
7 property bears to 365 days and that portion of \$35 which the number  
8 of days that the claimant's homestead was a unit of residential rental  
9 property bears to 365 days, if the claimant's gross income exceeds  
10 \$70,000 but does not exceed \$100,000 for that year.

11 A claim for a minimum rebate pursuant to this subsection shall first  
12 be subject to such further proportionate reductions to the respective  
13 portions of the sums determined pursuant to paragraph (1) or (2)  
14 hereinabove as may be required pursuant to subsections d. and e. of  
15 section 3 and subsections c. and d. of section 4 of this act. A  
16 minimum rebate determined pursuant to this subsection shall be  
17 rounded to the nearest whole dollar. A claim for a minimum rebate  
18 based upon a homestead maintained by both spouses shall be  
19 determined based upon the combined gross income of both spouses  
20 regardless of whether the claimants filed a joint New Jersey gross  
21 income tax return or separate New Jersey gross income tax returns for  
22 the tax year.

23 b. Except for a] A resident of this State who is [allowed a rebate  
24 pursuant to subsection a. of this section, or who is allowed a rebate  
25 pursuant to section 3 or 4 of this act,] 65 years of age or older at the  
26 close of the tax year, or who is allowed to claim a personal deduction  
27 as a blind or disabled taxpayer pursuant to subsection b. of  
28 N.J.S.54A:3-1, who is a resident of this State for the full tax year for  
29 which a homestead rebate is claimed, whose homestead has been other  
30 than a unit of residential rental property for a part of the tax year and  
31 has been a unit of residential rental property for the remainder of that  
32 year, shall be allowed a homestead rebate for that tax year equal to the  
33 amount by which the sum of the actual property taxes paid by the  
34 claimant and the rent constituting property taxes paid by the claimant  
35 in that tax year exceeds 5% of the claimant's gross income, up to a  
36 maximum rebate of \$500 (rounded to the nearest whole dollar),  
37 provided that:

38 (1) in the case of a married couple filing a joint New Jersey gross  
39 income tax return or an individual filing a return who determines gross  
40 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
41 does not exceed \$70,000 for that year;

42 (2) in the case of an unmarried individual who determines gross  
43 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
44 does not exceed \$35,000 for that year;

45 (3) in the case of a married individual filing a separate New Jersey  
46 gross income tax return, if the spouse of the claimant maintains the



1 same homestead as the claimant and also files a separate gross income  
2 tax return in this State, the combined gross income of both spouses  
3 does not exceed \$70,000, but in no event shall the homestead rebate  
4 claimed under this subsection exceed one-half of the amount of the  
5 homestead rebate allowable had the spouses filed a joint return and  
6 rebate application; and

7 (4) in the case of a married individual filing a separate gross  
8 income tax return and maintaining a homestead apart from that  
9 individual's spouse, gross income does not exceed \$35,000.

10 b. (1) Notwithstanding the provisions of subsection a. of this  
11 section to the contrary, a homestead rebate shall be allowed for a  
12 resident of this State who is 65 years of age or older at the close of the  
13 tax year, or who is allowed to claim a personal deduction as a blind or  
14 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is  
15 a resident of this State for the full tax year for which a homestead  
16 rebate is claimed, who has paid property taxes on a homestead other  
17 than a unit of residential rental property for a part of the tax year and  
18 has paid property taxes through rent on a unit of residential rental  
19 property for the remainder of that year, which shall not be less than:

20 (a) the sum of that portion of \$150 which the number of days that  
21 the claimant's homestead was other than a unit of residential rental  
22 property bears to 365 days and that portion of \$65 which the number  
23 of days that the claimant's homestead was a unit of residential rental  
24 property bears to 365 days, if the claimant's gross income does not  
25 exceed \$70,000 for that year; or

26 (b) the sum of that portion of \$100 which the number of days that  
27 the claimant's homestead was other than a unit of residential rental  
28 property bears to 365 days and that portion of \$35 which the number  
29 of days that the claimant's homestead was a unit of residential rental  
30 property bears to 365 days, if the claimant's gross income exceeds  
31 \$70,000 but does not exceed \$100,000 for that year.

32 (2) A claim for a homestead rebate pursuant to this subsection shall  
33 first be subject to such further proportionate reductions to the  
34 respective portions of the sums determined pursuant to subparagraph  
35 (a) or (b) of paragraph (1) of this subsection as may be required  
36 pursuant to subsections c. and d. of section 3 of P.L.1990, c.61  
37 (C.54:4-8.59) and subsections b. and c. of section 4 of P.L.1990, c.61  
38 (C.54:4-8.60). A homestead rebate determined pursuant to this  
39 subsection shall be rounded to the nearest whole dollar. A claim for  
40 a homestead rebate determined pursuant to this subsection based upon  
41 a homestead maintained by both spouses shall be determined based  
42 upon the combined gross income of both spouses regardless of  
43 whether the claimants filed a joint New Jersey gross income tax return  
44 or separate New Jersey gross income tax returns for the tax year.

45 c. A claim for a homestead rebate for a resident of this State who  
46 is not 65 years of age or older at the close of the tax year, and who is

1 not allowed to claim a personal deduction as a blind or disabled  
2 taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is a resident  
3 of this State for the full tax year for which a homestead rebate is  
4 claimed, who has paid property taxes on a homestead other than a unit  
5 of residential rental property for a part of the tax year and has paid  
6 property taxes through rent on a unit of residential rental property for  
7 the remainder of that year shall be determined based upon the sum of:

8 (1) a homestead rebate determined under subsection g. of section  
9 3 of P.L.1990, c.61 (C.54:4-8.59), as may apply, subject to such  
10 proportionate reduction as relates to the number of days that the  
11 claimant's homestead was other than a unit of residential rental  
12 property bears to 365 days; and

13 (2) a homestead rebate determined under subsection f. of section  
14 4 of P.L.1990, c.61 (C.54:4-8.60), as may apply, subject to such  
15 proportionate reduction as relates to the number of days that the  
16 claimant's homestead was a unit of residential rental property bears to  
17 365 days.

18 (cf: P.L.1990, c.61, s.5)

19

20 8. Section 6 of P.L.1990, c.61 (C.54:4-8.62) is amended to read as  
21 follows:

22 6. a. No NJ SAVER rebate or homestead rebate shall be allowed  
23 pursuant to this act except upon annual [written] application therefor,  
24 in [a] any manner [and], [on a]upon any form, and in any format,  
25 whether in writing or otherwise, as shall be prescribed by the director.

26 The director may require a claimant for a homestead rebate to attach  
27 to the homestead rebate application a copy of the appropriate property  
28 tax bill or proof of rent paid for the prior tax year. The director may  
29 require such other verification of eligibility for a NJ SAVER rebate or  
30 homestead rebate as the director may deem necessary. The application

31 [form] for a homestead rebate shall be submitted (1) as part of the  
32 claimant's gross income tax return filed pursuant to the "New Jersey  
33 Gross Income Tax Act," N.J.S.54A:1-1 et seq., or , (2) on any other  
34 form, in any manner or format and at any time and prior to any date as  
35 the director shall prescribe if (a) the claimant is not required to file a  
36 gross income tax return or (b) the claimant has filed an application for  
37 extension of time to file the claimant's gross income tax return. The  
38 director may require that the application for a NJ SAVER rebate shall  
39 be submitted (1) as part of the applicant's gross income tax return filed  
40 pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1  
41 et seq., or (2) on any other form, in any other format and at any time  
42 and prior to any date as the director shall prescribe. The director shall,

43 for good cause shown, extend the time of any applicant to file a claim  
44 for a NJ SAVER rebate or homestead rebate for a reasonable period,  
45 and in such case, the application shall be processed and payment of a  
46 NJ SAVER or homestead rebate made in accordance with the

1 procedures established in the case of applications timely filed. The  
2 director may require sworn applications. In the event that the director  
3 waives the requirement of sworn applications, all declarations by  
4 claimants shall be considered as if made under oath and claimants, as  
5 to false declarations, shall be subject to the penalties as provided by  
6 law for perjury.

7 b. Upon approval of NJ SAVER and homestead rebate applications  
8 by the director, the director shall prepare lists of ~~persons~~ individuals  
9 entitled to a rebate, together with the respective amounts due each  
10 claimant and shall forward such lists ~~on or before September 1, and~~  
11 ~~on or before September 30 with respect to rebate applications~~  
12 ~~submitted pursuant to (b) of subparagraph (2) of subsection a. of this~~  
13 ~~section,~~ to the State Treasurer, the Director of the Division of  
14 Budget and Accounting and any other officials as the director deems  
15 appropriate on or before the earliest of such date or dates as may be  
16 convenient for the director to compile such lists. The director may  
17 inspect ~~the~~ all records in the ~~office~~ offices of the tax collector and  
18 tax assessor of a municipality with respect to applications, claims and  
19 allowances for NJ SAVER rebates and homestead rebates.

20 c. If a NJ SAVER or homestead rebate application contains a claim  
21 for a rebate that is incorrectly determined by the claimant or is based  
22 upon incorrect or insufficient information from which the director is  
23 to approve the claim, the director may determine the eligibility of the  
24 claimant for a NJ SAVER or homestead rebate and the correct amount  
25 of a NJ SAVER or homestead rebate to be paid to that claimant from  
26 such other information as may be available to the director. In addition,  
27 the director may adjust the amount of any NJ SAVER or homestead  
28 rebate to which a claimant may be entitled by any part of the amount  
29 of any previous NJ SAVER or homestead rebate erroneously claimed  
30 by and paid to that claimant.

31 d. In the case of a claimant for a NJ SAVER rebate or a homestead  
32 rebate whose homestead is a unit in a cooperative, mutual housing  
33 corporation or continuing care retirement community, the director may  
34 provide that the application shall include the name and address of the  
35 location of the property and the amount of real property taxes  
36 attributed to the cooperative, mutual housing residential unit or  
37 continuing care retirement community residential unit, as shall be  
38 indicated in an official notice which shall be furnished by the  
39 cooperative, mutual housing corporation or continuing care retirement  
40 community for the same year.

41 e. A NJ SAVER rebate or a homestead rebate shall be allowed  
42 pursuant to this act for a claimant whose ownership of an interest in  
43 a homestead is satisfied by the holding of the beneficial interest if legal  
44 title thereto or share therein is held by another for the benefit of the  
45 claimant.

46 (cf: P.L.1990, c.61, s.6)

1       9. Section 7 of P.L.1990, c.61 (C.54:4-8.63) is amended to read as  
2 follows:

3       7. The State Treasurer annually on or before October 31, upon  
4 certification of the director and upon warrant of the State Comptroller,  
5 shall pay and distribute the amount of the NJ SAVER rebate or  
6 homestead rebate claimed for the prior tax year to each claimant  
7 whose NJ SAVER rebate or homestead rebate is approved by the  
8 director.

9 (cf: P.L.1990, c.61, s.7)

10

11       10. Section 8 of P.L.1990, c.61 (C.54:4-8.64) is amended to read  
12 as follows:

13       8. a. The tax collector of each municipality shall, on or before  
14 ~~[July 1]~~ May 15 of each year, furnish the director with a list of  
15 property taxpayers in the district delinquent for taxes due and payable  
16 for the year immediately preceding and the amounts of such  
17 delinquencies. The collector shall report on such list the name, lot and  
18 block number on the property tax duplicate as may be applicable, and  
19 the address of each owner to whom a delinquency is attributable  
20 together with the amount of such delinquency so identified. No NJ  
21 SAVER rebate or homestead rebate payment under this act shall be  
22 made to a property owner while that property owner's delinquency  
23 remains, provided however that for the purposes of this act, for an  
24 assessment on a property which is on appeal and for which the  
25 statutory percentage of the tax as provided in R.S.54:3-27 has been  
26 paid, the taxes assessed on that property shall not be regarded as  
27 delinquent.

28       b. If the director receives the list as provided for in subsection a.  
29 of this section, and the director determines that a property tax  
30 delinquency remains for the preceding tax year on ~~[July 1]~~ May 15,  
31 the director shall ascertain the amount of the NJ SAVER rebate or  
32 homestead rebate, or the amount of both, required to be withheld  
33 because of such delinquency in each municipality in the State, and shall  
34 certify such amounts to the State Treasurer as soon thereafter as may  
35 be practicable.

36       c. On or before November 15, the director shall notify each NJ  
37 SAVER rebate and homestead rebate claimant whose rebate ~~[has]~~ or  
38 rebates have been withheld because of delinquency that the amount of  
39 the rebate or rebates to which the claimant otherwise would have been  
40 entitled has been sent to the tax collector in the municipality to be  
41 credited against the claimant's delinquency.

42       d. Upon certification by the director as to the amount of  
43 NJ SAVER and homestead rebates required to be withheld because of  
44 delinquency in the several municipalities, the State Treasurer upon the  
45 warrant of the State Comptroller, shall pay such amount on or before  
46 October 30 to the tax collector in each municipality.

1 e. The tax collector in each municipality shall credit the tax  
2 delinquency of each property taxpayer who appears on the delinquency  
3 list set forth in subsection a. of this section in the amount that  
4 otherwise would have been returned to the property taxpayer as a  
5 NJ SAVER rebate or homestead rebate. In the event that the amount  
6 so credited exceeds the amount of delinquency, the tax collector may  
7 return the difference to the taxpayer or credit such amount to the  
8 subsequent property tax bill.

9 f. In the case of delinquency in the payment of property taxes by  
10 a cooperative, mutual housing corporation or continuing care  
11 retirement community, a NJ SAVER rebate or a homestead rebate that  
12 may be due an individual resident shall be paid by the State Treasurer  
13 to the tax collector of the municipality. The tax collector shall credit  
14 the [property owner] cooperative, mutual housing corporation or  
15 continuing care retirement community with such payment and the  
16 [property owner] cooperative, mutual housing corporation or  
17 continuing care retirement community shall, in turn, credit the  
18 individual unit owner to the extent of the rebate [. The tax collector  
19 shall] and notify the [property owner] the applicant of the amount to  
20 be credited.

21 g. If a tax collector fails to comply with the provisions of  
22 subsection a. of this section requiring the tax collector to furnish the  
23 director with a list, on or before May 15 of each year, of property  
24 taxpayers in the district delinquent for taxes due and payable for the  
25 year immediately preceding and the amounts of such delinquencies, the  
26 director shall pay the NJ SAVER rebate or homestead rebate directly  
27 to the delinquent applicant rather than to the tax collector of the  
28 municipality as set forth in subsection d. of this section.

29 (cf: P.L.1990, c.61, s.8)

30

31 11. Section 9 of P.L.1990, c.61 (C.54:4-8.65) is amended to read  
32 as follows:

33 9. The [property tax] NJ SAVER rebate and homestead rebate  
34 authorized under this act shall not be subject to garnishment,  
35 attachment, execution or other legal process, except as provided in  
36 section 1 of P.L.1981, c.239 (C.54A:9-8.1), or except for an income  
37 withholding order issued pursuant to P.L.1981, c.417 (C.2A:17-56.8  
38 et seq.), nor shall the payment thereof be anticipated.

39 (cf: P.L.1990, c.61, s.9)

40

41 12. Section 1 of P.L.1981, c. 239 (C.54A:9-8.1) is amended to  
42 read as follows:

43 1. Whenever any taxpayer or [homeowner] resident shall be  
44 entitled to any refund of taxes pursuant to the "New Jersey Gross  
45 Income Tax Act" (N.J.S.54A:1-1 et seq.), or whenever any individual  
46 is eligible to receive a NJ SAVER rebate or a homestead [property

1 tax] rebate pursuant to P.L.1990, c.61 (C.54:4-8.57 et al.) or  
2 P.L.1999, c. , (C. )(now pending before the Legislature as this  
3 bill), and if the rebate is not required to be paid over to the municipal  
4 tax collector under the provisions of section 8 of P.L.1990, c.61  
5 (C.54:4-8.64), and at the same time the taxpayer or [homeowner]  
6 resident shall be indebted to any agency or institution of State  
7 Government, to the Victims of Crime Compensation Board for the  
8 portion of an assessment ordered pursuant to N.J.S.2C:43-3.1 for  
9 deposit in the Victims of Crime Compensation Board Account or  
10 restitution ordered to be paid to the board pursuant to N.J.S.2C:44-2  
11 for deposit in the Victims of Crime Compensation Board Account, or  
12 for child support under Title IV-A, Title IV-D, or Title IV-E of the  
13 federal Social Security Act (42 U.S.C. s.601 et seq.), or other  
14 indebtedness in accordance with section 1 of P.L.1995, c.290  
15 (C.2A:17-56.11b) the Department of the Treasury shall apply or cause  
16 to be applied the refund [or] , NJ SAVER rebate or homestead rebate,  
17 or [both] all, or so much of [either] any or [both] all as shall be  
18 necessary, to satisfy the indebtedness. Child support indebtedness  
19 shall take precedence over all other indebtedness. The Department of  
20 the Treasury shall retain a percentage of the proceeds of any collection  
21 setoff as shall be necessary to provide for any expenses of the  
22 collection effort.

23 (cf: P.L.1997, c.226, s.1)

24

25 13. Section 10 of P.L.1990, c.61 (C.54:4-8.66) is amended to read  
26 as follows:

27 10. a. [A claimant] An applicant for a NJ SAVER rebate or a  
28 homestead rebate aggrieved by the [disapproval] denial by the  
29 director of [a claim for a] all or part of that applicant's NJ SAVER  
30 or homestead rebate [or a determination of the amount of a rebate by  
31 the director, may, within 30 days after notification of such decision  
32 indicating the reason therefor, appeal therefrom to the tax court in  
33 accordance with the provisions of the State Tax Uniform Procedure  
34 Law, R.S.54:48-1 et seq. The tax court shall render its judgment  
35 within 90 days from the date the appeal is filed] may protest the denial  
36 under procedures as may be determined by the director by regulation.  
37 If the protest results in a final determination that affirms or modifies  
38 the denial under review, the final determination shall be subject to  
39 judicial review pursuant to N.J.S.54:51A-13 et seq. in the New Jersey  
40 Tax Court within 90 days of the issuance of the final determination.

41 b. The appeal provided by this section shall be the exclusive  
42 remedy available to [a claimant] an applicant for review of a decision  
43 of the director in respect [of] to the denial of [or determination] all  
44 or part of [the amount of] a NJ SAVER rebate or homestead rebate.  
45 (cf: P.L.1990, c.61, s.10)

1 14. (New section) Any individual who receives a NJ SAVER  
2 rebate or homestead rebate as a result of an intentional  
3 misrepresentation of a material fact shall be required to repay to the  
4 director the amount of the NJ SAVER rebate or homestead rebate and  
5 shall be liable to a penalty equal to 150% of the amount of the  
6 NJ SAVER rebate or homestead rebate paid as a result of that  
7 misrepresentation.

8  
9 15. (New section) Any person who receives a NJ SAVER rebate  
10 or a homestead rebate which has been paid in error and which is  
11 recoverable by the director, and fails to return the payment within  
12 45 days of receiving notice from the director that such payment was  
13 erroneous, shall pay, in addition to the amount of the erroneous  
14 rebate, interest at the rate prescribed in R.S.54:49-3, assessed for each  
15 month or fraction thereof, compounded annually at the end of each  
16 year, from the date next following the 45th day after receiving the  
17 notice from the director that such payment was erroneous until the  
18 date of the return of the erroneous payment.

