

**ASSEMBLY, No. 1**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED MAY 18, 2023

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblyman P. CHRISTOPHER TULLY**

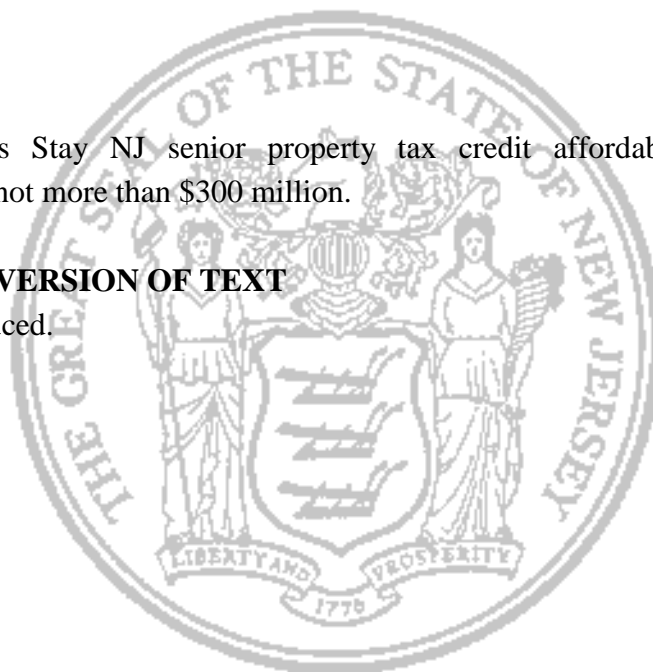
**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Establishes Stay NJ senior property tax credit affordability program; appropriates not more than \$300 million.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/8/2023)**

1 AN ACT providing a property tax credit of up to one-half of  
2 property taxes due for primary residences of senior citizens in  
3 the State, supplementing chapter 4 of Title 54 of the Revised  
4 Statutes, amending P.L.1997, c.348, and making an  
5 appropriation.

6  
7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:

9  
10 1. (New section) This act shall be known and may be cited as  
11 the "Stay NJ Act."

12  
13 2. (New section) As used in this act:

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

17 "Cooperative" means a housing corporation or association which  
18 entitles the holder of a share or membership interest thereof to  
19 possess and occupy for dwelling purposes a house, apartment or  
20 other unit of housing owned or leased by the corporation or  
21 association, or to lease or purchase a unit of housing constructed or  
22 to be constructed by the corporation or association.

23 "Director" means the Director of the Division of Taxation in the  
24 Department of the Treasury.

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

30 "Eligible claimant" means an individual who is 65 or more years  
31 of age and the owner of a homestead in this State on or after July 1,  
32 2024, without regard to income.

33 "Homestead" means:

34 a. a dwelling house and the land on which that dwelling house is  
35 located which constitutes the place of the eligible claimant's  
36 domicile and is owned and used by the eligible claimant as the  
37 eligible claimant's principal residence;

38 b. a condominium unit or a unit in a horizontal property regime  
39 or a continuing care retirement community which constitutes the  
40 place of the eligible claimant's domicile and is owned and used by  
41 the eligible claimant as the eligible claimant's principal residence.  
42 In addition to the generally accepted meaning of "owned" or  
43 "ownership," a homestead shall be deemed to be owned by a person  
44 if that person is a tenant for life or a tenant under a lease for 99  
45 years or more, is entitled to and actually takes possession of the

**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 homestead under an executory contract for the sale thereof or under  
2 an agreement with a lending institution which holds title as security  
3 for a loan, or is a resident of a continuing care retirement  
4 community pursuant to a contract for continuing care for the life of  
5 that person which requires the resident to bear, separately from any  
6 other charges, the proportionate share of property taxes attributable  
7 to the unit that the resident occupies; or

8 c. a unit in a cooperative or mutual housing corporation which  
9 constitutes the place of domicile of a residential shareholder or  
10 lessee therein, or of a lessee or shareholder who is not a residential  
11 shareholder therein, which is used by the eligible claimant as the  
12 eligible claimant's principal residence; or a mutual housing  
13 corporation.

14 "Homestead property tax reimbursement" means the property tax  
15 benefit provided pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq).

