

CHAPTER 75

AN ACT providing a property tax credit of up to one-half of property taxes due for primary residences of senior citizens in the State, expanding eligibility for the homestead property tax reimbursement program, establishing a senior property tax relief task force, supplementing chapter 4 of Title 54 of the Revised Statutes, amending P.L.1997, c.348, and P.L.1990, c.61, and making appropriations.

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

C.54:4-8.75a Short title.

1. This act shall be known and may be cited as the "Stay NJ Act."

C.54:4-8.75b Definitions.

2. As used in this act:

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

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

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

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

"Eligible claimant" means an individual who is 65 or more years of age, is the owner of a homestead in this State on or after July 1, 2024, and has gross income for the prior year that is less than \$500,000.

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

"Homestead" means:

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

- b. a condominium unit or a unit in a horizontal property regime or a continuing care retirement community which constitutes the place of the eligible claimant's domicile and is owned and used by the eligible claimant as the eligible claimant's principal residence. In addition to the generally accepted meaning of "owned" or "ownership," a homestead shall be deemed to be owned by a person if that person is a tenant for life or a tenant under a lease for 99 years or more, is entitled to and actually takes possession of the homestead under an executory contract for the sale thereof or under an agreement with a lending institution which holds title as security for a loan, or is a resident of a continuing care retirement community pursuant to a contract for continuing care for the life of that person which requires the resident to bear, separately from any other charges, the proportionate share of property taxes attributable to the unit that the resident occupies; or

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

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

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

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

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

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

"State resident" or "resident" means an individual:

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

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

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

"Task force" means the Stay NJ Task Force established pursuant to section 18 of P.L.2023, c.75 (C.54:4-8.75o).

"Tax year" or "taxable year" means the prior calendar year, January 1 through December 31, in which a homestead is assessed for property taxation and the property tax is levied thereon, and paid.

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

C.54:4-8.75c Stay NJ property tax credit program, established.

3. There is established the Stay NJ property tax credit program. The director shall administer the Stay NJ property tax credit that shall provide to an eligible claimant a property tax credit in the amount of 50 percent of the property tax paid for the eligible claimant's principal residence in the prior tax year. A Stay NJ property tax credit for an eligible claimant who is a tenant shareholder in a cooperative, mutual housing organization, or continuing care retirement community shall be based on the eligible claimant's proportionate share of the property taxes assessed against that real property that are attributable to the eligible claimant's unit. Property tax credits shall be allowed pursuant to this section in relation to the property taxes paid or allocable to an eligible claimant who has more than one homestead in a tax year,

but the aggregate amount of the property taxes or property tax credits claimed shall not exceed the total proportionate amounts of property taxes assessed and levied against or allocable to each homestead for the proportion of the tax year quarter to which the taxpayer occupies it as the taxpayer's principle residence.

The amount of the Stay NJ property tax credit shall be calculated for each eligible claimant by the director, and paid to the tax collector of the municipality in which the eligible claimant's homestead is located pursuant to the provisions of subsection a. of section 5 of P.L.2023, c.75 (C.54:4-8.75e).

Notwithstanding the provisions of P.L.2023, c.75 (C.54:4-8.75a et al.) that require an annual property tax credit in the amount of 50 percent of the property tax paid on an eligible claimant's homestead, the maximum amount to be credited to an eligible claimant shall be \$6,500 in 2026, if there is no delay in implementation as may occur pursuant to section 19 of P.L.2023, c.75 (C.54:4-8.75p). For every tax year after the year in which the Stay NJ property tax credit program is first implemented, the maximum amount to be credited to an eligible claimant shall be increased based on the annual percentage increase in the average residential property tax bill as shall be computed by the Director of the Division of Local Government Services in the Department of Community Affairs.