19  
20 16. (New section) A NJ SAVER rebate or homestead rebate paid  
21 as a result of misrepresentation or paid in error and any penalties and  
22 interest as imposed thereon by this act, shall be payable to and  
23 recoverable by the director in the same manner as a deficiency with  
24 respect to the payment of a State tax in accordance with the State Tax  
25 Uniform Procedure Law, R.S.54:48-1 et seq.

26  
27 17. Section 2 of P.L.1997, c.348 (C.54:4-8.69) is amended to read  
28 as follows:

29 2. Every eligible claimant shall be entitled to reimbursement for  
30 each year subsequent to the base year and annually thereafter, on  
31 proper claim being made therefor to the director, to a homestead  
32 property tax reimbursement. The amount of the homestead property  
33 tax reimbursement shall not be reduced by the amount of the  
34 deductions taken by the eligible claimant pursuant to P.L.1963, c.171  
35 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255 (C.54:4-8.40 to 54:4-  
36 8.45 et al.). The surviving spouse of a deceased resident of this State  
37 who during his or her life received a homestead property tax  
38 reimbursement pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.) shall  
39 be entitled, so long as he or she remains a resident in the same  
40 homestead with respect to which the homestead property tax  
41 reimbursement was granted, and so long as he or she is an eligible  
42 claimant, to the same homestead property tax reimbursement, upon the  
43 same conditions, with respect to the same homestead.

44 (cf: P.L.1997, c.348, s.2)

45  
46 18. Section 18 of P.L.1990, c.61 is amended to read as follows:





1 against the first \$45,000 of assessed value of eligible residential  
2 properties. In fiscal year 2000, homeowners will receive one-fifth of  
3 this amount in the form of a direct rebate check. Each year the amount  
4 will increase by one-fifth until the program is fully implemented in  
5 fiscal year 2004.

6 The existing Homestead Rebate Program will continue under this  
7 bill with some modifications. The Homestead Rebate Program will  
8 provide approximately \$324.6 million in property tax relief in fiscal  
9 2000 through direct payment to individual households. In fiscal year  
10 1999 there were an estimated 1,300,000 households participating in  
11 the Homestead Rebate Program, with an average rebate of  
12 approximately \$243. Under the provisions of the new NJ SAVER and  
13 Homestead Rebate Act homeowners who qualify for homestead  
14 rebates will receive their regular homestead rebate check or the new  
15 NJ SAVER rebate check, depending on which program yields the  
16 greater benefit.

17 Currently, in addition to senior citizens and disabled citizens who  
18 qualify for Homestead Rebates, other households whose income does  
19 not exceed \$40,000 receive a fixed amount of either \$90 for  
20 homeowners or \$30 for tenants. When the NJ SAVER and Homestead  
21 Rebate Act is fully implemented, approximately 650,000 non-senior  
22 and non-disabled tenants with incomes up to \$100,000 will receive a  
23 \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants  
24 and disabled tenants will remain eligible for an average \$413  
25 Homestead Rebate benefit.

26 The bill also sets forth revised provisions allowing for consolidated  
27 implementation of and administrative procedures for the new NJ  
28 SAVER rebate and homestead rebate programs. The bill also makes  
29 an appropriation to the Department of the Treasury for the  
30 administrative costs of implementing the NJ SAVER and Homestead  
31 Rebate Act.

32

33

34

35

36 The "New Jersey School Assessment Valuation Exemption Relief and  
37 Homestead Property Tax Rebate Act" (NJ SAVER and Homestead  
38 Rebate Act).

# SENATE, No. 12

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 15, 1999

**Sponsored by:**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Kyrillos, Bucco, Robertson, Zane, Assemblymen DiGaetano, Thompson, Collins, Assemblywoman Wright, Assemblymen Geist, Talarico, Azzolina, Assemblywoman Farragher, Assemblymen Corodemus, Blee, Assemblywoman Heck, Assemblymen Malone, Cottrell, Assemblywoman Myers, Assemblymen Biondi, T.Smith, Holzapfel, Augustine, Gibson, Lance, Wolfe, Asselta, Assemblywoman Crecco, Assemblymen Luongo, DeCroce, Stuhltrager, Bodine, Kramer, Chatzidakis, Zecker, Kelly, Moran, Assemblywoman Murphy, Assemblymen Gregg, Bateman, O'Toole, Merkt, Assemblywoman Vandervalk, Assemblymen Russo, Weingarten, Felice, Arnone, Bagger, LeFevre and Rooney**

**SYNOPSIS**

The "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act).

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 3/30/1999)

1 AN ACT providing for direct property tax relief for individual  
2 homestead owners and renters in this State, establishing the New  
3 Jersey School Assessment Valuation Exemption Relief and  
4 Homestead Property Tax Rebate Act (the NJ SAVER and  
5 Homestead Rebate Act), amending and supplementing P.L.1990,  
6 c.61 (C.54:4-8.57 et seq.), amending P.L.1981, c.239 and  
7 P.L.1997, c.348, and making an appropriation.

8  
9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:

11  
12 1. Section 1 of P.L.1990, c.61 (C.54:4-8.57) is amended to read as  
13 follows:

14 1. Sections 1 through 10 of **[this act]** P.L.1990, c.61 (C.54:4-8.57  
15 through 54:4-8.66) and sections 3, 4 and 14 through 19 of P.L.1999,  
16 c. (C. ) (now pending before the Legislature as this bill) shall be  
17 known and may be cited as the "New Jersey School Assessment  
18 Valuation Exemption Relief and Homestead Property Tax Rebate Act  
19 **[of 1990.]**" (NJ SAVER and Homestead Rebate Act).  
20 (cf: P.L.1990, c.61, s.1)

21  
22 2. Section 2 of P.L.1990, c.61 (C.54:4-8.58) is amended to read as  
23 follows:

24 2. As used in sections 2 through 10 of **[this act]** P.L.1990, c.61  
25 (C.54:4-8.58 through 54:4-8.66) and sections 3, 4, and 14 through 16  
26 of P.L.1999, c. (C. ) (now pending before the Legislature as  
27 this bill):

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

31 "Continuing care retirement community" means a residential facility  
32 primarily for retired persons where lodging and nursing, medical or  
33 other health related services at the same or another location are  
34 provided as continuing care to an individual pursuant to an agreement  
35 effective for the life of the individual or for a period greater than one  
36 year, including mutually terminable contracts, and in consideration of  
37 the payment of an entrance fee with or without other periodic charges;

38 "Cooperative" means a housing corporation or association which  
39 entitles the holder of a share or membership interest thereof to possess  
40 and occupy for dwelling purposes a house, apartment, manufactured  
41 or mobile home or other unit of housing owned or leased by the  
42 corporation or association, or to lease or purchase a unit of housing

**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 constructed or to be constructed by the corporation or association;

2 "Director" means the Director of the Division of Taxation in the  
3 Department of the Treasury;

4 "Dwelling house" means any residential property assessed as real  
5 property which consists of not more than four units, of which not more  
6 than one may be used for commercial purposes, but shall not include  
7 a unit in a condominium, cooperative, horizontal property regime or  
8 mutual housing corporation;

9 "Equalized property value" means the assessed value of a  
10 homestead on which a NJ SAVER applicant has paid property taxes  
11 for the tax year, as certified by the county board of taxation pursuant  
12 to R.S.54:4-55, divided by the ratio of assessed value to true value of  
13 the municipality, as adopted by the director on October 1 of that year  
14 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

15 "Homestead" means:

16 a. (1) a dwelling house and the land on which that dwelling house  
17 is located which constitutes the place of the claimant's domicile and is  
18 owned and used by the claimant as the claimant's principal residence;

19 (2) a dwelling house situated on land owned by a person other than  
20 the claimant which constitutes the place of the claimant's domicile and  
21 is owned and used by the claimant as the claimant's principal residence;

22 (3) a condominium unit or a unit in a horizontal property regime  
23 which constitutes the place of the claimant's domicile and is owned and  
24 used by the claimant as the claimant's principal residence;

25 (4) for purposes of this definition as provided in this subsection, in  
26 addition to the generally accepted meaning of owned or ownership, a  
27 homestead shall be deemed to be owned by a person if that person is  
28 a tenant for life or a tenant under a lease for 99 years or more and is  
29 entitled to and actually takes possession of the homestead under an  
30 executory contract for the sale thereof or under an agreement with a  
31 lending institution which holds title as security for a loan, or is a  
32 resident of a continuing care retirement community pursuant to a  
33 contract for continuing care for the life of that person which requires  
34 the resident to bear [ , separately from any other charges, the  
35 proportionate] a share of the property taxes that are assessed upon  
36 the continuing care retirement community, if a share is attributable to  
37 the unit that the resident occupies;

38 b. a unit in a cooperative or mutual housing corporation which  
39 constitutes the place of domicile of a residential shareholder or lessee  
40 therein, or of a lessee, or shareholder who is not a residential  
41 shareholder therein, and which is used by the claimant as the claimant's  
42 principal residence; and

43 c. a unit of residential rental property which unit constitutes the  
44 place of the claimant's domicile and is used by the claimant as the  
45 claimant's principal residence;

46 "Horizontal property regime" means the form of real property

1 ownership provided for under the "Horizontal Property Act,"  
2 P.L.1963, c.168 (C.46:8A-1 et seq.);

3 "Gross income" means all New Jersey gross income required to be  
4 reported pursuant to the "New Jersey Gross Income Tax Act,"  
5 N.J.S.54A:1-1 et seq., other than income excludable from the gross  
6 income tax return, but before reduction thereof by any applicable  
7 exemptions, deductions and credits, received during the taxable year  
8 by the owner or residential shareholder in, or lessee of, a homestead;

9 "Manufactured home" or "mobile home" means a unit of housing  
10 which:

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

14 (2) Is built on a permanent chassis;

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

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

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

34 (1) The construction and maintenance of streets;

35 (2) Lighting of streets and other common areas;

36 (3) Garbage removal;

37 (4) Snow removal; and

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

40 "Mutual housing corporation" means a corporation not-for-profit,  
41 incorporated under the laws of this State on a mutual or cooperative  
42 basis within the scope of section 607 of the Lanham Act (National  
43 Defense Housing), Pub.L.849, 76th Congress (42 U.S.C. s.1521 et  
44 seq.), as amended, which acquired a National Defense Housing Project  
45 pursuant to that act;

46 "NJ SAVER applicant" means an individual who files an application

1 for a NJ SAVER rebate pursuant to section 4 of P.L.1999, c. \_\_\_\_\_,  
2 (C. \_\_\_\_\_)(now pending before the Legislature as this bill);

3 "NJ SAVER property value amount" means the lesser of  
4 a. \$45,000, or  
5 b. the highest equalized property value of a homestead for the 1997  
6 tax year or any subsequent tax year, provided that if in any such year  
7 the equalized property value of that homestead equals \$45,000 or  
8 more, the NJ SAVER property value amount for that homestead shall  
9 be \$45,000 in any subsequent tax year.

10 "NJ SAVER school tax rate" means for a municipality the result of  
11 the total school tax levies divided by the net valuation taxable for the  
12 municipality as shown in the 1997 county abstract of ratables  
13 multiplied by the ratio of assessed value to true value of the  
14 municipality promulgated by the director on October 1, 1997, as  
15 prepared pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

16 "Principal residence" means a homestead actually and continually  
17 occupied by a claimant as the claimant's permanent residence, as  
18 distinguished from a vacation home, property owned and rented or  
19 offered for rent by the claimant, and other secondary real property  
20 holdings;

21 "Property tax" means payments to a municipality based upon an  
22 assessment made by the municipality upon real property on an ad  
23 valorem basis on land, improvements or both, but shall not include  
24 payments made in lieu of taxes;

25 "Rent constituting property taxes" means 18% of the rent paid by  
26 the homestead rebate claimant during the tax year on a unit of  
27 residential rental property which constitutes the claimant's homestead,  
28 and in the case of a manufactured home or mobile home in a mobile  
29 home park which constitutes the claimant's homestead means 18% of  
30 the site fee paid by the claimant during the tax year to the owner of the  
31 mobile home park;

32 "Resident" means an individual:

33 a. who is domiciled in this State, unless he maintains no permanent  
34 place of abode in this State, maintains a permanent place of abode  
35 elsewhere, and spends in the aggregate no more than 30 days of the  
36 tax year in this State; or

37 b. who is not domiciled in this State but maintains a permanent  
38 place of abode in this State and spends in the aggregate more than 183  
39 days of the tax year in this State, unless the individual is in the Armed  
40 Forces of the United States;

41 "Residential rental property" means:

42 a. any building or structure or complex of buildings or structures  
43 in which dwelling units are rented or leased or offered for rental or  
44 lease for residential purposes;

45 b. a rooming house, hotel or motel, if the rooms constituting the  
46 homestead are equipped with kitchen and bathroom facilities; [and]

1 c. any building or structure or complex of buildings or structures  
2 constructed under the following sections of the National Housing Act  
3 (Pub. L.73-479) as amended and supplemented: section 202, Housing  
4 Act of 1959 (Pub.L.86-372) and as subsequently amended, section  
5 231, Housing Act of 1959; and

6 d. a site in a mobile home park equipped for the installation of  
7 manufactured or mobile homes, where these sites are under common  
8 ownership and control for the purpose of leasing each site to the  
9 owner of a manufactured or mobile home for the installation thereof;

10 "Residential shareholder in a cooperative or mutual housing  
11 corporation" means a tenant or holder of a membership interest in that  
12 cooperative or corporation, whose residential unit therein constitutes  
13 the tenant or holder's domicile and principal residence, and who may  
14 deduct real property taxes for purposes of federal income tax pursuant  
15 to section 216 of the federal Internal Revenue Code of 1986, 26  
16 U.S.C. s.216; and

17 "Tax year" means the calendar year in which property taxes are due  
18 and payable.

19 (cf: P.L.1990, c.61, s.2)

20

21 3. (New section) The director shall determine the amount of the  
22 NJ SAVER rebate or homestead rebate that shall be paid to each  
23 claimant pursuant to P.L.1999, c. (C. ) (now pending before the  
24 Legislature as this bill) based upon the information provided by the  
25 individual applicant in the application or from any other information  
26 as may be available to the director in order that each individual  
27 applicant shall be paid the greater of the NJ SAVER rebate amount  
28 that may be allowed to the applicant pursuant to section 4 of  
29 P.L.1999, c. (C. ) or the homestead rebate amount that may be  
30 allowed to the claimant pursuant to sections 3 through 5 of P.L.1990,  
31 c.61 (C.54:4-8.59 through 54:4-8.61). If the payment of the lesser  
32 rebate is actually first distributed to an individual who may be allowed  
33 for the same tax year the greater rebate, the director may provide for  
34 the payment of the amount of the difference to that individual in any  
35 convenient manner, form and time as the director shall prescribe.

36

37 4. (New section) a. A resident of this State who has paid property  
38 taxes for the tax year on a homestead that is owned as such, who has  
39 filed an application for a NJ SAVER rebate pursuant to the provisions  
40 of P.L.1999, c. (C. )(now pending before the Legislature as this  
41 bill), shall be allowed a NJ SAVER rebate in the amount determined  
42 by the director pursuant to this section. The amount of the NJ  
43 SAVER rebate shall be equal to the product of (1) the NJ SAVER  
44 property value amount, multiplied by (2) the NJ SAVER school tax  
45 rate for the municipality in which the claimant maintains the homestead  
46 for which the claimant has paid property taxes for the tax year;

1 provided however, that the NJ SAVER rebate amount for the 1998 tax  
2 year to be paid on or before September 30, 1999 shall be 20% of the  
3 amount otherwise determined, the NJ SAVER rebate amount for the  
4 1999 tax year to be paid on or before September 30, 2000 shall be  
5 40% of the amount otherwise determined, the NJ SAVER rebate  
6 amount for the 2000 tax year to be paid on or before September 30,  
7 2001 shall be 60% of the amount otherwise determined, and the NJ  
8 SAVER rebate amount for the 2001 tax year to be paid on or before  
9 September 30, 2002 shall be 80% of the amount otherwise determined.

10 b. Eligibility for a NJ SAVER rebate shall be based upon the  
11 prerequisites for a NJ SAVER rebate having been met by the applicant  
12 at 12:01 A.M. on October 1 of the tax year for which the NJ SAVER  
13 rebate is claimed.

14 c. If title to a homestead is held by more than one individual, other  
15 than a husband and wife, as joint tenants or tenants in common, each  
16 individual shall be allowed a NJ SAVER rebate pursuant to this  
17 section only in relation to the individual's proportionate share of  
18 interest in the title. Title shall be presumed to be held in equal shares  
19 among all co-owners, but if the applicant satisfactorily demonstrates  
20 to the director that under the conveyance under which the title is held,  
21 or otherwise satisfactorily demonstrates that the title provides for  
22 unequal interests therein, that applicant's NJ SAVER rebate shall be in  
23 proportion to the claimant's interest in the title.

24 d. If the homestead of a NJ SAVER applicant is a residential  
25 property consisting of more than one unit, that applicant shall be  
26 allowed a NJ SAVER rebate pursuant to this section only in relation  
27 to the proportionate share of the school property taxes assessed and  
28 levied against the residential unit occupied by that applicant, as  
29 satisfactorily demonstrated by the applicant to the director.

30 e. A homestead held by husband and wife, as tenants by the  
31 entirety, shall be deemed wholly owned by each tenant, but no more  
32 than one NJ SAVER rebate in regard to that homestead shall be  
33 allowed in any year. If a husband and wife file separate NJ SAVER  
34 applications for a tax year for the same homestead, the amount of the  
35 NJ SAVER rebate allowed in regard to that homestead shall be paid  
36 in one-half equal amounts to each applicant. An application for a NJ  
37 SAVER rebate shall be allowed for a homestead the title to which is  
38 held by a partnership, to the extent of the applicant's interest as a  
39 partner therein, and by a guardian, trustee, committee, conservator or  
40 other fiduciary for any individual who would be otherwise be eligible  
41 for a NJ SAVER rebate.

42

43 5. Section 3 of P.L.1990, c.61 (C.54:4-8.59) is amended to read as  
44 follows:

45 3. a. [Except for a resident of this State who is allowed a rebate  
46 pursuant to subsection b. of this section which exceeds the minimum



1 rebate provided for in this subsection, or who is allowed a rebate  
2 pursuant to section 4 or 5 of this act, a resident of this State shall be  
3 allowed:

4 (1) a minimum rebate of \$150 for property taxes paid on one  
5 homestead for the tax year if the claimant's gross income does not  
6 exceed \$70,000 for that year; or

7 (2) a minimum rebate of \$100 for property taxes paid on one  
8 homestead for the tax year if the claimant's gross income exceeds  
9 \$70,000 but does not exceed \$100,000 for that year.

10 If a claimant who is eligible for the minimum rebate pursuant to this  
11 subsection paid property taxes on homesteads maintained as such in  
12 this State for less than the full tax year, the minimum rebate shall be  
13 prorated in the proportion which the number of days that the  
14 homesteads were maintained during the tax year bears to 365 days. A  
15 claim for the minimum rebate pursuant to this subsection shall be  
16 subject to any further proportionate reduction as may be required  
17 pursuant to subsections d. and e. of this section. A minimum rebate  
18 subject to any proportionate reduction shall be rounded to the nearest  
19 whole dollar. A claim for a minimum rebate based upon a homestead  
20 maintained by both spouses shall be determined based upon the  
21 combined gross income of both spouses regardless of whether the  
22 claimants filed a joint New Jersey gross income tax return or separate  
23 New Jersey gross income tax returns for the tax year.