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

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

25 "Principal residence" means a homestead actually and  
26 continually occupied by an eligible claimant as the eligible  
27 claimant's permanent residence, including a homestead on which an  
28 eligible claimant made one or more payments in lieu of taxes to the  
29 municipality in which the homestead is located, as distinguished  
30 from a vacation home, property owned and rented or offered for  
31 rent by the eligible claimant, and other secondary real property  
32 holdings.

33 "Property tax" means the general property tax due and payable  
34 by the owner of a homestead, based on an assessment made by the  
35 municipality upon real property on an ad valorem basis on land and  
36 improvements, and shall include payments in lieu of taxes.

37 "Stay NJ property tax credit" means a property tax credit in the  
38 amount of 50 percent of an eligible claimant's property tax bill.

39 "Tax year" means the calendar year, January 1 through  
40 December 31, in which a homestead is assessed for property  
41 taxation and the property tax is levied thereon.

42 "Tax year quarter" means a three month period of a tax year  
43 consisting of January 1 through March 31, April 1 through June 30,  
44 July 1 through September 30, and October 1 through December 31.

45  
46 3. (New section) The director shall administer the Stay NJ  
47 property tax credit that shall provide to an eligible claimant a  
48 property tax credit in the amount of 50 percent of the property tax

1 due and owing for the eligible claimant's principal residence.  
2 Property tax credits shall be allowed pursuant to this section in  
3 relation to the property taxes paid or allocable to an eligible  
4 claimant who has more than one homestead in a tax year, but the  
5 aggregate amount of the property taxes or property tax credits  
6 claimed shall not exceed the total proportionate amounts of property  
7 taxes assessed and levied against or allocable to each homestead for  
8 the proportion of the tax year quarter to which the taxpayer  
9 occupies it as the taxpayer's principle residence.

10 The amount of the Stay NJ property tax credit shall be calculated  
11 for each eligible claimant by the director, and paid to the tax  
12 collector of the municipality in which the eligible claimant's  
13 homestead is located pursuant to the provisions of subsection a. of  
14 section 5 of P.L. , c. (C. ) (pending before the Legislature as  
15 this bill).

16 Notwithstanding the provisions of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill) that require an annual property  
18 tax credit in the amount of 50 percent of the property tax due and  
19 owing on an eligible claimant's homestead, the maximum amount  
20 to be credited to an eligible claimant shall be \$10,000 per tax year.

21 An eligible claimant shall be entitled to a Stay NJ property tax  
22 credit annually, on proper claim being made therefor to the director.  
23 Notwithstanding any provision of P.L. , c. (C. )  
24 (pending before the Legislature as this bill) to the contrary, the  
25 amount of property taxes used to determine the amount of the Stay  
26 NJ property tax credit shall not be reduced by the amount of the  
27 deductions taken by an eligible claimant pursuant to P.L.1963,  
28 c.171 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255 (C.54:4-8.40  
29 to 54:4-8.45 et al.). The surviving spouse of a deceased resident of  
30 this State who during his or her life received a Stay NJ property tax  
31 credit shall be entitled, so long as the surviving spouse does not  
32 remarry, remains a resident in the same homestead with respect to  
33 which the Stay NJ property tax credit was granted, and is an eligible  
34 claimant, to the same Stay NJ property tax credit, upon the same  
35 conditions, with respect to the same homestead.

36  
37 4. (New section) a. Not later than July 1, 2023, the director  
38 shall promulgate a combined single application form consistent with  
39 the requirements of section 6 of this act, that shall be available on  
40 and after that date to be used by State residents to apply for the Stay  
41 NJ property tax credit, the ANCHOR property tax rebate, and the  
42 homestead property tax reimbursement program. State residents  
43 seeking property tax benefits under those programs shall complete  
44 the entire application and file it with the director. The director shall  
45 determine which property tax benefit program or programs provide  
46 the greatest benefit for the applicant pursuant to the requirements of  
47 subsection b. of this section.

1 b. Notwithstanding any provision of law, rule, or regulation to the  
2 contrary, an applicant shall only be entitled to the greater of:

- 3 (1) the amount of the Stay NJ property tax credit; or  
4 (2) the combined amount of the ANCHOR property tax rebate and  
5 the homestead property tax reimbursement.

6 c. With respect to the homestead property tax reimbursement  
7 program, the base year of an eligible claimant who receives a Stay  
8 NJ property tax credit instead of a homestead property tax  
9 reimbursement shall remain unchanged, notwithstanding the  
10 number of years that the eligible claimant receives a Stay NJ  
11 property tax credit instead of a homestead property tax  
12 reimbursement.