An eligible claimant shall be entitled to a Stay NJ property tax credit annually, on proper claim being made therefor to the director. Notwithstanding any provision of P.L.2023, c.75 (C.54:4-8.75a et al.) to the contrary, the amount of property taxes used to determine the amount of the Stay NJ property tax credit shall not be reduced by the amount of the deductions taken by an eligible claimant pursuant to P.L.1963, c.171 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255 (C.54:4-8.40 to 54:4-8.45 et al.). The surviving spouse of a deceased resident of this State who during his or her life received a Stay NJ property tax credit shall be entitled, so long as the surviving spouse does not remarry, remains a resident in the same homestead with respect to which the Stay NJ property tax credit was granted, and is an eligible claimant, to the same Stay NJ property tax credit, upon the same conditions, with respect to the same homestead.

C.54:4-8.75d Combined single application form, promulgation.

4. a. Not later than July 1, 2025, if there is no delay in implementation as may occur pursuant to section 19 of P.L.2023, c.75 (C.54:4-8.75p), the director shall promulgate a combined single application form consistent with the requirements of section 6 of P.L.2023, c.75 (C.54:4-8.75f) and the recommendations of the Stay NJ Task Force established pursuant to section 18 of P.L.2023, c.75 (C.54:4-8.75o), that shall be available on and after that date to be used by State residents to apply for the Stay NJ property tax credit, the ANCHOR property tax rebate, and the homestead property tax reimbursement program. State residents seeking property tax benefits under those programs shall complete the entire application and file it with the director. The director shall determine which property tax benefit program or programs provide the greatest benefit for the applicant pursuant to the requirements of subsection b. of this section.

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

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

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

eligible claimant receives a Stay NJ property tax credit instead of a homestead property tax reimbursement.

d. The director shall determine the amount of the Stay NJ property tax credit that shall be provided for each eligible claimant pursuant to P.L.2023, c.75 (C.54:4-8.75a et al.) based upon the information provided by the eligible claimant in the application or from any other information as may be available to the director and shall notify the applicant of the determined amount in such manner as the director may deem appropriate. Subject to the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq., such notification shall finally and irrevocably fix the amount of the Stay NJ property tax credit unless the applicant, within 90 days after having been given notice of such determination, shall apply to the director for a hearing, or unless the director shall redetermine the same. After such hearing the director shall give notice of the final determination to the applicant.

e. An eligible claimant for a Stay NJ property tax credit authorized under P.L.2023, c.75 (C.54:4-8.75a et al.) who is aggrieved by any decision, order, finding, or denial by the director of all or part of that eligible claimant's Stay NJ property tax credit may appeal therefrom to the New Jersey Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq. The appeal provided by this section shall be the exclusive remedy available to an applicant for review of a decision of a director in respect to the determination of all or a part of a Stay NJ property tax credit authorized under P.L.2023, c.75 (C.54:4-8.75a et al.).

C.54:4-8.75e Stay NJ property tax credit, distribute, tax collector, eligible claimant, homestead, municipality.

5. a. The State Treasurer, upon certification of the director and upon warrant of the Director of the Division of Budget and Accounting, shall pay and distribute the amount of a Stay NJ property tax credit payable under P.L.2023, c.75 (C.54:4-8.75a et al.) that is claimed for the tax year to the tax collector of the municipality in which each eligible claimant whose credit is approved by the director is located; provided, however, a credit due to an eligible claimant who claimed a Stay NJ property tax credit pursuant to section 3 of P.L.2023, c.75 (C.54:4-8.75c), and whose homestead is a unit in a cooperative, mutual housing corporation, or continuing care retirement community, shall be paid directly to the eligible claimant by the State Treasurer. A Stay NJ property tax credit allowed by the director to an eligible claimant who claimed a Stay NJ property tax credit pursuant to section 3 of P.L.2023, c.75 (C.54:4-8.75c), and whose homestead is not a unit in a cooperative, mutual housing corporation, or continuing care retirement community, shall be paid by the State Treasurer through electronic funds transfer made by the director to the local property tax account maintained by the local property tax collector for the homestead of an eligible claimant as the eligible claimant shall identify, in four equal installments after the application for the credit has been approved. The State Treasurer shall pay and distribute Stay NJ property tax credit payments to each municipal tax collector or eligible claimant, as applicable, on a quarterly basis at least 10 days prior to the statutory due date for each property tax year quarter payment. Notice of payments of Stay NJ credit installments shall be provided to the eligible claimant and the appropriate local tax collector.