24 b. Except for a] A resident of this State who is allowed a rebate  
25 pursuant to subsection a. of this section, or who is allowed a rebate  
26 pursuant to section 4 or 5 of this act, a resident of this State] 65 years  
27 of age or older at the close of the tax year, or who is allowed to claim  
28 a personal deduction as a blind or disabled taxpayer pursuant to  
29 subsection b. of N.J.S.54A:3-1, shall be allowed a homestead rebate  
30 for the tax year equal to the amount by which property taxes paid by  
31 the claimant in that tax year on the claimant's homestead exceed 5%  
32 of the claimant's gross income, up to a maximum homestead rebate of  
33 \$500 (rounded to the nearest whole dollar), provided that:

34 (1) in the case of a married couple filing a joint New Jersey gross  
35 income tax return or an individual filing a return who determines gross  
36 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
37 does not exceed \$70,000 for that year;

38 (2) in the case of an unmarried individual who determines gross  
39 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
40 does not exceed \$35,000 for that year;

41 (3) in the case of a married individual filing a separate New Jersey  
42 gross income tax return, if the spouse of the claimant maintains the  
43 same homestead as the claimant and also files a separate gross income  
44 tax return in this State, the combined gross income of both spouses  
45 does not exceed \$70,000, but in no event shall the homestead rebate  
46 claimed under this subsection exceed one-half of the amount of the

1 homestead rebate allowable had the spouses filed a joint return and  
2 homestead rebate application; and

3 (4) in the case of a married individual filing a separate gross  
4 income tax return and maintaining a homestead apart from that  
5 individual's spouse, gross income does not exceed \$35,000.

6 **[c.] b.** A homestead rebate shall be allowed pursuant to subsection  
7 **[b.] a.** of this section in relation to the amount of the property taxes  
8 actually paid by or allocable to a resident property taxpayer who is a  
9 claimant on more than one homestead, but the aggregate amount of  
10 the property taxes claimed shall not exceed the total of the  
11 proportionate amounts of property taxes assessed and levied against  
12 or allocable to each homestead for the portion of the tax year the  
13 claimant occupied it as the claimant's principal residence.

14 **[d.] c.** If title to a homestead is held by more than one individual  
15 as joint tenants or tenants in common, each individual shall be allowed  
16 a homestead rebate pursuant to this section only in relation to the  
17 individual's proportionate share of the property taxes assessed and  
18 levied against the homestead. The individual's proportionate share of  
19 the property taxes on that homestead shall be equal to the share of that  
20 individual's interest in the title. Title **[may]** shall be presumed to be  
21 held in equal shares among all co-owners, but if the claimant  
22 satisfactorily demonstrates to the director that title provides for  
23 unequal interests, either under the conveyance under which the title is  
24 held **[provides for unequal interests therein, a]** .or as otherwise may  
25 be demonstrated, that claimant's share of the property taxes paid on  
26 that homestead shall be in proportion to the claimant's interest in the  
27 title.

28 **[e.] d.** If the homestead of a claimant is a residential property  
29 consisting of more than one unit, that claimant shall be allowed a  
30 homestead rebate pursuant to this section only in relation to the  
31 proportionate share of the property taxes assessed and levied against  
32 the residential unit occupied by that claimant, as determined by the  
33 local tax assessor.

34 **[f.] e.** Nothing in this section shall preclude a co-owner, other than  
35 a husband or wife claiming a homestead rebate on the same  
36 homestead, from **[claiming]** receiving a **[minimum]** homestead rebate  
37 determined pursuant to subsection **[a.] f. or g.** of this section if  
38 another co-owner claims a homestead rebate pursuant to subsection  
39 **[b.] a.** of this section, provided however, that each **[such]** claim for  
40 a homestead rebate determined pursuant to subsection a. and f. of this  
41 section shall be separately subject to the provisions of subsections c.  
42 and d. [and e.] of this section and each claim for a homestead rebate  
43 determined pursuant to subsection g. of this section shall be separately  
44 subject to the provisions of that subsection.

45 f. (1) Notwithstanding the provisions of subsection a. of this

1 section to the contrary, a homestead rebate shall be allowed for a  
2 resident of this State who is 65 years of age or older at the close of the  
3 tax year, or who is allowed to claim a personal deduction as a blind or  
4 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who has  
5 paid property taxes in that tax year on the claimant's homestead, which  
6 shall not be less than:

7 (a) \$150 for property taxes paid on one homestead for the tax year  
8 if the claimant's gross income does not exceed \$70,000 for that year;  
9 or

10 (b) \$100 for property taxes paid on one homestead for the tax year  
11 if the claimant's gross income exceeds \$70,000 but does not exceed  
12 \$100,000 for that year.

13 (2) If a claimant who is eligible to receive a homestead rebate in an  
14 amount set forth in paragraph (1) of this subsection paid property  
15 taxes on homesteads maintained as such in this State for less than the  
16 full tax year, the homestead rebate amount set forth in paragraph (1)  
17 shall be prorated in the proportion which the number of days that the  
18 homesteads were maintained during the tax year bears to 365 days.  
19 The homestead rebate amount set forth in paragraph (1) of this  
20 subsection shall be subject to any further proportionate reduction as  
21 may be applicable pursuant to subsections c. and d. of this section. The  
22 homestead rebate amount set forth in paragraph (1) of this subsection  
23 that is subject to any proportionate reduction shall be rounded to the  
24 nearest whole dollar. The homestead rebate amount set forth in  
25 paragraph (1) of this subsection that is claimed based upon a  
26 homestead maintained by both spouses shall be determined based upon  
27 the combined gross income of both spouses regardless of whether the  
28 claimants filed a joint New Jersey gross income tax return or separate  
29 New Jersey gross income tax returns for the tax year.

30 g. (1) A resident of this State who is not 65 years of age or older  
31 at the close of the tax year, and who is not allowed to claim a personal  
32 deduction as a blind or disabled taxpayer pursuant to subsection b. of  
33 N.J.S.54A:3-1, who maintains a homestead for which property taxes  
34 have been paid for the tax year, who has gross income for the tax year  
35 not in excess of \$40,000, shall be allowed a homestead rebate pursuant  
36 to this subsection of \$90, provided however, that the homestead rebate  
37 allowed pursuant to this subsection shall be subject to the limitations  
38 and reductions as may apply pursuant to the provisions of subsections  
39 b. through d. of this section.

40 (2) In the case of a claimant who is a married individual filing a  
41 separate New Jersey gross income tax return, if the spouse of the  
42 claimant maintains the same homestead as the claimant and also files  
43 a separate gross income tax return in this State: (a) if the combined  
44 gross income of both spouses exceeds \$40,000 then neither spouse  
45 shall be entitled to a rebate pursuant to this subsection; or (b) if the  
46 combined gross income of both spouses does not exceed \$40,000, then

1 the maximum homestead rebate paid pursuant to this subsection to  
2 each spouse shall not exceed one-half of the amount of the homestead  
3 rebate allowable had the spouses filed a joint return and homestead  
4 rebate application.

5 (3) A rebate paid pursuant to this subsection shall be subject to  
6 such proportionate reductions in amount as relate to the claimant's  
7 number of days as an owner of the homestead during the tax year.

8 (cf: P.L.1990, c.61, s.3)

9  
10 6. Section 4 of P.L.1990, c.61 (C.54:4-8.60) is amended to read as  
11 follows:

12 4. a. **【**Except for a resident of this State who is allowed a rebate  
13 pursuant to subsection b. of this section which exceeds the minimum  
14 rebate provided for in this subsection, or who is allowed a rebate  
15 pursuant to section 3 or 5 of this act, a resident of this State whose  
16 homestead is a unit of residential rental property shall be allowed:

17 (1) a minimum rebate of \$65 for property taxes paid through rent  
18 on the homestead for the tax year if the claimant's gross income does  
19 not exceed \$70,000 for that year; or

20 (2) a minimum rebate of \$35 for property taxes paid through rent  
21 on the homestead for the tax year if the claimant's gross income  
22 exceeds \$70,000 but does not exceed \$100,000 for that year.

23 If a claimant who is eligible for the minimum rebate pursuant to this  
24 subsection paid rent for less than the full tax year on one or more  
25 homesteads in this State maintained as such for less than the full tax  
26 year, the minimum rebate shall be prorated in the proportion which the  
27 number of days that the homestead was maintained during the tax year  
28 bears to 365 days. A claim for a minimum rebate pursuant to this  
29 subsection shall be subject to such further proportionate reduction as  
30 may be required pursuant to subsections c. and d. of this section. A  
31 minimum rebate subject to any proportionate reduction shall be  
32 rounded to the nearest whole dollar. A claim for a minimum rebate  
33 based upon a homestead maintained by both spouses shall be  
34 determined based upon the combined gross income of both spouses  
35 regardless of whether the claimants filed a joint New Jersey gross  
36 income tax return or separate New Jersey gross income tax returns for  
37 the tax year.

38 b. **Except for a】** A resident of this State who is 【allowed a rebate  
39 pursuant to subsection a. of this section, or who is allowed a rebate  
40 pursuant to section 3 or 5 of this act, a resident of this State】 65 years  
41 of age or older at the close of the tax year, or who is allowed to claim  
42 a personal deduction as a blind or disabled taxpayer pursuant to  
43 subsection b. of N.J.S.54A:3-1, whose homestead is a unit of  
44 residential rental property shall be allowed a homestead rebate for the  
45 tax year equal to the amount by which the claimant's rent constituting  
46 property taxes in that tax year exceeds 5% of the claimant's gross

1 income, up to a maximum rebate of \$500 (rounded to the nearest  
2 whole dollar), provided that:

3 (1) in the case of a married couple filing a joint New Jersey gross  
4 income tax return or an individual filing a return who determines gross  
5 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
6 does not exceed \$70,000 for that year;

7 (2) in the case of an unmarried individual who determines gross  
8 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
9 does not exceed \$35,000 for that year;

10 (3) in the case of a married individual filing a separate New Jersey  
11 gross income tax return, if the spouse of the claimant maintains the  
12 same homestead as the claimant and also files a separate gross income  
13 tax return in this State, the combined gross income of both spouses  
14 does not exceed \$70,000, but in no event shall the homestead rebate  
15 claimed under this subsection exceed one-half of the amount of the  
16 homestead rebate allowable had the spouses filed a joint return and  
17 homestead rebate application; and

18 (4) in the case of a married individual filing a separate gross  
19 income tax return and maintaining a homestead apart from that  
20 individual's spouse, gross income does not exceed \$35,000.

21 **[c.] b.** If more than one resident, other than a husband and wife,  
22 qualify for a homestead rebate by reason of their having occupied the  
23 same unit of residential rental property as their homestead, it shall be  
24 presumed that each claimant shall be allowed a homestead rebate  
25 pursuant to **[either subsection a. or subsection b. of]** this section only  
26 in relation to the individual's proportionate share of the total rent  
27 constituting property taxes paid by that claimant which homestead  
28 rebate shall be in proportion to the percentage that the total rent paid  
29 by that claimant bears to the total rent paid by all tenants of the same  
30 unit. For the purposes of a homestead rebate claimed by an individual  
31 subject to this subsection, the names and social security numbers of  
32 each co-tenant shall be reported by the claimant and the total rent paid  
33 shall be presumed to be paid in equal parts among all co-tenants.

34 **[d.] c.** If a claimant for a homestead rebate **[either]** pursuant to  
35 **[subsection a. or subsection b. of]** this section has no other homestead  
36 in this State other than a unit of residential rental property, and that  
37 claimant was not a resident of this State for the full tax year, but paid  
38 rent for the full tax year for one or more units of residential rental  
39 property in this State, the claimant's total homestead rebate otherwise  
40 calculated pursuant to **[subsection a. or subsection b. of]** this section  
41 shall be prorated in the proportion which the number of days the  
42 claimant occupied residential rental property in this State as a  
43 homestead during the tax year bears to 365 days.

44 **[e.] d.** Nothing in this section shall preclude a co-tenant, other  
45 than a husband or wife claiming a homestead rebate on the same  
46 homestead, from **[claiming]** receiving a **[minimum]** homestead rebate

1 determined pursuant to subsection [a.] e. or f. of this section if  
2 another co-tenant claims a rebate pursuant to subsection [b.] a. of this  
3 section, provided however, that each such claim shall be separately  
4 subject to the provisions of subsections b. and c. [and d.] of this  
5 section.

6 e. (1) Notwithstanding the provisions of subsection a. of this  
7 section to the contrary, a homestead rebate shall be allowed for a  
8 resident of this State who is 65 years of age or older at the close of the  
9 tax year, or who is allowed to claim a personal deduction as a blind or  
10 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, whose  
11 homestead is a unit of residential rental property which shall not be  
12 less than:

13 (a) \$65 for property taxes paid through rent on the homestead for  
14 the tax year if the claimant's gross income does not exceed \$70,000 for  
15 that year; or

16 (b) \$35 for property taxes paid through rent on the homestead for  
17 the tax year if the claimant's gross income exceeds \$70,000 but does  
18 not exceed \$100,000 for that year.

19 (2) If a claimant who is eligible to receive a homestead rebate in an  
20 amount set forth in paragraph (1) of this subsection paid rent for less  
21 than the full tax year on one or more homesteads in this State  
22 maintained as such for less than the full tax year, the homestead rebate  
23 amount set forth in paragraph (1) shall be prorated in the proportion  
24 which the number of days that the homestead was maintained during  
25 the tax year bears to 365 days. A claim for a homestead rebate in an  
26 amount set forth in paragraph (1) of this subsection shall be subject to  
27 such further proportionate reduction as may be required pursuant to  
28 subsections b. and c. of this section. A homestead rebate in an amount  
29 set forth in paragraph (1) of this subsection subject to any  
30 proportionate reduction shall be rounded to the nearest whole dollar.  
31 A claim for a homestead rebate in an amount set forth in paragraph (1)  
32 of this subsection based upon a homestead maintained by both spouses  
33 shall be determined based upon the combined gross income of both  
34 spouses regardless of whether the claimants filed a joint New Jersey  
35 gross income tax return or separate New Jersey gross income tax  
36 returns for the tax year.

37 f. (1) A resident of this State who is not 65 years of age or older  
38 at the close of the tax year, and who is not allowed to claim a personal  
39 deduction as a blind or disabled taxpayer pursuant to subsection b. of  
40 N.J.S.54A:3-1, whose homestead is a unit of residential rental  
41 property, who has gross income for the tax year not in excess of  
42 \$100,000, shall be allowed a homestead rebate pursuant to this  
43 subsection of \$30 for property taxes paid through rent during the 1998  
44 tax year, \$40 for property taxes paid through rent during the 1999 tax  
45 year, \$60 for property taxes paid through rent during the 2000 tax  
46 year, \$80 for property taxes paid through rent during the 2001 tax

1 year, and \$100 for property taxes paid through rent during any tax  
2 year thereafter, provided however, that the homestead rebate allowed  
3 pursuant to this subsection shall be subject to the limitations and  
4 reductions as may apply pursuant to the provisions of subsections b.  
5 and c. of this section and such proportionate reduction as may relate  
6 to the number of days the claimant was a tenant in a unit of residential  
7 rental property maintained as a homestead in this State during the tax  
8 year.

9 (2) The gross income limit imposed in paragraph (1) of this  
10 subsection for a claim for a homestead rebate made pursuant to this  
11 subsection that is based upon a homestead maintained by both spouses  
12 shall be based upon the combined gross income of both spouses if the  
13 claimants filed a joint New Jersey gross income tax return for the tax  
14 year. If a claim by a married individual for a homestead rebate made  
15 pursuant to this subsection is based upon a homestead maintained by  
16 both spouses who each file separate New Jersey gross income tax  
17 returns for the tax year, no homestead rebate for the tax year shall be  
18 paid to either spouse if their combined gross income exceeds the gross  
19 income limit imposed in paragraph (1) of this subsection. For such a  
20 claim, if the combined gross income of both spouses does not exceed  
21 the gross income limit imposed in paragraph (1) of this subsection,  
22 then each such spouse making a claim shall be allowed a homestead  
23 rebate amount equal to one-half of the homestead rebate amount  
24 otherwise allowed pursuant to this subsection.

25 (cf: P.L.1990, c.61, s.4)

26  
27 7. Section 5 of P.L.1990, c.61 (C.54:4-8.61) is amended to read as  
28 follows:

29 5. a. [Except for a resident of this State who is allowed a rebate  
30 pursuant to subsection b. of this section which exceeds the minimum  
31 rebate provided for in this subsection, or who is allowed a rebate  
32 pursuant to section 3 or 4 of this act, a resident of this State for the  
33 full tax year for which a rebate is claimed, who has paid property taxes  
34 on a homestead other than a unit of residential rental property for a  
35 part of the tax year and has paid property taxes through rent on a unit  
36 of residential rental property for the remainder of that year, shall be  
37 allowed a minimum rebate for that tax year equal to:

38 (1) the sum of that portion of \$150 which the number of days that  
39 the claimant's homestead was other than a unit of residential rental  
40 property bears to 365 days and that portion of \$65 which the number  
41 of days that the claimant's homestead was a unit of residential rental  
42 property bears to 365 days, if the claimant's gross income does not  
43 exceed \$70,000 for that year; or

44 (2) the sum of that portion of \$100 which the number of days that  
45 the claimant's homestead was other than a unit of residential rental  
46 property bears to 365 days and that portion of \$35 which the number

1 of days that the claimant's homestead was a unit of residential rental  
2 property bears to 365 days, if the claimant's gross income exceeds  
3 \$70,000 but does not exceed \$100,000 for that year.

4 A claim for a minimum rebate pursuant to this subsection shall first  
5 be subject to such further proportionate reductions to the respective  
6 portions of the sums determined pursuant to paragraph (1) or (2)  
7 hereinabove as may be required pursuant to subsections d. and e. of  
8 section 3 and subsections c. and d. of section 4 of this act. A  
9 minimum rebate determined pursuant to this subsection shall be  
10 rounded to the nearest whole dollar. A claim for a minimum rebate  
11 based upon a homestead maintained by both spouses shall be  
12 determined based upon the combined gross income of both spouses  
13 regardless of whether the claimants filed a joint New Jersey gross  
14 income tax return or separate New Jersey gross income tax returns for  
15 the tax year.