13 d. The director shall determine the amount of the Stay NJ  
14 property tax credit that shall be provided for each eligible claimant  
15 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
16 this bill) based upon the information provided by the eligible  
17 claimant in the application or from any other information as may be  
18 available to the director and shall notify the applicant of the  
19 determined amount in such manner as the director may deem  
20 appropriate. Subject to the provisions of the State Uniform Tax  
21 Procedure Law, R.S.54:48-1 et seq., such notification shall finally  
22 and irrevocably fix the amount of the Stay NJ property tax credit  
23 unless the applicant, within 90 days after having been given notice  
24 of such determination, shall apply to the director for a hearing, or  
25 unless the director shall redetermine the same. After such hearing  
26 the director shall give notice of the final determination to the  
27 applicant.

28 e. An eligible claimant for Stay NJ property tax credit  
29 authorized under this act who is aggrieved by any decision, order,  
30 finding, or denial by the director of all or part of that eligible  
31 claimant's Keep Senior New Jersey property tax credit may appeal  
32 therefrom to the New Jersey Tax Court in accordance with the  
33 provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et  
34 seq. The appeal provided by this section shall be the exclusive  
35 remedy available to an applicant for review of a decision of a  
36 director in respect to the determination of all or a part of a Stay NJ  
37 property tax credit authorized under this act.

38  
39 5. (New section) a. The State Treasurer, upon certification of  
40 the director and upon warrant of the Director of the Division of  
41 Budget and Accounting, shall pay and distribute the amount of a  
42 Stay NJ property tax credit payable under this act that is claimed for  
43 the tax year to each eligible claimant whose credit is approved by  
44 the director. A Stay NJ property tax credit allowed by the director  
45 to an eligible claimant who claimed a Stay NJ property tax credit  
46 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
47 Legislature as this bill), and whose homestead is not a unit in a  
48 cooperative, mutual housing corporation, or continuing care

1 retirement community, shall be paid by the State Treasurer through  
2 electronic funds transfer made by the director to the local property  
3 tax account maintained by the local property tax collector for the  
4 homestead of an eligible claimant as the eligible claimant shall  
5 identify, in four equal installments after the application for the  
6 credit has been approved. The State Treasurer shall pay and  
7 distribute Stay NJ property tax credit payments to each municipal  
8 tax collector, as applicable, on a quarterly basis at least 10 days  
9 prior to the statutory due date for each property tax year quarter  
10 payment. Notice of payments of Stay NJ credit installments shall  
11 be provided to the eligible claimant and the appropriate local tax  
12 collector.

13 b. Each municipal tax collector who applies a Stay NJ property  
14 tax credit to the property tax account of the homestead of an eligible  
15 claimant pursuant to this section shall provide timely notice thereof  
16 to the eligible claimant and to any mortgagee or servicing  
17 organization noted on the property tax account that requires a  
18 mortgagor to make property tax payments to an escrow account, for  
19 the purpose of encouraging the escrow account property tax  
20 requirements to be promptly adjusted to the benefit of the property  
21 tax taxpayer on account of Stay NJ property tax credit payments.  
22

23 6. (New section) a. Notwithstanding the provisions of section 6  
24 of P.L.1990, c.61 (C.54:4-8.62) and section 3 of P.L.1997, c.348  
25 (C.54:4-8.70) concerning the form and deadline of applications for  
26 the ANCHOR rebate program and the homestead property tax  
27 reimbursement, the director shall promulgate a single combined  
28 application form to be used by State residents to apply for the  
29 ANCHOR rebate program, the homestead property tax  
30 reimbursement program, and the Stay NJ property tax credit. The  
31 combined application form shall require the applicant to submit  
32 information about his or her age, annual income, homestead  
33 property address, as well as any other information determined  
34 necessary by the director in order to approve or disapprove the  
35 applicant's participation in those programs. The combined  
36 application form shall also advise the applicant that the director  
37 shall determine the eligibility of an applicant to receive an  
38 ANCHOR rebate, homestead property tax reimbursement, or a Stay  
39 NJ property tax credit. The director shall, for good cause shown,  
40 extend the time of any applicant to file an application for a  
41 reasonable period, and in such case, the application shall be  
42 processed and payment of an ANCHOR rebate, homestead property  
43 tax reimbursement, or a Stay NJ property tax credit made in  
44 accordance with the procedures established in the case of  
45 applications timely filed, except the date for the payment may be  
46 delayed for a reasonable period. If an applicant or an applicant's  
47 spouse has filed an application for an extension of time to file a  
48 gross income tax return, the date by which the applicant shall file an