b. Each municipal tax collector who applies a Stay NJ property tax credit to the property tax account of the homestead of an eligible claimant pursuant to this section shall provide timely notice thereof to the eligible claimant and to any mortgagee or servicing organization noted on the property tax account that requires a mortgagor to make property tax payments to an escrow account, for the purpose of encouraging the escrow account property tax

requirements to be promptly adjusted to the benefit of the property tax taxpayer on account of Stay NJ property tax credit payments.

C.54:4-8.75f Combined single application form, applicant information required; extension, good cause; procedures.

6. a. Notwithstanding the provisions of section 6 of P.L.1990, c.61 (C.54:4-8.62) and section 3 of P.L.1997, c.348 (C.54:4-8.70) concerning the form and deadline of applications for the ANCHOR rebate program and the homestead property tax reimbursement, the director shall promulgate a single combined application form to be used by State residents to apply for the ANCHOR rebate program, the homestead property tax reimbursement program, and the Stay NJ property tax credit in accordance with the recommendations of the Stay NJ Task Force established pursuant to section 18 of P.L.2023, c.75 (C.54:4-8.75o). The combined application form shall, at a minimum, require the applicant to submit information about his or her age, annual income, homestead property address, as well as any other information determined necessary by the director in order to approve or disapprove the applicant's participation in those programs. The combined application form shall also advise the applicant that the director shall determine the eligibility of an applicant to receive an ANCHOR rebate, homestead property tax reimbursement, or a Stay NJ property tax credit. The director shall, for good cause shown, extend the time of any applicant to file an application for a reasonable period, and in such case, the application shall be processed and payment of an ANCHOR rebate, homestead property tax reimbursement, or a Stay NJ property tax credit made in accordance with the procedures established in the case of applications timely filed, except the date for the payment may be delayed for a reasonable period. If an applicant or an applicant's spouse has filed an application for an extension of time to file a gross income tax return, the date by which the applicant shall file an application may, in the discretion of the director, be extended for a reasonable period, and the date for the payment of an ANCHOR rebate, homestead property tax reimbursement, or a Stay NJ property tax credit may be delayed for a reasonable period. A State resident seeking property tax benefits under any of those programs shall accurately complete the entire application and file it with the director.

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

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

c. If an application contains a claim for a Stay NJ property tax credit that contains incorrect information from the claimant or is based upon incorrect or insufficient information from which the director is to determine and approve the claim, the director may determine the

eligibility of the claimant for a Stay NJ property tax credit and the correct amount of a Stay NJ property tax credit from such other information as may be available to the director.

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

C.54:4-8.75g Stay NJ property tax credit is claimed, eligible claimant's proportionate tax share, assessed against homestead, excess.

7. When title to a homestead for which a Stay NJ property tax credit is claimed, is held by an eligible claimant and another or others, either as tenants in common or as joint tenants, the eligible claimant shall not be allowed a Stay NJ property tax credit in an amount in excess of the eligible claimant's proportionate share of the taxes assessed against the homestead, which proportionate share, for the purposes of P.L.2023, c.75 (C.54:4-8.75a et al.), shall be deemed to be equal to that of each of the other tenants, unless it is shown that the interests in question are not equal, in which event the eligible claimant's proportionate share shall be as shown. Nothing herein shall preclude more than one tenant, whether title be held in common or joint tenancy, from claiming a Stay NJ property tax credit from the taxes assessed against the property so held, but no more than the equivalent of one full Stay NJ property tax credit in regard to such homestead shall be allowed in any year. In any case in which the eligible claimants cannot agree as to the apportionment thereof, such Stay NJ property tax credit shall be apportioned between or among them in proportion to their interest. Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but no more than one full Stay NJ property tax credit in regard to such homestead shall be allowed in any year. Right to claim a Stay NJ property tax credit hereunder shall extend to a homestead the title to which is held by a partnership, to the extent of the eligible claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim such Stay NJ property tax credit hereunder, but not to a homestead the title to which is held by a corporation; except that a residential shareholder in a cooperative or mutual housing corporation shall be entitled to claim a Stay NJ property tax credit if the residential shareholder is otherwise eligible to receive it, to the extent of the proportionate share of the taxes assessed against the homestead of the corporation, or any other entity holding title, attributable to the residential shareholder's unit therein.