16 b. Except for a] A resident of this State who is [allowed a rebate  
17 pursuant to subsection a. of this section, or who is allowed a rebate  
18 pursuant to section 3 or 4 of this act,] 65 years of age or older at the  
19 close of the tax year, or who is allowed to claim a personal deduction  
20 as a blind or disabled taxpayer pursuant to subsection b. of  
21 N.J.S.54A:3-1, who is a resident of this State for the full tax year for  
22 which a homestead rebate is claimed, whose homestead has been other  
23 than a unit of residential rental property for a part of the tax year and  
24 has been a unit of residential rental property for the remainder of that  
25 year, shall be allowed a homestead rebate for that tax year equal to the  
26 amount by which the sum of the actual property taxes paid by the  
27 claimant and the rent constituting property taxes paid by the claimant  
28 in that tax year exceeds 5% of the claimant's gross income, up to a  
29 maximum rebate of \$500 (rounded to the nearest whole dollar),  
30 provided that:

31 (1) in the case of a married couple filing a joint New Jersey gross  
32 income tax return or an individual filing a return who determines gross  
33 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
34 does not exceed \$70,000 for that year;

35 (2) in the case of an unmarried individual who determines gross  
36 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
37 does not exceed \$35,000 for that year;

38 (3) in the case of a married individual filing a separate New Jersey  
39 gross income tax return, if the spouse of the claimant maintains the  
40 same homestead as the claimant and also files a separate gross income  
41 tax return in this State, the combined gross income of both spouses  
42 does not exceed \$70,000, but in no event shall the homestead rebate  
43 claimed under this subsection exceed one-half of the amount of the  
44 homestead rebate allowable had the spouses filed a joint return and  
45 rebate application; and

46 (4) in the case of a married individual filing a separate gross



1 income tax return and maintaining a homestead apart from that  
2 individual's spouse, gross income does not exceed \$35,000.

3 b. (1) Notwithstanding the provisions of subsection a. of this  
4 section to the contrary, a homestead rebate shall be allowed for a  
5 resident of this State who is 65 years of age or older at the close of the  
6 tax year, or who is allowed to claim a personal deduction as a blind or  
7 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is  
8 a resident of this State for the full tax year for which a homestead  
9 rebate is claimed, who has paid property taxes on a homestead other  
10 than a unit of residential rental property for a part of the tax year and  
11 has paid property taxes through rent on a unit of residential rental  
12 property for the remainder of that year, which shall not be less than:

13 (a) the sum of that portion of \$150 which the number of days that  
14 the claimant's homestead was other than a unit of residential rental  
15 property bears to 365 days and that portion of \$65 which the number  
16 of days that the claimant's homestead was a unit of residential rental  
17 property bears to 365 days, if the claimant's gross income does not  
18 exceed \$70,000 for that year; or

19 (b) the sum of that portion of \$100 which the number of days that  
20 the claimant's homestead was other than a unit of residential rental  
21 property bears to 365 days and that portion of \$35 which the number  
22 of days that the claimant's homestead was a unit of residential rental  
23 property bears to 365 days, if the claimant's gross income exceeds  
24 \$70,000 but does not exceed \$100,000 for that year.

25 (2) A claim for a homestead rebate pursuant to this subsection shall  
26 first be subject to such further proportionate reductions to the  
27 respective portions of the sums determined pursuant to subparagraph  
28 (a) or (b) of paragraph (1) of this subsection as may be required  
29 pursuant to subsections c. and d. of section 3 of P.L.1990, c.61  
30 (C.54:4-8.59) and subsections b. and c. of section 4 of P.L.1990, c.61  
31 (C.54:4-8.60). A homestead rebate determined pursuant to this  
32 subsection shall be rounded to the nearest whole dollar. A claim for  
33 a homestead rebate determined pursuant to this subsection based upon  
34 a homestead maintained by both spouses shall be determined based  
35 upon the combined gross income of both spouses regardless of  
36 whether the claimants filed a joint New Jersey gross income tax return  
37 or separate New Jersey gross income tax returns for the tax year.

38 c. A claim for a homestead rebate for a resident of this State who  
39 is not 65 years of age or older at the close of the tax year, and who is  
40 not allowed to claim a personal deduction as a blind or disabled  
41 taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is a resident  
42 of this State for the full tax year for which a homestead rebate is  
43 claimed, who has paid property taxes on a homestead other than a unit  
44 of residential rental property for a part of the tax year and has paid  
45 property taxes through rent on a unit of residential rental property for  
46 the remainder of that year shall be determined based upon the sum of:

1       (1) a homestead rebate determined under subsection g. of section  
2 3 of P.L.1990, c.61 (C.54:4-8.59), as may apply, subject to such  
3 proportionate reduction as relates to the number of days that the  
4 claimant's homestead was other than a unit of residential rental  
5 property bears to 365 days; and

6       (2) a homestead rebate determined under subsection f. of section  
7 4 of P.L.1990, c.61 (C.54:4-8.60), as may apply, subject to such  
8 proportionate reduction as relates to the number of days that the  
9 claimant's homestead was a unit of residential rental property bears to  
10 365 days.

11 (cf: P.L.1990, c.61, s.5)

12  
13       8. Section 6 of P.L.1990, c.61 (C.54:4-8.62) is amended to read as  
14 follows:

15       6. a. No NJ SAVER rebate or homestead rebate shall be allowed  
16 pursuant to this act except upon annual **[written]** application therefor,  
17 in **[a] any manner [and], [on a]upon any form, and in any format,**  
18 whether in writing or otherwise, as shall be prescribed by the director.  
19 The director may require a claimant for a homestead rebate to attach  
20 to the homestead rebate application a copy of the appropriate property  
21 tax bill or proof of rent paid for the prior tax year. The director may  
22 require such other verification of eligibility for a NJ SAVER rebate or  
23 homestead rebate as the director may deem necessary. The application  
24 **[form] for a homestead rebate** shall be submitted (1) as part of the  
25 claimant's gross income tax return filed pursuant to the "New Jersey  
26 Gross Income Tax Act," N.J.S.54A:1-1 et seq., or , (2) on any other  
27 form, in any manner or format and at any time and prior to any date as  
28 the director shall prescribe if (a) the claimant is not required to file a  
29 gross income tax return or (b) the claimant has filed an application for  
30 extension of time to file the claimant's gross income tax return. The  
31 director may require that the application for a NJ SAVER rebate shall  
32 be submitted (1) as part of the applicant's gross income tax return filed  
33 pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1  
34 et seq., or (2) on any other form, in any other format and at any time  
35 and prior to any date as the director shall prescribe. The director shall,  
36 for good cause shown, extend the time of any applicant to file a claim  
37 for a NJ SAVER rebate or homestead rebate for a reasonable period,  
38 and in such case, the application shall be processed and payment of a  
39 NJ SAVER or homestead rebate made in accordance with the  
40 procedures established in the case of applications timely filed. The  
41 director may require sworn applications. In the event that the director  
42 waives the requirement of sworn applications, all declarations by  
43 claimants shall be considered as if made under oath and claimants, as  
44 to false declarations, shall be subject to the penalties as provided by  
45 law for perjury.

46       b. Upon approval of NJ SAVER and homestead rebate applications

1 by the director, the director shall prepare lists of ~~persons~~ individuals  
2 entitled to a rebate, together with the respective amounts due each  
3 claimant and shall forward such lists ~~on or before September 1, and~~  
4 ~~on or before September 30~~ with respect to rebate applications  
5 submitted pursuant to (b) of subparagraph (2) of subsection a. of this  
6 section,] to the State Treasurer, the Director of the Division of  
7 Budget and Accounting and any other officials as the director deems  
8 appropriate on or before the earliest of such date or dates as may be  
9 convenient for the director to compile such lists. The director may  
10 inspect ~~the~~ all records in the ~~office~~ offices of the tax collector and  
11 tax assessor of a municipality with respect to applications, claims and  
12 allowances for NJ SAVER rebates and homestead rebates.

13 c. If a NJ SAVER or homestead rebate application contains a claim  
14 for a rebate that is incorrectly determined by the claimant or is based  
15 upon incorrect or insufficient information from which the director is  
16 to approve the claim, the director may determine the eligibility of the  
17 claimant for a NJ SAVER or homestead rebate and the correct amount  
18 of a NJ SAVER or homestead rebate to be paid to that claimant from  
19 such other information as may be available to the director. In addition,  
20 the director may adjust the amount of any NJ SAVER or homestead  
21 rebate to which a claimant may be entitled by any part of the amount  
22 of any previous NJ SAVER or homestead rebate erroneously claimed  
23 by and paid to that claimant.

24 d. In the case of a claimant for a NJ SAVER rebate or a homestead  
25 rebate whose homestead is a unit in a cooperative, mutual housing  
26 corporation or continuing care retirement community, the director may  
27 provide that the application shall include the name and address of the  
28 location of the property and the amount of real property taxes  
29 attributed to the cooperative, mutual housing residential unit or  
30 continuing care retirement community residential unit, as shall be  
31 indicated in an official notice which shall be furnished by the  
32 cooperative, mutual housing corporation or continuing care retirement  
33 community for the same year.

34 e. A NJ SAVER rebate or a homestead rebate shall be allowed  
35 pursuant to this act for a claimant whose ownership of an interest in  
36 a homestead is satisfied by the holding of the beneficial interest if legal  
37 title thereto or share therein is held by another for the benefit of the  
38 claimant.

39 (cf: P.L.1990, c.61, s.6)

40

41 9. Section 7 of P.L.1990, c.61 (C.54:4-8.63) is amended to read as  
42 follows:

43 7. The State Treasurer annually on or before October 31, upon  
44 certification of the director and upon warrant of the State Comptroller,  
45 shall pay and distribute the amount of the NJ SAVER rebate or  
46 homestead rebate claimed for the prior tax year to each claimant

1 whose NJ SAVER rebate or homestead rebate is approved by the  
2 director.

3 (cf: P.L.1990, c.61, s.7)

4

5 10. Section 8 of P.L.1990, c.61 (C.54:4-8.64) is amended to read  
6 as follows:

7 8. a. The tax collector of each municipality shall, on or before  
8 **[July 1]** May 15 of each year, furnish the director with a list of  
9 property taxpayers in the district delinquent for taxes due and payable  
10 for the year immediately preceding and the amounts of such  
11 delinquencies. The collector shall report on such list the name, lot and  
12 block number on the property tax duplicate as may be applicable, and  
13 the address of each owner to whom a delinquency is attributable  
14 together with the amount of such delinquency so identified. No NJ  
15 SAVER rebate or homestead rebate payment under this act shall be  
16 made to a property owner while that property owner's delinquency  
17 remains, provided however that for the purposes of this act, for an  
18 assessment on a property which is on appeal and for which the  
19 statutory percentage of the tax as provided in R.S.54:3-27 has been  
20 paid, the taxes assessed on that property shall not be regarded as  
21 delinquent.

22 b. If the director receives the list as provided for in subsection a.  
23 of this section, and the director determines that a property tax  
24 delinquency remains for the preceding tax year on **[July 1]** May 15,  
25 the director shall ascertain the amount of the NJ SAVER rebate or  
26 homestead rebate, or the amount of both, required to be withheld  
27 because of such delinquency in each municipality in the State, and shall  
28 certify such amounts to the State Treasurer as soon thereafter as may  
29 be practicable.

30 c. On or before November 15, the director shall notify each NJ  
31 SAVER rebate and homestead rebate claimant whose rebate **[has]** or  
32 rebates have been withheld because of delinquency that the amount of  
33 the rebate or rebates to which the claimant otherwise would have been  
34 entitled has been sent to the tax collector in the municipality to be  
35 credited against the claimant's delinquency.

36 d. Upon certification by the director as to the amount of  
37 NJ SAVER and homestead rebates required to be withheld because of  
38 delinquency in the several municipalities, the State Treasurer upon the  
39 warrant of the State Comptroller, shall pay such amount on or before  
40 October 30 to the tax collector in each municipality.

41 e. The tax collector in each municipality shall credit the tax  
42 delinquency of each property taxpayer who appears on the delinquency  
43 list set forth in subsection a. of this section in the amount that  
44 otherwise would have been returned to the property taxpayer as a  
45 NJ SAVER rebate or homestead rebate. In the event that the amount  
46 so credited exceeds the amount of delinquency, the tax collector may

1 return the difference to the taxpayer or credit such amount to the  
2 subsequent property tax bill.

3 f. In the case of delinquency in the payment of property taxes by  
4 a cooperative, mutual housing corporation or continuing care  
5 retirement community, a NJ SAVER rebate or a homestead rebate that  
6 may be due an individual resident shall be paid by the State Treasurer  
7 to the tax collector of the municipality. The tax collector shall credit  
8 the **【property owner】** cooperative, mutual housing corporation or  
9 continuing care retirement community with such payment and the  
10 **【property owner】** cooperative, mutual housing corporation or  
11 continuing care retirement community shall, in turn, credit the  
12 individual unit owner to the extent of the rebate **【**. The tax collector  
13 shall **】** and notify the **【property owner】** the applicant of the amount to  
14 be credited.

15 g. If a tax collector fails to comply with the provisions of  
16 subsection a. of this section requiring the tax collector to furnish the  
17 director with a list, on or before May 15 of each year, of property  
18 taxpayers in the district delinquent for taxes due and payable for the  
19 year immediately preceding and the amounts of such delinquencies, the  
20 director shall pay the NJ SAVER rebate or homestead rebate directly  
21 to the delinquent applicant rather than to the tax collector of the  
22 municipality as set forth in subsection d. of this section.

23 (cf: P.L.1990, c.61, s.8)

24

25 11. Section 9 of P.L.1990, c.61 (C.54:4-8.65) is amended to read  
26 as follows:

27 9. The **【property tax】** NJ SAVER rebate and homestead rebate  
28 authorized under this act shall not be subject to garnishment,  
29 attachment, execution or other legal process, except as provided in  
30 section 1 of P.L.1981, c.239 (C.54A:9-8.1), or except for an income  
31 withholding order issued pursuant to P.L.1981, c.417 (C.2A:17-56.8  
32 et seq.), nor shall the payment thereof be anticipated.

33 (cf: P.L.1990, c.61, s.9)

34

35 12. Section 1 of P.L.1981, c. 239 (C.54A:9-8.1) is amended to  
36 read as follows:

37 1. Whenever any taxpayer or **【homeowner】** resident shall be  
38 entitled to any refund of taxes pursuant to the "New Jersey Gross  
39 Income Tax Act" (N.J.S.54A:1-1 et seq.), or whenever any individual  
40 is eligible to receive a NJ SAVER rebate or a homestead **【property**  
41 **tax】** rebate pursuant to P.L.1990, c.61 (C.54:4-8.57 et al.) or  
42 P.L.1999, c. , (C. ) (now pending before the Legislature as this  
43 bill), and if the rebate is not required to be paid over to the municipal  
44 tax collector under the provisions of section 8 of P.L.1990, c.61  
45 (C.54:4-8.64), and at the same time the taxpayer or **【homeowner】**

1 resident shall be indebted to any agency or institution of State  
2 Government, to the Victims of Crime Compensation Board for the  
3 portion of an assessment ordered pursuant to N.J.S.2C:43-3.1 for  
4 deposit in the Victims of Crime Compensation Board Account or  
5 restitution ordered to be paid to the board pursuant to N.J.S.2C:44-2  
6 for deposit in the Victims of Crime Compensation Board Account, or  
7 for child support under Title IV-A, Title IV-D, or Title IV-E of the  
8 federal Social Security Act (42 U.S.C. s.601 et seq.), or other  
9 indebtedness in accordance with section 1 of P.L.1995, c.290  
10 (C.2A:17-56.11b) the Department of the Treasury shall apply or cause  
11 to be applied the refund **[or]** .NJ SAVER rebate or homestead rebate,  
12 or **[both]** all, or so much of **[either]** any or **[both]** all as shall be  
13 necessary, to satisfy the indebtedness. Child support indebtedness  
14 shall take precedence over all other indebtedness. The Department of  
15 the Treasury shall retain a percentage of the proceeds of any collection  
16 setoff as shall be necessary to provide for any expenses of the  
17 collection effort.

18 (cf: P.L.1997, c.226, s.1)

19

20 13. Section 10 of P.L.1990, c.61 (C.54:4-8.66) is amended to read  
21 as follows:

22 10. a. **[A claimant]** An applicant for a NJ SAVER rebate or a  
23 homestead rebate aggrieved by the **[disapproval]** denial by the  
24 director of [a claim for a] all or part of that applicant's NJ SAVER  
25 or homestead rebate [or a determination of the amount of a rebate by  
26 the director, may, within 30 days after notification of such decision  
27 indicating the reason therefor, appeal therefrom to the tax court in  
28 accordance with the provisions of the State Tax Uniform Procedure  
29 Law, R.S.54:48-1 et seq. The tax court shall render its judgment  
30 within 90 days from the date the appeal is filed] may protest the denial  
31 under procedures as may be determined by the director by regulation.  
32 If the protest results in a final determination that affirms or modifies  
33 the denial under review, the final determination shall be subject to  
34 judicial review pursuant to N.J.S.54:51A-13 et seq. in the New Jersey  
35 Tax Court within 90 days of the issuance of the final determination.

36 b. The appeal provided by this section shall be the exclusive  
37 remedy available to **[a claimant]** an applicant for review of a decision  
38 of the director in respect **[of]** to the denial of [or determination] all  
39 or part of [the amount of] a NJ SAVER rebate or homestead rebate.

40 (cf: P.L.1990, c.61, s.10)

41

42 14. (New section) Any individual who receives a NJ SAVER  
43 rebate or homestead rebate as a result of an intentional  
44 misrepresentation of a material fact shall be required to repay to the  
45 director the amount of the NJ SAVER rebate or homestead rebate and

1 shall be liable to a penalty equal to 150% of the amount of the  
2 NJ SAVER rebate or homestead rebate paid as a result of that  
3 misrepresentation.

4  
5 15. (New section) Any person who receives a NJ SAVER rebate  
6 or a homestead rebate which has been paid in error and which is  
7 recoverable by the director, and fails to return the payment within  
8 45 days of receiving notice from the director that such payment was  
9 erroneous, shall pay, in addition to the amount of the erroneous  
10 rebate, interest at the rate prescribed in R.S.54:49-3, assessed for each  
11 month or fraction thereof, compounded annually at the end of each  
12 year, from the date next following the 45th day after receiving the  
13 notice from the director that such payment was erroneous until the  
14 date of the return of the erroneous payment.

15  
16 16. (New section) A NJ SAVER rebate or homestead rebate paid  
17 as a result of misrepresentation or paid in error and any penalties and  
18 interest as imposed thereon by this act, shall be payable to and  
19 recoverable by the director in the same manner as a deficiency with  
20 respect to the payment of a State tax in accordance with the State Tax  
21 Uniform Procedure Law, R.S.54:48-1 et seq.

22  
23 17. Section 2 of P.L.1997, c.348 (C.54:4-8.69) is amended to read  
24 as follows:

25 2. Every eligible claimant shall be entitled to reimbursement for  
26 each year subsequent to the base year and annually thereafter, on  
27 proper claim being made therefor to the director, to a homestead  
28 property tax reimbursement. The amount of the homestead property  
29 tax reimbursement shall not be reduced by the amount of the  
30 deductions taken by the eligible claimant pursuant to P.L.1963, c.171  
31 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255 (C.54:4-8.40 to 54:4-  
32 8.45 et al.). The surviving spouse of a deceased resident of this State  
33 who during his or her life received a homestead property tax  
34 reimbursement pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.) shall  
35 be entitled, so long as he or she remains a resident in the same  
36 homestead with respect to which the homestead property tax  
37 reimbursement was granted, and so long as he or she is an eligible  
38 claimant, to the same homestead property tax reimbursement, upon the  
39 same conditions, with respect to the same homestead.