1 application may, in the discretion of the director, be extended for a  
2 reasonable period, and the date for the payment of payment of an  
3 ANCHOR rebate, homestead property tax reimbursement, or a Stay  
4 NJ property tax credit may be delayed for a reasonable period. A  
5 State resident seeking property tax benefits under any of those  
6 programs shall accurately complete the entire application and file it  
7 with the director.

8 For purposes of this subsection, in order to establish good cause  
9 to extend the time of an eligible claimant to file an application, the  
10 eligible claimant shall provide to the director either medical  
11 evidence, such as a doctor's certification, that the claimant was  
12 unable to file the claim by the date prescribed by the director  
13 because of illness or hospitalization, or evidence that the applicant  
14 attempted to file a timely application. Except as may be established  
15 by medical evidence or inability to file a claim, good cause shall not  
16 be established due to a claimant not having received an application  
17 from the director.

18 b. Upon the approval of applications by the director, the director  
19 shall prepare lists of individuals entitled to receive a Stay NJ  
20 credit, together with the respective amounts due each claimant and  
21 shall forward such lists to the State Treasurer, the Director of the  
22 Division of Budget and Accounting, and any other officials as the  
23 director deems appropriate on or before the earliest of such date or  
24 dates as may be convenient for the director to compile such lists.  
25 The director may inspect all records in the office of the tax collector  
26 and tax assessor of a municipality with respect to applications,  
27 claims, and allowances for Stay NJ property tax credits.

28 c. If an application contains a claim for a Stay NJ property tax  
29 credit that is incorrectly determined by the eligible claimant or is  
30 based upon incorrect or insufficient information from which the  
31 director is to approve the claim, the director may determine the  
32 eligibility of the claimant for a Stay NJ property tax credit and the  
33 correct amount of a Stay NJ property tax credit from such other  
34 information as may be available to the director.

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

45

46 7. (New section) When title to a homestead for which a Stay NJ  
47 property tax credit is claimed, is held by an eligible claimant and  
48 another or others, either as tenants in common or as joint tenants,

1 the eligible claimant shall not be allowed a Stay NJ property tax  
2 credit in an amount in excess of the eligible claimant's  
3 proportionate share of the taxes assessed against the homestead,  
4 which proportionate share, for the purposes of  
5 P.L. , c. (C. ) (pending before the Legislature as this  
6 bill), shall be deemed to be equal to that of each of the other  
7 tenants, unless it is shown that the interests in question are not  
8 equal, in which event the eligible claimant's proportionate share  
9 shall be as shown. Nothing herein shall preclude more than one  
10 tenant, whether title be held in common or joint tenancy, from  
11 claiming a Stay NJ property tax credit from the taxes assessed  
12 against the property so held, but no more than the equivalent of one  
13 full Stay NJ property tax credit in regard to such homestead shall be  
14 allowed in any year. In any case in which the eligible claimants  
15 cannot agree as to the apportionment thereof, such Stay NJ property  
16 tax credit shall be apportioned between or among them in  
17 proportion to their interest. Property held by husband and wife, as  
18 tenants by the entirety, shall be deemed wholly owned by each  
19 tenant, but no more than one full Stay NJ property tax credit in  
20 regard to such homestead shall be allowed in any year. Right to  
21 claim a Stay NJ property tax credit hereunder shall extend to a  
22 homestead the title to which is held by a partnership, to the extent  
23 of the eligible claimant's interest as a partner therein, and by a  
24 guardian, trustee, committee, conservator or other fiduciary for any  
25 person who would otherwise be entitled to claim such Stay NJ  
26 property tax credit hereunder, but not to a homestead the title to  
27 which is held by a corporation; except that a residential shareholder  
28 in a cooperative or mutual housing corporation shall be entitled to  
29 claim a Stay NJ property tax credit if the residential shareholder is  
30 otherwise eligible to receive it, to the extent of the proportionate  
31 share of the taxes assessed against the homestead of the  
32 corporation, or any other entity holding title, attributable to the  
33 residential shareholder's unit therein.