40 (cf: P.L.1997, c.348, s.2)

41  
42 18. Section 18 of P.L.1990, c.61 is amended to read as follows:

43 18. The Director of the Division of Taxation in the Department of  
44 the Treasury is empowered to promulgate rules and regulations in  
45 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
46 (C.52:14B-1 et seq.) and to prescribe forms to administer the

1 provisions of this act. Notwithstanding any provisions of P.L.1968,  
2 c.410 to the contrary, the director may adopt, immediately upon filing  
3 with the Office of Administrative Law, such regulations as the director  
4 deems necessary to implement the provisions of P.L.1999, c.  
5 (C. \_\_\_\_\_) (now pending before the Legislature as this bill) which  
6 regulations shall be effective for a period not to exceed 180 days from  
7 the date of the filing. Such regulations may thereafter be amended,  
8 adopted or readopted by the director as the director deems necessary  
9 in accordance with the requirements of P.L.1968, c.410.

10 (cf: P.L.1990, c.61, s.18)

11

12 19. (New section) There shall be annually appropriated to the  
13 Department of the Treasury such amount as the Director of the  
14 Division of Budget and Accounting in the Department of the Treasury  
15 shall determine is necessary for the administrative costs of  
16 implementing the provisions of this act.

17

18 20. There is appropriated to the Department of the Treasury such  
19 amount as the Director of the Division of Budget and Accounting in  
20 the Department of the Treasury determines is necessary for the  
21 administrative costs of implementing the provisions of this act.

22

23 21. This act shall take effect immediately.

24

25

26

#### STATEMENT

27

28 This bill proposes a new direct property tax relief program as  
29 proposed in the Governor's "State of the State Message" with a full  
30 phase-in of the maximum property tax relief within five years. The  
31 "New Jersey School Assessment Valuation Exemption Relief and  
32 Homestead Property Tax Rebate Act" (NJ SAVER and Homestead  
33 Rebate Act) constitutes the largest property tax relief program ever  
34 provided by the State of New Jersey. When this program is fully  
35 implemented, the average New Jersey family will receive about \$600  
36 a year, which is equivalent to about one-third of the average local  
37 school tax bill in New Jersey. The program is designed to provide  
38 annual checks mailed directly to approximately 2,675,000 taxpayers.  
39 An estimated 1,900,000 homeowners will receive checks equal to a  
40 portion of the school taxes paid on the assessed value of owner-  
41 occupied, primary residences. Amounts by municipality/school district  
42 will be determined by applying the 1997 equalized school tax rate  
43 against the first \$45,000 of assessed value of eligible residential  
44 properties. In fiscal year 2000, homeowners will receive one-fifth of  
45 this amount in the form of a direct rebate check. Each year the amount  
46 will increase by one-fifth until the program is fully implemented in



1 fiscal year 2004.

2 The existing Homestead Rebate Program will continue under this  
3 bill with some modifications. The Homestead Rebate Program will  
4 provide approximately \$324.6 million in property tax relief in fiscal  
5 2000 through direct payment to individual households. In fiscal year  
6 1999 there were an estimated 1,300,000 households participating in  
7 the Homestead Rebate Program, with an average rebate of  
8 approximately \$243. Under the provisions of the new NJ SAVER and  
9 Homestead Rebate Act homeowners who qualify for homestead  
10 rebates will receive their regular homestead rebate check or the new  
11 NJ SAVER rebate check, depending on which program yields the  
12 greater benefit.

13 Currently, in addition to senior citizens and disabled citizens who  
14 qualify for Homestead Rebates, other households whose income does  
15 not exceed \$40,000 receive a fixed amount of either \$90 for  
16 homeowners or \$30 for tenants. When the NJ SAVER and Homestead  
17 Rebate Act is fully implemented, approximately 650,000 non-senior  
18 and non-disabled tenants with incomes up to \$100,000 will receive a  
19 \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants  
20 and disabled tenants will remain eligible for an average \$413  
21 Homestead Rebate benefit.

22 The bill also sets forth revised provisions allowing for consolidated  
23 implementation of and administrative procedures for the new NJ  
24 SAVER rebate and homestead rebate programs. The bill also makes  
25 an appropriation to the Department of the Treasury for the  
26 administrative costs of implementing the NJ SAVER and Homestead  
27 Rebate Act.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 12

# STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 12.

Senate Bill No. 12 implements a new direct property tax relief program, the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act), with a full phase-in of the maximum property tax relief over five years.

The program contains two components, the NJ SAVER and an expansion of the homestead property tax rebate. Under the provisions of the new NJ SAVER and Homestead Rebate Act homeowners who qualify for homestead rebates will receive their regular homestead rebate check or the new NJ SAVER rebate check, whichever program yields the greater benefit.

Under the NJ SAVER component of the program an estimated 1,900,000 homeowners will receive checks equal to a portion of the school taxes paid on the assessed value of owner-occupied, primary residences. The NJ SAVER benefit will be determined by applying the 1997 equalized school tax rate against the first \$45,000 of equalized assessed value of eligible residential properties. In fiscal year 2000, homeowners will receive one-fifth of this amount in the form of a direct rebate check. Each year the amount will increase by an additional one-fifth until the program is fully implemented in fiscal year 2004, when the average New Jersey family will receive about \$600 a year.

The current Homestead Rebate Program will continue under this bill, with some modifications. Currently, in addition to senior citizens and disabled citizens who qualify for Homestead Rebates, other households whose income does not exceed \$40,000 receive a fixed amount of either \$90 for homeowners or \$30 for tenants. When the NJ SAVER and Homestead Rebate Act is fully implemented, approximately 650,000 non-senior and non-disabled tenants with incomes up to \$100,000 will receive a \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants and disabled tenants will remain eligible for an average \$413 Homestead Rebate benefit.

The bill revises provisions to allow for consolidated implementation of and administrative procedures for the new NJ SAVER rebate and homestead rebate programs, and makes an

appropriation to the Department of the Treasury for the administrative costs of implementing the NJ SAVER and Homestead Rebate Act.

**FISCAL IMPACT:**

While data are not available to precisely estimate the costs of the bill, the Office of Legislative Services (OLS) projects that the net additional cost of this program (the cost in addition to the approximately \$325 million per year required to fund the current homestead rebate program, which is assumed to be available for this program) will be approximately \$170 million in FY2000, \$360 million in FY2001, \$555 million in FY2002, \$755 million in FY 2003 and \$1.010 billion annually thereafter.

The bill also provides an appropriation for the administrative costs of the program, which while unknown are anticipated to be greater than the current costs of homestead rebate administration.

# LEGISLATIVE FISCAL ESTIMATE

## SENATE, No. 12

# STATE OF NEW JERSEY

## 208th LEGISLATURE

DATED: APRIL 15, 1999

### BILL SUMMARY

Senate Bill No. 12 of 1999 implements a new direct property tax relief program, the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act), with a full phase-in of the maximum property tax relief over five years.

The program contains two components, the NJ SAVER and an expansion of the homestead property tax rebate. Under the provisions of the new NJ SAVER and Homestead Rebate Act homeowners who qualify for homestead rebates will receive their regular homestead rebate check or the new NJ SAVER rebate check, whichever program yields the greater benefit.

Under the NJ SAVER component of the program an estimated 1,900,000 homeowners will receive checks equal to a portion of the school taxes paid on the assessed value of owner-occupied, primary residences. The NJ SAVER benefit will be determined by applying the 1997 equalized school tax rate against the first \$45,000 of equalized assessed value of eligible residential properties. In fiscal year 2000, homeowners will receive one-fifth of this amount in the form of a direct rebate check. Each year the amount will increase by an additional one-fifth until the program is fully implemented in fiscal year 2004, when the average New Jersey family will receive about \$600 a year.

The current Homestead Rebate Program will continue under this bill, with some modifications. Currently, in addition to senior citizens and disabled citizens who qualify for Homestead Rebates, other households whose income does not exceed \$40,000 receive a fixed amount of either \$90 for homeowners or \$30 for tenants. When the NJ SAVER and Homestead Rebate Act is fully implemented, approximately 650,000 non-senior and non-disabled tenants with incomes up to \$100,000 will receive a \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants and disabled tenants will remain eligible for an average \$413 Homestead Rebate benefit.

The bill also provides for the consolidated implementation of and administrative procedures for the new NJ SAVER rebate and homestead rebate programs, and makes an appropriation to the Department of the Treasury for the administrative costs of implementing the NJ SAVER and Homestead Rebate Act.

#### **FISCAL IMPACT**

While data are not available to precisely estimate the costs of the bill, the Office of Legislative Services (OLS) projects that the net additional cost of this program (the cost in addition to the approximately \$325 million per year required to fund the current homestead rebate program, which is assumed to be available for this program) will be approximately \$170 million in FY2000, \$360 million in FY2001, \$555 million in FY2002, \$755 million in FY 2003 and \$1.010 billion annually thereafter.

The bill also provides an appropriation for the administrative costs of the program, which while unknown are anticipated to be greater than the current costs of homestead rebate administration.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**ASSEMBLY, No. 1**

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**STATE OF NEW JERSEY**

**208th LEGISLATURE**

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INTRODUCED MARCH 15, 1999

**Sponsored by:**

**Assemblyman PAUL DIGAETANO**  
**District 36 (Bergen, Essex and Passaic)**  
**Assemblyman SAMUEL D. THOMPSON**  
**District 13 (Middlesex and Monmouth)**

**Co-Sponsored by:**

**Assemblyman Collins, Assemblywoman Wright, Assemblymen Geist, Talarico, Azzolina, Assemblywoman Farragher, Assemblymen Corodemus, Blee, Assemblywoman Heck, Assemblymen Malone, Cottrell, Assemblywoman Myers, Assemblymen Biondi, T.Smith, Holzapfel, Augustine, Gibson, Lance, Wolfe, Asselta, Assemblywoman Crecco, Assemblymen Luongo, DeCroce, Stuhltrager, Bodine, Kramer, Chatzidakis, Zecker, Kelly, Moran, Assemblywoman Murphy, Assemblymen Gregg, Bateman, O'Toole, Merkt, Assemblywoman Vandervalk, Assemblymen Russo, Weingarten, Felice, Arnone, Bagger, LeFevre and Rooney**

**SYNOPSIS**

The "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act).

**CURRENT VERSION OF TEXT**

As introduced.

**(Sponsorship Updated As Of: 3/30/1999)**

1 AN ACT providing for direct property tax relief for individual  
2 homestead owners and renters in this State, establishing the New  
3 Jersey School Assessment Valuation Exemption Relief and  
4 Homestead Property Tax Rebate Act (the NJ SAVER and  
5 Homestead Rebate Act), amending and supplementing P.L.1990,  
6 c.61 (C.54:4-8.57 et seq.), amending P.L.1981, c.239 and  
7 P.L.1997, c.348, and making an appropriation.

8  
9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:

11  
12 1. Section 1 of P.L.1990, c.61 (C.54:4-8.57) is amended to read as  
13 follows:

14 1. Sections 1 through 10 of **[this act]** P.L.1990, c.61 (C.54:4-8.57  
15 through 54:4-8.66) and sections 3, 4 and 14 through 19 of P.L.1999,  
16 c. (C. ) (now pending before the Legislature as this bill) shall be  
17 known and may be cited as the "New Jersey School Assessment  
18 Valuation Exemption Relief and Homestead Property Tax Rebate Act  
19 **[of 1990.]**" (NJ SAVER and Homestead Rebate Act).  
20 (cf: P.L.1990, c.61, s.1)

21  
22 2. Section 2 of P.L.1990, c.61 (C.54:4-8.58) is amended to read as  
23 follows:

24 2. As used in sections 2 through 10 of **[this act]** P.L.1990, c.61  
25 (C.54:4-8.58 through 54:4-8.66) and sections 3, 4, and 14 through 16  
26 of P.L.1999, c. (C. ) (now pending before the Legislature as  
27 this bill):

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

31 "Continuing care retirement community" means a residential facility  
32 primarily for retired persons where lodging and nursing, medical or  
33 other health related services at the same or another location are  
34 provided as continuing care to an individual pursuant to an agreement  
35 effective for the life of the individual or for a period greater than one  
36 year, including mutually terminable contracts, and in consideration of  
37 the payment of an entrance fee with or without other periodic charges;

38 "Cooperative" means a housing corporation or association which  
39 entitles the holder of a share or membership interest thereof to possess  
40 and occupy for dwelling purposes a house, apartment, manufactured  
41 or mobile home or other unit of housing owned or leased by the  
42 corporation or association, or to lease or purchase a unit of housing

**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 constructed or to be constructed by the corporation or association;

2 "Director" means the Director of the Division of Taxation in the  
3 Department of the Treasury;

4 "Dwelling house" means any residential property assessed as real  
5 property which consists of not more than four units, of which not more  
6 than one may be used for commercial purposes, but shall not include  
7 a unit in a condominium, cooperative, horizontal property regime or  
8 mutual housing corporation;

9 "Equalized property value" means the assessed value of a  
10 homestead on which a NJ SAVER applicant has paid property taxes  
11 for the tax year, as certified by the county board of taxation pursuant  
12 to R.S.54:4-55, divided by the ratio of assessed value to true value of  
13 the municipality, as adopted by the director on October 1 of that year  
14 pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

15 "Homestead" means:

16 a. (1) a dwelling house and the land on which that dwelling house  
17 is located which constitutes the place of the claimant's domicile and is  
18 owned and used by the claimant as the claimant's principal residence;

19 (2) a dwelling house situated on land owned by a person other than  
20 the claimant which constitutes the place of the claimant's domicile and  
21 is owned and used by the claimant as the claimant's principal residence;

22 (3) a condominium unit or a unit in a horizontal property regime  
23 which constitutes the place of the claimant's domicile and is owned and  
24 used by the claimant as the claimant's principal residence;

25 (4) for purposes of this definition as provided in this subsection, in  
26 addition to the generally accepted meaning of owned or ownership, a  
27 homestead shall be deemed to be owned by a person if that person is  
28 a tenant for life or a tenant under a lease for 99 years or more and is  
29 entitled to and actually takes possession of the homestead under an  
30 executory contract for the sale thereof or under an agreement with a  
31 lending institution which holds title as security for a loan, or is a  
32 resident of a continuing care retirement community pursuant to a  
33 contract for continuing care for the life of that person which requires  
34 the resident to bear [ , separately from any other charges, the  
35 proportionate] a share of the property taxes that are assessed upon  
36 the continuing care retirement community, if a share is attributable to  
37 the unit that the resident occupies;

38 b. a unit in a cooperative or mutual housing corporation which  
39 constitutes the place of domicile of a residential shareholder or lessee  
40 therein, or of a lessee, or shareholder who is not a residential  
41 shareholder therein, and which is used by the claimant as the claimant's  
42 principal residence; and

43 c. a unit of residential rental property which unit constitutes the  
44 place of the claimant's domicile and is used by the claimant as the  
45 claimant's principal residence;

46 "Horizontal property regime" means the form of real property



1 ownership provided for under the "Horizontal Property Act,"  
2 P.L.1963, c.168 (C.46:8A-1 et seq.);

3 "Gross income" means all New Jersey gross income required to be  
4 reported pursuant to the "New Jersey Gross Income Tax Act,"  
5 N.J.S.54A:1-1 et seq., other than income excludable from the gross  
6 income tax return, but before reduction thereof by any applicable  
7 exemptions, deductions and credits, received during the taxable year  
8 by the owner or residential shareholder in, or lessee of, a homestead;

9 "Manufactured home" or "mobile home" means a unit of housing  
10 which:

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

14 (2) Is built on a permanent chassis;

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

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

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

34 (1) The construction and maintenance of streets;

35 (2) Lighting of streets and other common areas;

36 (3) Garbage removal;

37 (4) Snow removal; and

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

40 "Mutual housing corporation" means a corporation not-for-profit,  
41 incorporated under the laws of this State on a mutual or cooperative  
42 basis within the scope of section 607 of the Lanham Act (National  
43 Defense Housing), Pub.L.849, 76th Congress (42 U.S.C. s.1521 et  
44 seq.), as amended, which acquired a National Defense Housing Project  
45 pursuant to that act;

46 "NJ SAVER applicant" means an individual who files an application

1 for a NJ SAVER rebate pursuant to section 4 of P.L.1999, c. ,  
2 (C. )(now pending before the Legislature as this bill):

3 "NJ SAVER property value amount" means the lesser of  
4 a. \$45,000, or  
5 b. the highest equalized property value of a homestead for the  
6 1997 tax year or any subsequent tax year,  
7 provided that if in any such year the equalized property value of that  
8 homestead equals \$45,000 or more, the NJ SAVER property value  
9 amount for that homestead shall be \$45,000 in any subsequent tax  
10 year.

11 "NJ SAVER school tax rate" means for a municipality the result of  
12 the total school tax levies divided by the net valuation taxable for the  
13 municipality as shown in the 1997 county abstract of ratables  
14 multiplied by the ratio of assessed value to true value of the  
15 municipality promulgated by the director on October 1, 1997, as  
16 prepared pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.):

17 "Principal residence" means a homestead actually and continually  
18 occupied by a claimant as the claimant's permanent residence, as  
19 distinguished from a vacation home, property owned and rented or  
20 offered for rent by the claimant, and other secondary real property  
21 holdings;

22 "Property tax" means payments to a municipality based upon an  
23 assessment made by the municipality upon real property on an ad  
24 valorem basis on land, improvements or both, but shall not include  
25 payments made in lieu of taxes;

26 "Rent constituting property taxes" means 18% of the rent paid by  
27 the homestead rebate claimant during the tax year on a unit of  
28 residential rental property which constitutes the claimant's homestead,  
29 and in the case of a manufactured home or mobile home in a mobile  
30 home park which constitutes the claimant's homestead means 18% of  
31 the site fee paid by the claimant during the tax year to the owner of the  
32 mobile home park;

33 "Resident" means an individual:

34 a. who is domiciled in this State, unless he maintains no permanent  
35 place of abode in this State, maintains a permanent place of abode  
36 elsewhere, and spends in the aggregate no more than 30 days of the  
37 tax year in this State; or

38 b. who is not domiciled in this State but maintains a permanent  
39 place of abode in this State and spends in the aggregate more than 183  
40 days of the tax year in this State, unless the individual is in the Armed  
41 Forces of the United States;

42 "Residential rental property" means:

43 a. any building or structure or complex of buildings or structures  
44 in which dwelling units are rented or leased or offered for rental or  
45 lease for residential purposes;

46 b. a rooming house, hotel or motel, if the rooms constituting the

1 homestead are equipped with kitchen and bathroom facilities; **[and]**  
2 c. any building or structure or complex of buildings or structures  
3 constructed under the following sections of the National Housing Act  
4 (Pub. L.73-479) as amended and supplemented: section 202, Housing  
5 Act of 1959 (Pub.L.86-372) and as subsequently amended, section  
6 231, Housing Act of 1959; and

7 d. a site in a mobile home park equipped for the installation of  
8 manufactured or mobile homes, where these sites are under common  
9 ownership and control for the purpose of leasing each site to the  
10 owner of a manufactured or mobile home for the installation thereof;

11 "Residential shareholder in a cooperative or mutual housing  
12 corporation" means a tenant or holder of a membership interest in that  
13 cooperative or corporation, whose residential unit therein constitutes  
14 the tenant or holder's domicile and principal residence, and who may  
15 deduct real property taxes for purposes of federal income tax pursuant  
16 to section 216 of the federal Internal Revenue Code of 1986, 26  
17 U.S.C. s.216; and

18 "Tax year" means the calendar year in which property taxes are due  
19 and payable.

20 (cf: P.L.1990, c.61, s.2)

21

22 3. (New section) The director shall determine the amount of the  
23 NJ SAVER rebate or homestead rebate that shall be paid to each  
24 claimant pursuant to P.L.1999, c. (C. ) (now pending before the  
25 Legislature as this bill) based upon the information provided by the  
26 individual applicant in the application or from any other information  
27 as may be available to the director in order that each individual  
28 applicant shall be paid the greater of the NJ SAVER rebate amount  
29 that may be allowed to the applicant pursuant to section 4 of  
30 P.L.1999, c. (C. ) or the homestead rebate amount that may be  
31 allowed to the claimant pursuant to sections 3 through 5 of P.L.1990,  
32 c.61 (C.54:4-8.59 through 54:4-8.61). If the payment of the lesser  
33 rebate is actually first distributed to an individual who may be allowed  
34 for the same tax year the greater rebate, the director may provide for  
35 the payment of the amount of the difference to that individual in any  
36 convenient manner, form and time as the director shall prescribe.

37

38 4. (New section) a. A resident of this State who has paid property  
39 taxes for the tax year on a homestead that is owned as such, who has  
40 filed an application for a NJ SAVER rebate pursuant to the provisions  
41 of P.L.1999, c. (C. )(now pending before the Legislature as this  
42 bill), shall be allowed a NJ SAVER rebate in the amount determined  
43 by the director pursuant to this section. The amount of the NJ  
44 SAVER rebate shall be equal to the product of (1) the NJ SAVER  
45 property value amount, multiplied by (2) the NJ SAVER school tax  
46 rate for the municipality in which the claimant maintains the homestead

1 for which the claimant has paid property taxes for the tax year;  
2 provided however, that the NJ SAVER rebate amount for the 1998 tax  
3 year to be paid on or before September 30, 1999 shall be 20% of the  
4 amount otherwise determined, the NJ SAVER rebate amount for the  
5 1999 tax year to be paid on or before September 30, 2000 shall be  
6 40% of the amount otherwise determined, the NJ SAVER rebate  
7 amount for the 2000 tax year to be paid on or before September 30,  
8 2001 shall be 60% of the amount otherwise determined, and the NJ  
9 SAVER rebate amount for the 2001 tax year to be paid on or before  
10 September 30, 2002 shall be 80% of the amount otherwise determined.

11 b. Eligibility for a NJ SAVER rebate shall be based upon the  
12 prerequisites for a NJ SAVER rebate having been met by the applicant  
13 at 12:01 A.M. on October 1 of the tax year for which the NJ SAVER  
14 rebate is claimed.

15 c. If title to a homestead is held by more than one individual, other  
16 than a husband and wife, as joint tenants or tenants in common, each  
17 individual shall be allowed a NJ SAVER rebate pursuant to this  
18 section only in relation to the individual's proportionate share of  
19 interest in the title. Title shall be presumed to be held in equal shares  
20 among all co-owners, but if the applicant satisfactorily demonstrates  
21 to the director that under the conveyance under which the title is held,  
22 or otherwise satisfactorily demonstrates that the title provides for  
23 unequal interests therein, that applicant's NJ SAVER rebate shall be in  
24 proportion to the claimant's interest in the title.

25 d. If the homestead of a NJ SAVER applicant is a residential  
26 property consisting of more than one unit, that applicant shall be  
27 allowed a NJ SAVER rebate pursuant to this section only in relation  
28 to the proportionate share of the school property taxes assessed and  
29 levied against the residential unit occupied by that applicant, as  
30 satisfactorily demonstrated by the applicant to the director.

31 e. A homestead held by husband and wife, as tenants by the  
32 entirety, shall be deemed wholly owned by each tenant, but no more  
33 than one NJ SAVER rebate in regard to that homestead shall be  
34 allowed in any year. If a husband and wife file separate NJ SAVER  
35 applications for a tax year for the same homestead, the amount of the  
36 NJ SAVER rebate allowed in regard to that homestead shall be paid  
37 in one-half equal amounts to each applicant. An application for a NJ  
38 SAVER rebate shall be allowed for a homestead the title to which is  
39 held by a partnership, to the extent of the applicant's interest as a  
40 partner therein, and by a guardian, trustee, committee, conservator or  
41 other fiduciary for any individual who would be otherwise be eligible  
42 for a NJ SAVER rebate.

43

44 5. Section 3 of P.L.1990, c.61 (C.54:4-8.59) is amended to read as  
45 follows:

46 3. a. [Except for a resident of this State who is allowed a rebate

1 pursuant to subsection b. of this section which exceeds the minimum  
2 rebate provided for in this subsection, or who is allowed a rebate  
3 pursuant to section 4 or 5 of this act, a resident of this State shall be  
4 allowed:

5 (1) a minimum rebate of \$150 for property taxes paid on one  
6 homestead for the tax year if the claimant's gross income does not  
7 exceed \$70,000 for that year; or

8 (2) a minimum rebate of \$100 for property taxes paid on one  
9 homestead for the tax year if the claimant's gross income exceeds  
10 \$70,000 but does not exceed \$100,000 for that year.

11 If a claimant who is eligible for the minimum rebate pursuant to this  
12 subsection paid property taxes on homesteads maintained as such in  
13 this State for less than the full tax year, the minimum rebate shall be  
14 prorated in the proportion which the number of days that the  
15 homesteads were maintained during the tax year bears to 365 days. A  
16 claim for the minimum rebate pursuant to this subsection shall be  
17 subject to any further proportionate reduction as may be required  
18 pursuant to subsections d. and e. of this section. A minimum rebate  
19 subject to any proportionate reduction shall be rounded to the nearest  
20 whole dollar. A claim for a minimum rebate based upon a homestead  
21 maintained by both spouses shall be determined based upon the  
22 combined gross income of both spouses regardless of whether the  
23 claimants filed a joint New Jersey gross income tax return or separate  
24 New Jersey gross income tax returns for the tax year.

25 b. Except for a] A resident of this State who is allowed a rebate  
26 pursuant to subsection a. of this section, or who is allowed a rebate  
27 pursuant to section 4 or 5 of this act, a resident of this State 65 years  
28 of age or older at the close of the tax year, or who is allowed to claim  
29 a personal deduction as a blind or disabled taxpayer pursuant to  
30 subsection b. of N.J.S.54A:3-1, shall be allowed a homestead rebate  
31 for the tax year equal to the amount by which property taxes paid by  
32 the claimant in that tax year on the claimant's homestead exceed 5%  
33 of the claimant's gross income, up to a maximum homestead rebate of  
34 \$500 (rounded to the nearest whole dollar), provided that:

35 (1) in the case of a married couple filing a joint New Jersey gross  
36 income tax return or an individual filing a return who determines gross  
37 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
38 does not exceed \$70,000 for that year;

39 (2) in the case of an unmarried individual who determines gross  
40 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
41 does not exceed \$35,000 for that year;

42 (3) in the case of a married individual filing a separate New Jersey  
43 gross income tax return, if the spouse of the claimant maintains the  
44 same homestead as the claimant and also files a separate gross income  
45 tax return in this State, the combined gross income of both spouses  
46 does not exceed \$70,000, but in no event shall the homestead rebate

1 claimed under this subsection exceed one-half of the amount of the  
2 homestead rebate allowable had the spouses filed a joint return and  
3 homestead rebate application; and

4 (4) in the case of a married individual filing a separate gross  
5 income tax return and maintaining a homestead apart from that  
6 individual's spouse, gross income does not exceed \$35,000.

7 **[c.] b.** A homestead rebate shall be allowed pursuant to subsection  
8 **[b.] a.** of this section in relation to the amount of the property taxes  
9 actually paid by or allocable to a resident property taxpayer who is a  
10 claimant on more than one homestead, but the aggregate amount of  
11 the property taxes claimed shall not exceed the total of the  
12 proportionate amounts of property taxes assessed and levied against  
13 or allocable to each homestead for the portion of the tax year the  
14 claimant occupied it as the claimant's principal residence.

15 **[d.] c.** If title to a homestead is held by more than one individual  
16 as joint tenants or tenants in common, each individual shall be allowed  
17 a homestead rebate pursuant to this section only in relation to the  
18 individual's proportionate share of the property taxes assessed and  
19 levied against the homestead. The individual's proportionate share of  
20 the property taxes on that homestead shall be equal to the share of that  
21 individual's interest in the title. Title **[may]** shall be presumed to be  
22 held in equal shares among all co-owners, but if the claimant  
23 satisfactorily demonstrates to the director that title provides for  
24 unequal interests, either under the conveyance under which the title is  
25 held **[provides for unequal interests therein, a]** ,or as otherwise may  
26 be demonstrated, that claimant's share of the property taxes paid on  
27 that homestead shall be in proportion to the claimant's interest in the  
28 title.

29 **[e.] d.** If the homestead of a claimant is a residential property  
30 consisting of more than one unit, that claimant shall be allowed a  
31 homestead rebate pursuant to this section only in relation to the  
32 proportionate share of the property taxes assessed and levied against  
33 the residential unit occupied by that claimant, as determined by the  
34 local tax assessor.

35 **[f.] e.** Nothing in this section shall preclude a co-owner, other than  
36 a husband or wife claiming a homestead rebate on the same  
37 homestead, from **[claiming]** receiving a **[minimum]** homestead rebate  
38 determined pursuant to subsection **[a.] f. or g.** of this section if  
39 another co-owner claims a homestead rebate pursuant to subsection  
40 **[b.] a.** of this section, provided however, that each **[such]** claim for  
41 a homestead rebate determined pursuant to subsection a. and f. of this  
42 section shall be separately subject to the provisions of subsections c.  
43 and d. [and e.] of this section and each claim for a homestead rebate  
44 determined pursuant to subsection g. of this section shall be separately  
45 subject to the provisions of that subsection.

1 f. (1) Notwithstanding the provisions of subsection a. of this  
2 section to the contrary, a homestead rebate shall be allowed for a  
3 resident of this State who is 65 years of age or older at the close of the  
4 tax year, or who is allowed to claim a personal deduction as a blind or  
5 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who has  
6 paid property taxes in that tax year on the claimant's homestead, which  
7 shall not be less than:

8 (a) \$150 for property taxes paid on one homestead for the tax year  
9 if the claimant's gross income does not exceed \$70,000 for that year;

10 or

11 (b) \$100 for property taxes paid on one homestead for the tax year  
12 if the claimant's gross income exceeds \$70,000 but does not exceed  
13 \$100,000 for that year.

14 (2) If a claimant who is eligible to receive a homestead rebate in an  
15 amount set forth in paragraph (1) of this subsection paid property  
16 taxes on homesteads maintained as such in this State for less than the  
17 full tax year, the homestead rebate amount set forth in paragraph (1)  
18 shall be prorated in the proportion which the number of days that the  
19 homesteads were maintained during the tax year bears to 365 days.  
20 The homestead rebate amount set forth in paragraph (1) of this  
21 subsection shall be subject to any further proportionate reduction as  
22 may be applicable pursuant to subsections c. and d. of this section. The  
23 homestead rebate amount set forth in paragraph (1) of this subsection  
24 that is subject to any proportionate reduction shall be rounded to the  
25 nearest whole dollar. The homestead rebate amount set forth in  
26 paragraph (1) of this subsection that is claimed based upon a  
27 homestead maintained by both spouses shall be determined based upon  
28 the combined gross income of both spouses regardless of whether the  
29 claimants filed a joint New Jersey gross income tax return or separate  
30 New Jersey gross income tax returns for the tax year.

31 g. (1) A resident of this State who is not 65 years of age or older  
32 at the close of the tax year, and who is not allowed to claim a personal  
33 deduction as a blind or disabled taxpayer pursuant to subsection b. of  
34 N.J.S.54A:3-1, who maintains a homestead for which property taxes  
35 have been paid for the tax year, who has gross income for the tax year  
36 not in excess of \$40,000, shall be allowed a homestead rebate pursuant  
37 to this subsection of \$90, provided however, that the homestead rebate  
38 allowed pursuant to this subsection shall be subject to the limitations  
39 and reductions as may apply pursuant to the provisions of subsections  
40 b. through d. of this section.

41 (2) In the case of a claimant who is a married individual filing a  
42 separate New Jersey gross income tax return, if the spouse of the  
43 claimant maintains the same homestead as the claimant and also files  
44 a separate gross income tax return in this State: (a) if the combined  
45 gross income of both spouses exceeds \$40,000 then neither spouse  
46 shall be entitled to a rebate pursuant to this subsection; or (b) if the

1 combined gross income of both spouses does not exceed \$40,000, then  
2 the maximum homestead rebate paid pursuant to this subsection to  
3 each spouse shall not exceed one-half of the amount of the homestead  
4 rebate allowable had the spouses filed a joint return and homestead  
5 rebate application.

6 (3) A rebate paid pursuant to this subsection shall be subject to  
7 such proportionate reductions in amount as relate to the claimant's  
8 number of days as an owner of the homestead during the tax year.

9 (cf: P.L.1990, c.61, s.3)

10  
11 6. Section 4 of P.L.1990, c.61 (C.54:4-8.60) is amended to read as  
12 follows:

13 4. a. **[**Except for a resident of this State who is allowed a rebate  
14 pursuant to subsection b. of this section which exceeds the minimum  
15 rebate provided for in this subsection, or who is allowed a rebate  
16 pursuant to section 3 or 5 of this act, a resident of this State whose  
17 homestead is a unit of residential rental property shall be allowed:

18 (1) a minimum rebate of \$65 for property taxes paid through rent  
19 on the homestead for the tax year if the claimant's gross income does  
20 not exceed \$70,000 for that year; or

21 (2) a minimum rebate of \$35 for property taxes paid through rent  
22 on the homestead for the tax year if the claimant's gross income  
23 exceeds \$70,000 but does not exceed \$100,000 for that year.

24 If a claimant who is eligible for the minimum rebate pursuant to this  
25 subsection paid rent for less than the full tax year on one or more  
26 homesteads in this State maintained as such for less than the full tax  
27 year, the minimum rebate shall be prorated in the proportion which the  
28 number of days that the homestead was maintained during the tax year  
29 bears to 365 days. A claim for a minimum rebate pursuant to this  
30 subsection shall be subject to such further proportionate reduction as  
31 may be required pursuant to subsections c. and d. of this section. A  
32 minimum rebate subject to any proportionate reduction shall be  
33 rounded to the nearest whole dollar. A claim for a minimum rebate  
34 based upon a homestead maintained by both spouses shall be  
35 determined based upon the combined gross income of both spouses  
36 regardless of whether the claimants filed a joint New Jersey gross  
37 income tax return or separate New Jersey gross income tax returns for  
38 the tax year.

39 b. **Except for a** A resident of this State who is **[**allowed a rebate  
40 pursuant to subsection a. of this section, or who is allowed a rebate  
41 pursuant to section 3 or 5 of this act, a resident of this State **]** 65 years  
42 of age or older at the close of the tax year, or who is allowed to claim  
43 a personal deduction as a blind or disabled taxpayer pursuant to  
44 subsection b. of N.J.S.54A:3-1, whose homestead is a unit of  
45 residential rental property shall be allowed a homestead rebate for the  
46 tax year equal to the amount by which the claimant's rent constituting



1 property taxes in that tax year exceeds 5% of the claimant's gross  
2 income, up to a maximum rebate of \$500 (rounded to the nearest  
3 whole dollar), provided that:

4 (1) in the case of a married couple filing a joint New Jersey gross  
5 income tax return or an individual filing a return who determines gross  
6 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
7 does not exceed \$70,000 for that year;

8 (2) in the case of an unmarried individual who determines gross  
9 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
10 does not exceed \$35,000 for that year;

11 (3) in the case of a married individual filing a separate New Jersey  
12 gross income tax return, if the spouse of the claimant maintains the  
13 same homestead as the claimant and also files a separate gross income  
14 tax return in this State, the combined gross income of both spouses  
15 does not exceed \$70,000, but in no event shall the homestead rebate  
16 claimed under this subsection exceed one-half of the amount of the  
17 homestead rebate allowable had the spouses filed a joint return and  
18 homestead rebate application; and

19 (4) in the case of a married individual filing a separate gross  
20 income tax return and maintaining a homestead apart from that  
21 individual's spouse, gross income does not exceed \$35,000.

22 **[c.] b.** If more than one resident, other than a husband and wife,  
23 qualify for a homestead rebate by reason of their having occupied the  
24 same unit of residential rental property as their homestead, it shall be  
25 presumed that each claimant shall be allowed a homestead rebate  
26 pursuant to **[either subsection a. or subsection b. of]** this section only  
27 in relation to the individual's proportionate share of the total rent  
28 constituting property taxes paid by that claimant which homestead  
29 rebate shall be in proportion to the percentage that the total rent paid  
30 by that claimant bears to the total rent paid by all tenants of the same  
31 unit. For the purposes of a homestead rebate claimed by an individual  
32 subject to this subsection, the names and social security numbers of  
33 each co-tenant shall be reported by the claimant and the total rent paid  
34 shall be presumed to be paid in equal parts among all co-tenants.

35 **[d.] c.** If a claimant for a homestead rebate **[either]** pursuant to  
36 **[subsection a. or subsection b. of]** this section has no other homestead  
37 in this State other than a unit of residential rental property, and that  
38 claimant was not a resident of this State for the full tax year, but paid  
39 rent for the full tax year for one or more units of residential rental  
40 property in this State, the claimant's total homestead rebate otherwise  
41 calculated pursuant to **[subsection a. or subsection b. of]** this section  
42 shall be prorated in the proportion which the number of days the  
43 claimant occupied residential rental property in this State as a  
44 homestead during the tax year bears to 365 days.

45 **[e.] d.** Nothing in this section shall preclude a co-tenant, other  
46 than a husband or wife claiming a homestead rebate on the same

1 homestead, from ~~claiming~~ receiving a ~~minimum~~ homestead rebate  
2 ~~determined~~ pursuant to subsection ~~a.~~ ~~e. or f.~~ of this section if  
3 another co-tenant claims a rebate pursuant to subsection ~~b.~~ ~~a.~~ of this  
4 section, provided however, that each such claim shall be separately  
5 subject to the provisions of subsections ~~b. and c.~~ ~~and d.~~ of this  
6 section.