34

35 8. (New section) In the case of a delinquency in the payment of  
36 property taxes by a cooperative, mutual housing corporation or  
37 continuing care retirement community, a Stay NJ property tax  
38 credit that may be due an individual shall be paid by the State  
39 Treasurer to the tax collector of the municipality. The tax collector  
40 shall credit the cooperative, mutual housing corporation or  
41 continuing care retirement community with such payment and the  
42 cooperative, mutual housing corporation or continuing care  
43 retirement community shall, in turn, credit the individual unit owner  
44 to the extent of the Stay NJ property tax credit and notify the  
45 eligible claimant of the amount to be credited.

46

47 9. (New section) Any individual who receives a Stay NJ  
48 property tax credit otherwise authorized under this act but as a



1 result of an intentional misrepresentation of a material fact shall be  
2 required to repay to the director the amount of the credit and shall  
3 be liable to a penalty equal to 150 percent of the amount of the Stay  
4 NJ property tax credit paid as a result of that misrepresentation.

5  
6 10. a. (New section) Except as provided in subsection b. of this  
7 section, a person who receives a Stay NJ property tax credit  
8 otherwise authorized under this act but which has been paid in error  
9 and which is recoverable by the director, and fails to return the  
10 payment within 45 days of receiving notice from the director that  
11 such payment was erroneous, shall pay, in addition to the amount of  
12 the erroneous credit, interest at the rate prescribed in R.S.54:49-3,  
13 assessed for each month or fraction thereof, compounded annually  
14 at the end of each year, from the date next following the 45th day  
15 after receiving the notice from the director that such payment was  
16 erroneous until the date of the return of the erroneous payment.

17 b. A person who is 65 years of age or older at the close of the  
18 tax year, or who is allowed to claim a personal deduction as a blind  
19 or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1,  
20 who receives notice from the director pursuant to this section, shall  
21 within 45 days after receiving that notice, be permitted enter into an  
22 installment payment agreement for a reasonable period of time that  
23 will enable the person to completely satisfy the amount paid in  
24 effort and without the assessment of interest thereon.

25 c. Except as an installment payment agreement permitted  
26 pursuant to subsection b. of this section, a Stay NJ Property Tax  
27 Credit paid as a result of misrepresentation or paid in error and any  
28 penalties and interest imposed thereon by this act, shall be payable  
29 to and recoverable by the director in the same manner as a  
30 deficiency with respect to the payment of State tax in accordance  
31 with the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

32  
33 11. (New section) Notwithstanding the provisions of the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.) to the contrary, the Director of the Division of Taxation in the  
36 Department of the Treasury may adopt immediately upon filing  
37 with the Office of Administrative Law, such regulations as the  
38 director deems necessary to implement the provisions of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill) as  
40 may be necessary to meet the requirements of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), which regulations shall  
42 be effective for a period not to exceed 180 days from the date of the  
43 filing. The regulations may thereafter be amended, adopted, or  
44 readopted by the director as the director deems necessary in  
45 accordance with P.L.1968, c.410. The director shall also  
46 promulgate such forms as the director shall deem necessary to  
47 implement the provisions of P.L. , c. (C. ) (pending before  
48 the Legislature as this bill).

1       12. (New section) There shall be annually appropriated to the  
2 Department of the Treasury such amount as the Director of the  
3 Division of Budget and Accounting in the Department of the  
4 Treasury shall determine is necessary for the administrative costs,  
5 including to reimburse additional costs incurred by local tax  
6 collectors, of implementing the provisions of P.L. , c. (C. )  
7 (pending before the Legislature as this bill).

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

11       1. As used in this act:

12       "Base year" means, in the case of a person who is an eligible  
13 claimant on or before December 31, 1997, the tax year 1997; and in  
14 the case of a person who first becomes an eligible claimant after  
15 December 31, 1997, the tax year in which the person first becomes  
16 an eligible claimant. In the case of an eligible claimant who  
17 subsequently moves from the homestead for which the initial  
18 eligibility was established, the base year shall be the first full tax  
19 year during which the person resides in the new homestead.  
20 Provided however, a base year for an eligible claimant after such a  
21 move shall not apply to tax years commencing prior to January 1,  
22 2009. In the case of an eligible claimant who receives a Stay NJ  
23 property tax credit in lieu of a homestead property tax  
24 reimbursement pursuant to section 4 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill), the base year of that eligible  
26 claimant shall remain unchanged.