7 ~~e. (1) Notwithstanding the provisions of subsection a. of this~~  
8 ~~section to the contrary, a homestead rebate shall be allowed for a~~  
9 ~~resident of this State who is 65 years of age or older at the close of the~~  
10 ~~tax year, or who is allowed to claim a personal deduction as a blind or~~  
11 ~~disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, whose~~  
12 ~~homestead is a unit of residential rental property which shall not be~~  
13 ~~less than:~~

14 ~~(a) \$65 for property taxes paid through rent on the homestead for~~  
15 ~~the tax year if the claimant's gross income does not exceed \$70,000 for~~  
16 ~~that year; or~~

17 ~~(b) \$35 for property taxes paid through rent on the homestead for~~  
18 ~~the tax year if the claimant's gross income exceeds \$70,000 but does~~  
19 ~~not exceed \$100,000 for that year.~~

20 ~~(2) If a claimant who is eligible to receive a homestead rebate in an~~  
21 ~~amount set forth in paragraph (1) of this subsection paid rent for less~~  
22 ~~than the full tax year on one or more homesteads in this State~~  
23 ~~maintained as such for less than the full tax year, the homestead rebate~~  
24 ~~amount set forth in paragraph (1) shall be prorated in the proportion~~  
25 ~~which the number of days that the homestead was maintained during~~  
26 ~~the tax year bears to 365 days. A claim for a homestead rebate in an~~  
27 ~~amount set forth in paragraph (1) of this subsection shall be subject to~~  
28 ~~such further proportionate reduction as may be required pursuant to~~  
29 ~~subsections b. and c. of this section. A homestead rebate in an amount~~  
30 ~~set forth in paragraph (1) of this subsection subject to any~~  
31 ~~proportionate reduction shall be rounded to the nearest whole dollar.~~  
32 ~~A claim for a homestead rebate in an amount set forth in paragraph (1)~~  
33 ~~of this subsection based upon a homestead maintained by both spouses~~  
34 ~~shall be determined based upon the combined gross income of both~~  
35 ~~spouses regardless of whether the claimants filed a joint New Jersey~~  
36 ~~gross income tax return or separate New Jersey gross income tax~~  
37 ~~returns for the tax year.~~

38 ~~f. (1) A resident of this State who is not 65 years of age or older~~  
39 ~~at the close of the tax year, and who is not allowed to claim a personal~~  
40 ~~deduction as a blind or disabled taxpayer pursuant to subsection b. of~~  
41 ~~N.J.S.54A:3-1, whose homestead is a unit of residential rental~~  
42 ~~property, who has gross income for the tax year not in excess of~~  
43 ~~\$100,000, shall be allowed a homestead rebate pursuant to this~~  
44 ~~subsection of \$30 for property taxes paid through rent during the 1998~~  
45 ~~tax year, \$40 for property taxes paid through rent during the 1999 tax~~  
46 ~~year, \$60 for property taxes paid through rent during the 2000 tax~~

1 year, \$80 for property taxes paid through rent during the 2001 tax  
2 year, and \$100 for property taxes paid through rent during any tax  
3 year thereafter, provided however, that the homestead rebate allowed  
4 pursuant to this subsection shall be subject to the limitations and  
5 reductions as may apply pursuant to the provisions of subsections b.  
6 and c. of this section and such proportionate reduction as may relate  
7 to the number of days the claimant was a tenant in a unit of residential  
8 rental property maintained as a homestead in this State during the tax  
9 year.

10 (2) The gross income limit imposed in paragraph (1) of this  
11 subsection for a claim for a homestead rebate made pursuant to this  
12 subsection that is based upon a homestead maintained by both spouses  
13 shall be based upon the combined gross income of both spouses if the  
14 claimants filed a joint New Jersey gross income tax return for the tax  
15 year. If a claim by a married individual for a homestead rebate made  
16 pursuant to this subsection is based upon a homestead maintained by  
17 both spouses who each file separate New Jersey gross income tax  
18 returns for the tax year, no homestead rebate for the tax year shall be  
19 paid to either spouse if their combined gross income exceeds the gross  
20 income limit imposed in paragraph (1) of this subsection. For such a  
21 claim, if the combined gross income of both spouses does not exceed  
22 the gross income limit imposed in paragraph (1) of this subsection,  
23 then each such spouse making a claim shall be allowed a homestead  
24 rebate amount equal to one-half of the homestead rebate amount  
25 otherwise allowed pursuant to this subsection.

26 (cf: P.L.1990, c.61, s.4)

27

28 7. Section 5 of P.L.1990, c.61 (C.54:4-8.61) is amended to read as  
29 follows:

30 5. a. [Except for a resident of this State who is allowed a rebate  
31 pursuant to subsection b. of this section which exceeds the minimum  
32 rebate provided for in this subsection, or who is allowed a rebate  
33 pursuant to section 3 or 4 of this act, a resident of this State for the  
34 full tax year for which a rebate is claimed, who has paid property taxes  
35 on a homestead other than a unit of residential rental property for a  
36 part of the tax year and has paid property taxes through rent on a unit  
37 of residential rental property for the remainder of that year, shall be  
38 allowed a minimum rebate for that tax year equal to:

39 (1) the sum of that portion of \$150 which the number of days that  
40 the claimant's homestead was other than a unit of residential rental  
41 property bears to 365 days and that portion of \$65 which the number  
42 of days that the claimant's homestead was a unit of residential rental  
43 property bears to 365 days, if the claimant's gross income does not  
44 exceed \$70,000 for that year; or

45 (2) the sum of that portion of \$100 which the number of days that  
46 the claimant's homestead was other than a unit of residential rental

1 property bears to 365 days and that portion of \$35 which the number  
2 of days that the claimant's homestead was a unit of residential rental  
3 property bears to 365 days, if the claimant's gross income exceeds  
4 \$70,000 but does not exceed \$100,000 for that year.

5 A claim for a minimum rebate pursuant to this subsection shall first  
6 be subject to such further proportionate reductions to the respective  
7 portions of the sums determined pursuant to paragraph (1) or (2)  
8 hereinabove as may be required pursuant to subsections d. and e. of  
9 section 3 and subsections c. and d. of section 4 of this act. A  
10 minimum rebate determined pursuant to this subsection shall be  
11 rounded to the nearest whole dollar. A claim for a minimum rebate  
12 based upon a homestead maintained by both spouses shall be  
13 determined based upon the combined gross income of both spouses  
14 regardless of whether the claimants filed a joint New Jersey gross  
15 income tax return or separate New Jersey gross income tax returns for  
16 the tax year.

17 b. Except for a] A resident of this State who is [allowed a rebate  
18 pursuant to subsection a. of this section, or who is allowed a rebate  
19 pursuant to section 3 or 4 of this act,] 65 years of age or older at the  
20 close of the tax year, or who is allowed to claim a personal deduction  
21 as a blind or disabled taxpayer pursuant to subsection b. of  
22 N.J.S.54A:3-1, who is a resident of this State for the full tax year for  
23 which a homestead rebate is claimed, whose homestead has been other  
24 than a unit of residential rental property for a part of the tax year and  
25 has been a unit of residential rental property for the remainder of that  
26 year, shall be allowed a homestead rebate for that tax year equal to the  
27 amount by which the sum of the actual property taxes paid by the  
28 claimant and the rent constituting property taxes paid by the claimant  
29 in that tax year exceeds 5% of the claimant's gross income, up to a  
30 maximum rebate of \$500 (rounded to the nearest whole dollar),  
31 provided that:

32 (1) in the case of a married couple filing a joint New Jersey gross  
33 income tax return or an individual filing a return who determines gross  
34 income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income  
35 does not exceed \$70,000 for that year;

36 (2) in the case of an unmarried individual who determines gross  
37 income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income  
38 does not exceed \$35,000 for that year;

39 (3) in the case of a married individual filing a separate New Jersey  
40 gross income tax return, if the spouse of the claimant maintains the  
41 same homestead as the claimant and also files a separate gross income  
42 tax return in this State, the combined gross income of both spouses  
43 does not exceed \$70,000, but in no event shall the homestead rebate  
44 claimed under this subsection exceed one-half of the amount of the  
45 homestead rebate allowable had the spouses filed a joint return and  
46 rebate application; and

1 (4) in the case of a married individual filing a separate gross  
2 income tax return and maintaining a homestead apart from that  
3 individual's spouse, gross income does not exceed \$35,000.

4 b. (1) Notwithstanding the provisions of subsection a. of this  
5 section to the contrary, a homestead rebate shall be allowed for a  
6 resident of this State who is 65 years of age or older at the close of the  
7 tax year, or who is allowed to claim a personal deduction as a blind or  
8 disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is  
9 a resident of this State for the full tax year for which a homestead  
10 rebate is claimed, who has paid property taxes on a homestead other  
11 than a unit of residential rental property for a part of the tax year and  
12 has paid property taxes through rent on a unit of residential rental  
13 property for the remainder of that year, which shall not be less than:

14 (a) the sum of that portion of \$150 which the number of days that  
15 the claimant's homestead was other than a unit of residential rental  
16 property bears to 365 days and that portion of \$65 which the number  
17 of days that the claimant's homestead was a unit of residential rental  
18 property bears to 365 days, if the claimant's gross income does not  
19 exceed \$70,000 for that year; or

20 (b) the sum of that portion of \$100 which the number of days that  
21 the claimant's homestead was other than a unit of residential rental  
22 property bears to 365 days and that portion of \$35 which the number  
23 of days that the claimant's homestead was a unit of residential rental  
24 property bears to 365 days, if the claimant's gross income exceeds  
25 \$70,000 but does not exceed \$100,000 for that year.

26 (2) A claim for a homestead rebate pursuant to this subsection shall  
27 first be subject to such further proportionate reductions to the  
28 respective portions of the sums determined pursuant to subparagraph  
29 (a) or (b) of paragraph (1) of this subsection as may be required  
30 pursuant to subsections c. and d. of section 3 of P.L.1990, c.61  
31 (C.54:4-8.59) and subsections b. and c. of section 4 of P.L.1990, c.61  
32 (C.54:4-8.60). A homestead rebate determined pursuant to this  
33 subsection shall be rounded to the nearest whole dollar. A claim for  
34 a homestead rebate determined pursuant to this subsection based upon  
35 a homestead maintained by both spouses shall be determined based  
36 upon the combined gross income of both spouses regardless of  
37 whether the claimants filed a joint New Jersey gross income tax return  
38 or separate New Jersey gross income tax returns for the tax year.

39 c. A claim for a homestead rebate for a resident of this State who  
40 is not 65 years of age or older at the close of the tax year, and who is  
41 not allowed to claim a personal deduction as a blind or disabled  
42 taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is a resident  
43 of this State for the full tax year for which a homestead rebate is  
44 claimed, who has paid property taxes on a homestead other than a unit  
45 of residential rental property for a part of the tax year and has paid  
46 property taxes through rent on a unit of residential rental property for

1 the remainder of that year shall be determined based upon the sum of:

2 (1) a homestead rebate determined under subsection g. of section  
3 3 of P.L.1990, c.61 (C.54:4-8.59), as may apply, subject to such  
4 proportionate reduction as relates to the number of days that the  
5 claimant's homestead was other than a unit of residential rental  
6 property bears to 365 days; and

7 (2) a homestead rebate determined under subsection f. of section  
8 4 of P.L.1990, c.61 (C.54:4-8.60), as may apply, subject to such  
9 proportionate reduction as relates to the number of days that the  
10 claimant's homestead was a unit of residential rental property bears to  
11 365 days.

12 (cf: P.L.1990, c.61, s.5)

13

14 8. Section 6 of P.L.1990, c.61 (C.54:4-8.62) is amended to read as  
15 follows:

16 6. a. No NJ SAVER rebate or homestead rebate shall be allowed  
17 pursuant to this act except upon annual **[written]** application therefor,  
18 in **[a]** any manner [and], [on a]upon any form, and in any format,  
19 whether in writing or otherwise, as shall be prescribed by the director.  
20 The director may require a claimant for a homestead rebate to attach  
21 to the homestead rebate application a copy of the appropriate property  
22 tax bill or proof of rent paid for the prior tax year. The director may  
23 require such other verification of eligibility for a NJ SAVER rebate or  
24 homestead rebate as the director may deem necessary. The application  
25 **[form]** for a homestead rebate shall be submitted (1) as part of the  
26 claimant's gross income tax return filed pursuant to the "New Jersey  
27 Gross Income Tax Act," N.J.S.54A:1-1 et seq., or , (2) on any other  
28 form, in any manner or format and at any time and prior to any date as  
29 the director shall prescribe if (a) the claimant is not required to file a  
30 gross income tax return or (b) the claimant has filed an application for  
31 extension of time to file the claimant's gross income tax return. The  
32 director may require that the application for a NJ SAVER rebate shall  
33 be submitted (1) as part of the applicant's gross income tax return filed  
34 pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1  
35 et seq., or (2) on any other form, in any other format and at any time  
36 and prior to any date as the director shall prescribe. The director shall,  
37 for good cause shown, extend the time of any applicant to file a claim  
38 for a NJ SAVER rebate or homestead rebate for a reasonable period,  
39 and in such case, the application shall be processed and payment of a  
40 NJ SAVER or homestead rebate made in accordance with the  
41 procedures established in the case of applications timely filed. The  
42 director may require sworn applications. In the event that the director  
43 waives the requirement of sworn applications, all declarations by  
44 claimants shall be considered as if made under oath and claimants, as  
45 to false declarations, shall be subject to the penalties as provided by  
46 law for perjury.

1       b. Upon approval of NJ SAVER and homestead rebate applications  
2 by the director, the director shall prepare lists of ~~persons~~ individuals  
3 entitled to a rebate, together with the respective amounts due each  
4 claimant and shall forward such lists ~~on or before September 1, and~~  
5 ~~on or before September 30 with respect to rebate applications~~  
6 ~~submitted pursuant to (b) of subparagraph (2) of subsection a. of this~~  
7 ~~section,] to the State Treasurer, the Director of the Division of~~  
8 ~~Budget and Accounting and any other officials as the director deems~~  
9 ~~appropriate on or before the earliest of such date or dates as may be~~  
10 ~~convenient for the director to compile such lists.~~ The director may  
11 inspect ~~the~~ all records in the ~~office~~ offices of the tax collector and  
12 tax assessor of a municipality with respect to applications, claims and  
13 allowances for NJ SAVER rebates and homestead rebates.

14       c. If a NJ SAVER or homestead rebate application contains a claim  
15 for a rebate that is incorrectly determined by the claimant or is based  
16 upon incorrect or insufficient information from which the director is  
17 to approve the claim, the director may determine the eligibility of the  
18 claimant for a NJ SAVER or homestead rebate and the correct amount  
19 of a NJ SAVER or homestead rebate to be paid to that claimant from  
20 such other information as may be available to the director. In addition,  
21 the director may adjust the amount of any NJ SAVER or homestead  
22 rebate to which a claimant may be entitled by any part of the amount  
23 of any previous NJ SAVER or homestead rebate erroneously claimed  
24 by and paid to that claimant.

25       d. In the case of a claimant for a NJ SAVER rebate or a homestead  
26 rebate whose homestead is a unit in a cooperative, mutual housing  
27 corporation or continuing care retirement community, the director may  
28 provide that the application shall include the name and address of the  
29 location of the property and the amount of real property taxes  
30 attributed to the cooperative, mutual housing residential unit or  
31 continuing care retirement community residential unit, as shall be  
32 indicated in an official notice which shall be furnished by the  
33 cooperative, mutual housing corporation or continuing care retirement  
34 community for the same year.

35       e. A NJ SAVER rebate or a homestead rebate shall be allowed  
36 pursuant to this act for a claimant whose ownership of an interest in  
37 a homestead is satisfied by the holding of the beneficial interest if legal  
38 title thereto or share therein is held by another for the benefit of the  
39 claimant.

40 (cf: P.L.1990, c.61, s.6)

41

42       9. Section 7 of P.L.1990, c.61 (C.54:4-8.63) is amended to read as  
43 follows:

44       7. The State Treasurer annually on or before October 31, upon  
45 certification of the director and upon warrant of the State Comptroller,  
46 shall pay and distribute the amount of the NJ SAVER rebate or

1 homestead rebate claimed for the prior tax year to each claimant  
2 whose NJ SAVER rebate or homestead rebate is approved by the  
3 director.

4 (cf: P.L.1990, c.61, s.7)

5

6 10. Section 8 of P.L.1990, c.61 (C.54:4-8.64) is amended to read  
7 as follows:

8 8. a. The tax collector of each municipality shall, on or before  
9 ~~July 1~~ May 15 of each year, furnish the director with a list of  
10 property taxpayers in the district delinquent for taxes due and payable  
11 for the year immediately preceding and the amounts of such  
12 delinquencies. The collector shall report on such list the name, lot and  
13 block number on the property tax duplicate as may be applicable, and  
14 the address of each owner to whom a delinquency is attributable  
15 together with the amount of such delinquency so identified. No NJ  
16 SAVER rebate or homestead rebate payment under this act shall be  
17 made to a property owner while that property owner's delinquency  
18 remains, provided however that for the purposes of this act, for an  
19 assessment on a property which is on appeal and for which the  
20 statutory percentage of the tax as provided in R.S.54:3-27 has been  
21 paid, the taxes assessed on that property shall not be regarded as  
22 delinquent.

23 b. If the director receives the list as provided for in subsection a.  
24 of this section, and the director determines that a property tax  
25 delinquency remains for the preceding tax year on ~~July 1~~ May 15,  
26 the director shall ascertain the amount of the NJ SAVER rebate or  
27 homestead rebate, or the amount of both, required to be withheld  
28 because of such delinquency in each municipality in the State, and shall  
29 certify such amounts to the State Treasurer as soon thereafter as may  
30 be practicable.

31 c. On or before November 15, the director shall notify each NJ  
32 SAVER rebate and homestead rebate claimant whose rebate ~~has~~ or  
33 rebates have been withheld because of delinquency that the amount of  
34 the rebate or rebates to which the claimant otherwise would have been  
35 entitled has been sent to the tax collector in the municipality to be  
36 credited against the claimant's delinquency.

37 d. Upon certification by the director as to the amount of NJ  
38 SAVER and homestead rebates required to be withheld because of  
39 delinquency in the several municipalities, the State Treasurer upon the  
40 warrant of the State Comptroller, shall pay such amount on or before  
41 October 30 to the tax collector in each municipality.

42 e. The tax collector in each municipality shall credit the tax  
43 delinquency of each property taxpayer who appears on the delinquency  
44 list set forth in subsection a. of this section in the amount that  
45 otherwise would have been returned to the property taxpayer as a NJ  
46 SAVER rebate or homestead rebate. In the event that the amount so



1 credited exceeds the amount of delinquency, the tax collector may  
2 return the difference to the taxpayer or credit such amount to the  
3 subsequent property tax bill.

4 f. In the case of delinquency in the payment of property taxes by  
5 a cooperative, mutual housing corporation or continuing care  
6 retirement community, a NJ SAVER rebate or a homestead rebate that  
7 may be due an individual resident shall be paid by the State Treasurer  
8 to the tax collector of the municipality. The tax collector shall credit  
9 the **【property owner】** cooperative, mutual housing corporation or  
10 continuing care retirement community with such payment and the  
11 **【property owner】** cooperative, mutual housing corporation or  
12 continuing care retirement community shall, in turn, credit the  
13 individual unit owner to the extent of the rebate **【**. The tax collector  
14 shall **】** and notify the **【property owner】** the applicant of the amount to  
15 be credited.

16 g. If a tax collector fails to comply with the provisions of  
17 subsection a. of this section requiring the tax collector to furnish the  
18 director with a list, on or before May 15 of each year, of property  
19 taxpayers in the district delinquent for taxes due and payable for the  
20 year immediately preceding and the amounts of such delinquencies, the  
21 director shall pay the NJ SAVER rebate or homestead rebate directly  
22 to the delinquent applicant rather than to the tax collector of the  
23 municipality as set forth in subsection d. of this section.

24 (cf: P.L.1990, c.61, s.8)

25

26 11. Section 9 of P.L.1990, c.61 (C.54:4-8.65) is amended to read  
27 as follows:

28 9. The **【property tax】** NJ SAVER rebate and homestead rebate  
29 authorized under this act shall not be subject to garnishment,  
30 attachment, execution or other legal process, except as provided in  
31 section 1 of P.L.1981, c.239 (C.54A:9-8.1), or except for an income  
32 withholding order issued pursuant to P.L.1981, c.417 (C.2A:17-56.8  
33 et seq.), nor shall the payment thereof be anticipated.