27       "Commissioner" means the Commissioner of Community  
28 Affairs.

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

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

33       "Cooperative" means a housing corporation or association which  
34 entitles the holder of a share or membership interest thereof to  
35 possess and occupy for dwelling purposes a house, apartment or  
36 other unit of housing owned or leased by the corporation or  
37 association, or to lease or purchase a unit of housing constructed or  
38 to be constructed by the corporation or association.

39       "Disabled person" means an individual receiving monetary  
40 payments pursuant to Title II of the federal Social Security Act (42  
41 U.S.C. s.401 et seq.) on December 31, 1998, or on December 31 in  
42 all or any part of the year for which a homestead property tax  
43 reimbursement under this act is claimed.

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

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

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

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

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

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

23 "Homestead property tax reimbursement" means payment of the  
24 difference between the amount of property tax or site fee  
25 constituting property tax due and paid in any year on any  
26 homestead, exclusive of improvements not included in the  
27 assessment on the real property for the base year, and the amount of  
28 property tax or site fee constituting property tax due and paid in the  
29 base year, when the amount paid in the base year is the lower  
30 amount; but such calculations shall be reduced by any current year  
31 property tax reductions or reductions in site fees constituting  
32 property taxes resulting from judgments entered by county boards  
33 of taxation or the State Tax Court.

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

37 "Manufactured home" or "mobile home" means a unit of housing  
38 which:

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

42 (2) Is built on a permanent chassis;

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

45 (4) Is manufactured in accordance with the standards  
46 promulgated for a manufactured home by the Secretary of the  
47 United States Department of Housing and Urban Development  
48 pursuant to the "National Manufactured Housing Construction and

1 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s.5401 et  
2 seq.) and the standards promulgated for a manufactured or mobile  
3 home by the commissioner pursuant to the "State Uniform  
4 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

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

- 14 (1) The construction and maintenance of streets;
- 15 (2) Lighting of streets and other common areas;
- 16 (3) Garbage removal;
- 17 (4) Snow removal; and
- 18 (5) Provisions for the drainage of surface water from home sites  
19 and common areas.

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

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

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

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

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

43 "Tax year" means the calendar year in which a homestead is  
44 assessed and the property tax is levied thereon and it means the  
45 calendar year in which income is received or accrued.

46 (cf: P.L.2018, c.11, s.11)

1       14. Section 7 of P.L.1997, c.348 (C.54:4-8.74) is amended to  
2 read as follows:

3       7. In the event that a previously eligible claimant ceases to be an  
4 eligible claimant for any tax year, the base year for that claimant  
5 shall be the year prior to which the claimant again becomes an  
6 eligible claimant.

7       In the case of an eligible claimant who receives a Stay NJ  
8 property tax credit in lieu of a homestead property tax  
9 reimbursement pursuant to section 4 of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill), the eligible claimant shall remain  
11 an eligible claimant for the purposes of P.L.1997, c.348 (C.54:4-  
12 8.67 et seq.), and the base year of that eligible claimant shall remain  
13 unchanged as long as the eligible claimant meets all of the other  
14 eligibility requirements of P.L.1997, c.348 (C.54:4-8.67 et seq.).  
15 (cf: P.L.1997, c.348, s.7)

16  
17       15. a. The Department of the Treasury shall establish a  
18 dedicated nonlapsing account known as the Stay NJ account. All  
19 moneys deposited into the fund shall be used for the payment of  
20 Stay NJ property tax credits and for the administration of the Stay  
21 NJ property tax credit program.

22       b. There is appropriated to the Stay NJ account an amount not in  
23 excess of \$300,000,000 for the Stay NJ program, subject to the  
24 approval of the Director of the Division of Budget and Accounting  
25 in the Department of the Treasury.

26       c. In State Fiscal Year 2024, there shall be appropriated to the  
27 Stay NJ account an amount not in excess of \$300,000,000 for the  
28 Stay NJ program, subject to the approval of the Director of the  
29 Division of Budget and Accounting in the Department of the  
30 Treasury.

31       d. In State Fiscal Year 2025, there shall be appropriated to the  
32 Stay NJ account an amount not in excess of \$600,000,000 for the  
33 Stay NJ program, subject to the approval of the Director of the  
34 Division of Budget and Accounting in the Department of the  
35 Treasury.