34 (cf: P.L.1990, c.61, s.9)

35

36 12. Section 1 of P.L.1981, c. 239 (C.54A:9-8.1) is amended to  
37 read as follows:

38 1. Whenever any taxpayer or **【homeowner】** resident shall be  
39 entitled to any refund of taxes pursuant to the "New Jersey Gross  
40 Income Tax Act" (N.J.S.54A:1-1 et seq.), or whenever any individual  
41 is eligible to receive a NJ SAVER rebate or a homestead **【property**  
42 **tax】** rebate pursuant to P.L.1990, c.61 (C.54:4-8.57 et al.) or  
43 P.L.1999, c. , (C. \_\_\_\_\_)(now pending before the Legislature as  
44 this bill), and if the rebate is not required to be paid over to the  
45 municipal tax collector under the provisions of section 8 of P.L.1990,  
46 c.61 (C.54:4-8.64), and at the same time the taxpayer or

1 **[homeowner]** resident shall be indebted to any agency or institution  
2 of State Government, to the Victims of Crime Compensation Board  
3 for the portion of an assessment ordered pursuant to N.J.S.2C:43-3.1  
4 for deposit in the Victims of Crime Compensation Board Account or  
5 restitution ordered to be paid to the board pursuant to N.J.S.2C:44-2  
6 for deposit in the Victims of Crime Compensation Board Account, or  
7 for child support under Title IV-A, Title IV-D, or Title IV-E of the  
8 federal Social Security Act (42 U.S.C. s.601 et seq.), or other  
9 indebtedness in accordance with section 1 of P.L.1995, c.290  
10 (C.2A:17-56.11b) the Department of the Treasury shall apply or cause  
11 to be applied the refund **[or]** .NJ SAVER rebate or homestead rebate,  
12 or **[both]** all, or so much of **[either]** any or **[both]** all as shall be  
13 necessary, to satisfy the indebtedness. Child support indebtedness  
14 shall take precedence over all other indebtedness. The Department of  
15 the Treasury shall retain a percentage of the proceeds of any collection  
16 setoff as shall be necessary to provide for any expenses of the  
17 collection effort.

18 (cf: P.L.1997, c.226, s.1)

19

20 13. Section 10 of P.L.1990, c.61 (C.54:4-8.66) is amended to read  
21 as follows:

22 10. a. **[A claimant]** An applicant for a NJ SAVER rebate or a  
23 homestead rebate aggrieved by the **[disapproval]** denial by the  
24 director of [a claim for a] all or part of that applicant's NJ SAVER  
25 or homestead rebate **[or a determination of the amount of a rebate by**  
26 **the director, may, within 30 days after notification of such decision**  
27 **indicating the reason therefor, appeal therefrom to the tax court in**  
28 **accordance with the provisions of the State Tax Uniform Procedure**  
29 **Law, R.S.54:48-1 et seq. The tax court shall render its judgment**  
30 **within 90 days from the date the appeal is filed]** may protest the denial  
31 under procedures as may be determined by the director by regulation.  
32 If the protest results in a final determination that affirms or modifies  
33 the denial under review, the final determination shall be subject to  
34 judicial review pursuant to N.J.S.54:51A-13 et seq. in the New Jersey  
35 Tax Court within 90 days of the issuance of the final determination.

36 b. The appeal provided by this section shall be the exclusive  
37 remedy available to **[a claimant]** an applicant for review of a decision  
38 of the director in respect **[of]** to the denial of [or determination] all  
39 or part of [the amount of] a NJ SAVER rebate or homestead rebate.  
40 (cf: P.L.1990, c.61, s.10)

41

42 14. (New section) Any individual who receives a NJ SAVER  
43 rebate or homestead rebate as a result of an intentional  
44 misrepresentation of a material fact shall be required to repay to the  
45 director the amount of the NJ SAVER rebate or homestead rebate and

1 shall be liable to a penalty equal to 150% of the amount of the NJ  
2 SAVER rebate or homestead rebate paid as a result of that  
3 misrepresentation.

4  
5 15. (New section) Any person who receives a NJ SAVER rebate  
6 or a homestead rebate which has been paid in error and which is  
7 recoverable by the director, and fails to return the payment within 45  
8 days of receiving notice from the director that such payment was  
9 erroneous, shall pay, in addition to the amount of the erroneous  
10 rebate, interest at the rate prescribed in R.S.54:49-3, assessed for each  
11 month or fraction thereof, compounded annually at the end of each  
12 year, from the date next following the 45th day after receiving the  
13 notice from the director that such payment was erroneous until the  
14 date of the return of the erroneous payment.

15  
16 16. (New section) A NJ SAVER rebate or homestead rebate paid  
17 as a result of misrepresentation or paid in error and any penalties and  
18 interest as imposed thereon by this act, shall be payable to and  
19 recoverable by the director in the same manner as a deficiency with  
20 respect to the payment of a State tax in accordance with the State Tax  
21 Uniform Procedure Law, R.S.54:48-1 et seq.

22  
23 17. Section 2 of P.L.1997, c.348 (C.54:4-8.69) is amended to read  
24 as follows:

25 2. Every eligible claimant shall be entitled to reimbursement for  
26 each year subsequent to the base year and annually thereafter, on  
27 proper claim being made therefor to the director, to a homestead  
28 property tax reimbursement. The amount of the homestead property  
29 tax reimbursement shall not be reduced by the amount of the  
30 deductions taken by the eligible claimant pursuant to P.L.1963, c.171  
31 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255 (C.54:4-8.40 to 54:4-  
32 8.45 et al.). The surviving spouse of a deceased resident of this State  
33 who during his or her life received a homestead property tax  
34 reimbursement pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.) shall  
35 be entitled, so long as he or she remains a resident in the same  
36 homestead with respect to which the homestead property tax  
37 reimbursement was granted, and so long as he or she is an eligible  
38 claimant, to the same homestead property tax reimbursement, upon the  
39 same conditions, with respect to the same homestead.

40 (cf: P.L.1997, c.348, s.2)

41  
42 18. Section 18 of P.L.1990, c.61 is amended to read as follows:

43 18. The Director of the Division of Taxation in the Department of  
44 the Treasury is empowered to promulgate rules and regulations in  
45 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
46 (C.52:14B-1 et seq.) and to prescribe forms to administer the

1 provisions of this act. Notwithstanding any provisions of P.L.1968,  
2 c.410 to the contrary, the director may adopt, immediately upon filing  
3 with the Office of Administrative Law, such regulations as the director  
4 deems necessary to implement the provisions of P.L.1999, c. (C. )  
5 (now pending before the Legislature as this bill) which regulations  
6 shall be effective for a period not to exceed 180 days from the date of  
7 the filing. Such regulations may thereafter be amended, adopted or  
8 readopted by the director as the director deems necessary in  
9 accordance with the requirements of P.L.1968, c.410.

10 (cf: P.L.1990, c.61, s.18)

11

12 19. (New section) There shall be annually appropriated to the  
13 Department of the Treasury such amount as the Director of the  
14 Division of Budget and Accounting in the Department of the Treasury  
15 shall determine is necessary for the administrative costs of  
16 implementing the provisions of this act.

17

18 20. There is appropriated to the Department of the Treasury such  
19 amount as the Director of the Division of Budget and Accounting in  
20 the Department of the Treasury determines is necessary for the  
21 administrative costs of implementing the provisions of this act.

22

23 21. This act shall take effect immediately.

24

25

26

#### STATEMENT

27

28 This bill proposes a new direct property tax relief program as  
29 proposed in the Governor's "State of the State Message" with a full  
30 phase-in of the maximum property tax relief within five years. The  
31 "New Jersey School Assessment Valuation Exemption Relief and  
32 Homestead Property Tax Rebate Act" (NJ SAVER and Homestead  
33 Rebate Act) constitutes the largest property tax relief program ever  
34 provided by the State of New Jersey. When this program is fully  
35 implemented, the average New Jersey family will receive about \$600  
36 a year, which is equivalent to about one-third of the average local  
37 school tax bill in New Jersey. The program is designed to provide  
38 annual checks mailed directly to approximately 2,675,000 taxpayers.  
39 An estimated 1,900,000 homeowners will receive checks equal to a  
40 portion of the school taxes paid on the assessed value of owner-  
41 occupied, primary residences. Amounts by municipality/school district  
42 will be determined by applying the 1997 equalized school tax rate  
43 against the first \$45,000 of assessed value of eligible residential  
44 properties. In fiscal year 2000, homeowners will receive one-fifth of  
45 this amount in the form of a direct rebate check. Each year the amount  
46 will increase by one-fifth until the program is fully implemented in

1 fiscal year 2004.

2 The existing Homestead Rebate Program will continue under this  
3 bill with some modifications. The Homestead Rebate Program will  
4 provide approximately \$324.6 million in property tax relief in fiscal  
5 2000 through direct payment to individual households. In fiscal year  
6 1999 there were an estimated 1,300,000 households participating in  
7 the Homestead Rebate Program, with an average rebate of  
8 approximately \$243. Under the provisions of the new NJ SAVER and  
9 Homestead Rebate Act homeowners who qualify for homestead  
10 rebates will receive their regular homestead rebate check or the new  
11 NJ SAVER rebate check, depending on which program yields the  
12 greater benefit.

13 Currently, in addition to senior citizens and disabled citizens who  
14 qualify for Homestead Rebates, other households whose income does  
15 not exceed \$40,000 receive a fixed amount of either \$90 for  
16 homeowners or \$30 for tenants. When the NJ SAVER and Homestead  
17 Rebate Act is fully implemented, approximately 650,000 non-senior  
18 and non-disabled tenants with incomes up to \$100,000 will receive a  
19 \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants  
20 and disabled tenants will remain eligible for an average \$413  
21 Homestead Rebate benefit.

22 The bill also sets forth revised provisions allowing for consolidated  
23 implementation of and administrative procedures for the new NJ  
24 SAVER rebate and homestead rebate programs. The bill also makes  
25 an appropriation to the Department of the Treasury for the  
26 administrative costs of implementing the NJ SAVER and Homestead  
27 Rebate Act.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1

# STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1.

Assembly Bill No. 1 implements a new direct property tax relief program, the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act), with a full phase-in of the maximum property tax relief over five years.

The program contains two components, the NJ SAVER and an expansion of the homestead property tax rebate. Under the provisions of the new NJ SAVER and Homestead Rebate Act homeowners who qualify for homestead rebates will receive their regular homestead rebate check or the new NJ SAVER rebate check, whichever program yields the greater benefit.

Under the NJ SAVER component of the program an estimated 1,900,000 homeowners will receive checks equal to a portion of the school taxes paid on the assessed value of owner-occupied, primary residences. The NJ SAVER benefit will be determined by applying the 1997 equalized school tax rate against the first \$45,000 of equalized assessed value of eligible residential properties. In fiscal year 2000, homeowners will receive one-fifth of this amount in the form of a direct rebate check. Each year the amount will increase by an additional one-fifth until the program is fully implemented in fiscal year 2004, when the average New Jersey family will receive about \$600 a year.

The current Homestead Rebate Program will continue under this bill, with some modifications. Currently, in addition to senior citizens and disabled citizens who qualify for Homestead Rebates, other households whose income does not exceed \$40,000 receive a fixed amount of either \$90 for homeowners or \$30 for tenants. When the NJ SAVER and Homestead Rebate Act is fully implemented, approximately 650,000 non-senior and non-disabled tenants with incomes up to \$100,000 will receive a \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants and disabled tenants will remain eligible for an average \$413 Homestead Rebate benefit.

The bill revises provisions to allow for consolidated implementation of and administrative procedures for the new NJ SAVER rebate and homestead rebate programs, and makes an

appropriation to the Department of the Treasury for the administrative costs of implementing the NJ SAVER and Homestead Rebate Act.

**FISCAL IMPACT:**

While data are not available to precisely estimate the costs of the bill, OLS projects that the net additional cost of this program (the cost in addition to the approximately \$325 million per year required to fund the current homestead rebate program, which is assumed to be available for this program) will be approximately \$170 million in FY2000, \$360 million in FY2001, \$555 million in FY2002, \$755 million in FY 2003 and \$1.010 billion annually thereafter.

The bill also provides an appropriation for the administrative costs of the program, which while unknown are anticipated to be greater than the current costs of homestead rebate administration.

# LEGISLATIVE FISCAL ESTIMATE

## ASSEMBLY, No. 1

# STATE OF NEW JERSEY

## 208th LEGISLATURE

DATED: APRIL 23, 1999

### BILL SUMMARY

Assembly Bill No. 1 of 1999 implements a new direct property tax relief program, the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act), with a full phase-in of the maximum property tax relief over five years.

The program contains two components, the NJ SAVER and an expansion of the homestead property tax rebate. Under the provisions of the new NJ SAVER and Homestead Rebate Act homeowners who qualify for homestead rebates will receive their regular homestead rebate check or the new NJ SAVER rebate check, whichever program yields the greater benefit.

Under the NJ SAVER component of the program an estimated 1,900,000 homeowners will receive checks equal to a portion of the school taxes paid on the assessed value of owner-occupied, primary residences. The NJ SAVER benefit will be determined by applying the 1997 equalized school tax rate against the first \$45,000 of equalized assessed value of eligible residential properties. In fiscal year 2000, homeowners will receive one-fifth of this amount in the form of a direct rebate check. Each year the amount will increase by an additional one-fifth until the program is fully implemented in fiscal year 2004, when the average New Jersey family will receive about \$600 a year.

The current Homestead Rebate Program will continue under this bill, with some modifications. Currently, in addition to senior citizens and disabled citizens who qualify for Homestead Rebates, other households whose income does not exceed \$40,000 receive a fixed amount of either \$90 for homeowners or \$30 for tenants. When the NJ SAVER and Homestead Rebate Act is fully implemented, approximately 650,000 non-senior and non-disabled tenants with incomes up to \$100,000 will receive a \$100 Homestead Rebate, while New Jersey's 125,000 senior tenants and disabled tenants will remain eligible for an average \$413 Homestead Rebate benefit.



The bill revises provisions to allow for consolidated implementation of and administrative procedures for the new NJ SAVER rebate and homestead rebate programs, and makes an appropriation to the Department of the Treasury for the administrative costs of implementing the NJ SAVER and Homestead Rebate Act.

### **FISCAL IMPACT**

While data are not available to precisely estimate the costs of the bill, OLS projects that the net additional cost of this program (the cost in addition to the approximately \$325 million per year required to fund the current homestead rebate program, which is assumed to be available for this program) will be approximately \$170 million in FY2000, \$360 million in FY2001, \$555 million in FY2002, \$755 million in FY 2003 and \$1.010 billion annually thereafter.

The bill also provides an appropriation for the administrative costs of the program, which while unknown are anticipated to be greater than the current costs of homestead rebate administration.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: April 15, 1999

**Governor Whitman Signs Historic Property Tax Rebate Program;  
Tells Homeowners to Expect Checks by Labor**

Celebrating Tax Day with good news for property tax payers, Gov. Christie Whitman today signed legislation creating a \$1 billion property tax relief program. The New Jersey School Assessment Valuation Exemption Relief Act (NJ SAVER) is the single largest direct property tax relief program ever offered to New Jersey homeowners.

**S-12**, sponsored by Senators John Matheussen (R- Camden/Gloucester) and Diane Allen (R- Burlington/Camden) and Assembly Members Paul DiGaetano (R-Bergen/Essex/Passaic) and Samuel Thompson (R-Middlesex/Monmouth), will give property tax payers a 33 percent rebate on the school portion of their property tax bills. Checks averaging \$120 will be sent to home-owners by Labor Day, with check amounts growing to an average of \$600 at the end of the five-year phase-in period.

"The people of New Jersey asked for property tax relief and with this legislation, we are easing the property tax burden in a billion ways," Gov. Whitman said at the bill signing at the Lester Stables in Ridgewood.

Gov. Whitman was joined by area mayors who were presented with mock checks representing the rebate amounts their residents can expect. For example, this year Glen Rock homeowners will receive \$141, families in Midland Park will get back \$128, and Ridgewood property tax payers will get \$138. Those amounts will increase each year for the following four years.

Gov. Whitman said the rebate program offers property tax relief, but urged local government officials to work with her to provide property tax reform. Gov. Whitman signed a package of bills earlier this week to offer \$35 million in incentives to local governments and school districts to reduce costs - and property taxes - through shared services, regionalization, and mergers.

"We all suffer from the effects of high property taxes. While we are working hard to help municipalities and school districts keep local government affordable, I wanted to give taxpayers the meaningful property tax relief you deserve as quickly as possible," Gov. Whitman said.

NJ SAVER claim packets will be mailed to homeowners on Saturday, May 1, and most homeowners will be able to file claims by telephone. The Division of Taxation will have a toll-free telephone line (1-877-NJTAX72) taking calls 24 hours a day, seven days a week from May 3 through June 15. The Division of Taxation estimates that the telephone filing process will take approximately two minutes.

NJ SAVER applies to state residents who own their principal residence. There is no income eligibility threshold.

Senior citizens, who currently are eligible for the Homestead Rebate, will continue to get a check, either from NJ SAVER or from the Homestead Rebate, whichever provides the greater benefit.

## **New Jersey State of the State Speech**

Nineteen hundred and ninety-nine

Taxpayers of New Jersey, this proposal does something to help your mayors hold down municipal property taxes. Now I want to do something to help you deal with the biggest part of your property tax bill -- the school tax.

I said during the campaign that I would put property tax relief at the top of my second-term agenda. I said you deserved to keep more of your hard-earned money. Today, I deliver on that promise.

I am proud to propose the single most significant property tax relief that New Jersey has ever provided: one billion dollars in direct relief that will go straight from the State House to your house.

One billion dollars. That's on top of our homestead rebate program. That's on top of our property tax deduction. And best of all, it's a check that will be there for you every single year.

Under my plan, the State will offset the school taxes each homeowner pays on the first 45,000 dollars of assessed value on that home -- providing, in effect, an average 33 percent discount.

We will phase in this plan over the next five years. We will make sure that every senior who now gets a homestead rebate will get that check, or a check from this new program, whichever is larger.

And to help renters who aren't seniors, we will increase the homestead tenant credit to 100 dollars and offer it to any renter earning up to 100,000 dollars.

What will this proposal mean to a New Jersey family? Once the program takes full effect, it will mean an average check for 600 dollars every year.

Of course, 600 dollars is an average. We've structured this proposal so those saddled with the highest school taxes will get the most help.

So in Pennsauken, you can expect 760 dollars.

Families nearby in Hamilton Township will get back about 690 dollars, in West Orange about 740 dollars, and in Deptford about 540 dollars.

Let me be clear. This billion-dollar tax relief plan will require fiscal discipline from those of us in Trenton. Fiscal discipline means being very cautious about any new spending programs.

Fiscal discipline means constantly reminding ourselves that the number one priority is helping you, the taxpayer.

The fiscal discipline we show today will deliver a check to you tomorrow.

Join me in urging the Legislature to act by April 15 so you can get your first check as soon as possible. If we can make this happen by Tax Day, I'll send you your first check by Labor Day.