36       e. In State Fiscal Year 2026, there shall be appropriated to the  
37 Stay NJ account an amount not in excess of \$800,000,000 for the  
38 Stay NJ program, subject to the approval of the Director of the  
39 Division of Budget and Accounting in the Department of the  
40 Treasury.

41       f. In State Fiscal Year 2027, there shall be appropriated to the  
42 Stay NJ account an amount not in excess of \$1,000,000,000 for the  
43 Stay NJ program, subject to the approval of the Director of the  
44 Division of Budget and Accounting in the Department of the  
45 Treasury.

46       g. In State Fiscal Year 2028, and each fiscal year thereafter,  
47 there shall be appropriated to the Stay NJ account an amount not in  
48 excess of \$1,200,000,000 for the Stay NJ program, subject to the

1 approval of the Director of the Division of Budget and Accounting  
2 in the Department of the Treasury.

3

4 16. This act shall take effect July 1, 2023 and first apply to  
5 property tax credits for the tax year quarter beginning January 1,  
6 2025.

7

8

9

STATEMENT

10

11 This bill establishes a property tax credit program, which will be  
12 known and may be cited as the “Stay NJ Act.”

13 This program would provide to an eligible claimant a property  
14 tax credit in the amount of 50 percent of the property tax due and  
15 owing for the eligible claimant’s principal residence. The bill  
16 defines “eligible claimant” as a person who is 65 or more years of  
17 age and the owner of a homestead in this State that is the person’s  
18 primary residence. There is no income limit for eligibility to  
19 receive a property tax credit under the program. The purpose of the  
20 program is to make property taxes more affordable for senior  
21 citizens, so that they are able to stay in their homes. The program  
22 will provide an eligible claimant with a property tax credit in an  
23 amount equal to 50 percent of property taxes due and owed;  
24 however, the bill provides that the maximum amount to be credited  
25 to an eligible claimant under the program is \$10,000 per tax year.

26 Under the bill, a property taxpayer who may be eligible to apply  
27 for an ANCHOR property tax rebate and a homestead property tax  
28 reimbursement shall only be entitled to the greater of the Stay NJ  
29 credit, or the combined amount of the ANCHOR property tax rebate  
30 and the homestead property tax reimbursement.

31 The bill requires the director to promulgate a single combined  
32 application form to be used by State residents to apply for the  
33 ANCHOR rebate program, the homestead property tax  
34 reimbursement program, and the Stay NJ property tax credit. State  
35 residents seeking property tax benefits under each of those  
36 programs would be required to fill out the entire application and file  
37 it with the director, who would determine which property tax  
38 program provides the greatest benefit for the applicant.

39 With respect to the homestead property tax reimbursement  
40 program, the base year of an eligible claimant who receives a Stay  
41 NJ property tax credit instead of a homestead property tax  
42 reimbursement would remain unchanged, notwithstanding the  
43 number of years that the taxpayer would receive a Stay NJ property  
44 tax credit instead of a homestead property tax reimbursement.

45 The amount of an eligible claimant’s Stay NJ property tax credit  
46 would be divided into four tax year quarter credits that will be  
47 applied by the municipality on each of the property tax quarter  
48 payments due and owing on the eligible claimant’s homestead. The

1 State Treasurer is required to forward Stay NJ property tax credit  
2 payments to each municipal tax collector, as applicable, on a  
3 quarterly basis at least 10 days prior to the statutory due date for  
4 each property tax year quarter payment (February 1, May 1, August  
5 1, and November 1) to be applied against the property tax account  
6 of the homestead of the eligible claimant.

7 The bill establishes a dedicated nonlapsing account known as the  
8 Stay NJ account. All moneys deposited into the fund will be used  
9 for the payment of Stay NJ property tax credits and for the  
10 administration of the Stay NJ property tax credit program. The bill  
11 appropriates not more than \$300 million in State Fiscal Year 2023  
12 to be used for the payment of Stay NJ property tax credits and for  
13 the administration of the Stay NJ property tax credit program. The  
14 bill also provides for appropriations to the program of \$300 million  
15 in Fiscal Year 2024, \$600 million in Fiscal Year 2025, \$800 million  
16 in Fiscal Year 2026, \$1 billion in Fiscal Year 2027, and \$1.2 billion  
17 in Fiscal Year 2028 and each fiscal year thereafter.

18 Under the bill, the Stay NJ property tax credits will first be  
19 provided in the tax year quarter beginning January 1, 2025.