C.54:4-8.75h Delinquency, property tax payment, cooperative, mutual housing corporation, continuing care retirement community, procedure.

8. In the case of a delinquency in the payment of property taxes by a cooperative, mutual housing corporation or continuing care retirement community, a Stay NJ property tax credit that may be due an individual shall be paid by the State Treasurer to the tax collector of the municipality. The tax collector shall credit the cooperative, mutual housing corporation or continuing care retirement community with such payment and the cooperative, mutual housing corporation or continuing care retirement community shall, in turn, credit the individual unit owner to the extent of the Stay NJ property tax credit and notify the eligible claimant of the amount to be credited.

C.54:4-8.75i Intentional misrepresentation, repayment, property tax credit, penalties.

9. Any individual who receives a Stay NJ property tax credit otherwise authorized under this act but as a result of an intentional misrepresentation of a material fact shall be required to repay to the director the amount of the credit and shall be liable to a penalty equal to 150 percent of the amount of the Stay NJ property tax credit paid as a result of that misrepresentation.

C.54:4-8.75j Erroneous property tax credit payment, failure to return, interest; installment agreement; deficiency.

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

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

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

C.54:4-8.75k Regulations.

11. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Director of the Division of Taxation in the Department of the Treasury may adopt immediately upon filing with the Office of Administrative Law, such regulations as the director deems necessary to implement the provisions of P.L.2023, c.75 (C.54:4-8.75a et al.) as may be necessary to meet the requirements of P.L.2023, c.75 (C.54:4-8.75a et al.), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The regulations may thereafter be amended, adopted, or readopted by the director as the director deems necessary in accordance with P.L.1968, c.410. The director shall also promulgate such forms as the director shall deem necessary to implement the provisions of P.L.2023, c.75 (C.54:4-8.75a et al.).

C.54:4-8.75l Annual appropriations.

12. There shall be annually appropriated to the Department of the Treasury such amount as the Director of the Division of Budget and Accounting in the Department of the Treasury shall determine is necessary for the administrative costs, including to reimburse additional costs incurred by local tax collectors, of implementing the provisions of P.L.2023, c.75 (C.54:4-8.75a et al.).

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

C.54:4-8.67 Definitions relative to homestead property tax reimbursement.

1. As used in this act:

"Base year" means, in the case of a person who is an eligible claimant on or before December 31, 1997, the tax year 1997; and in the case of a person who first becomes an eligible claimant after December 31, 1997, the tax year in which the person first becomes an eligible claimant. In the case of an eligible claimant who subsequently moves from the homestead for which the initial eligibility was established, the base year shall be the first full tax year during which the person resides in the new homestead. Provided however, a base year for an eligible claimant after such a move shall not apply to tax years commencing prior to January 1, 2009. In the case of an eligible claimant who receives a Stay NJ property tax credit in lieu of a homestead property tax reimbursement pursuant to section 4 of P.L.2023, c.75 (C.54:4-8.75d), the base year of that eligible claimant shall remain unchanged.

"Commissioner" means the Commissioner of Community Affairs.

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

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

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

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

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

"Eligible claimant" means a person who:

is 65 or more years of age, or who is a disabled person;

is an owner of a homestead, or the lessee of a site in a mobile home park on which site the applicant owns a manufactured or mobile home;

has an annual income of less than \$17,918 in tax year 1998, less than \$18,151 in tax year 1999, or less than \$37,174 in tax year 2000, if single, or, if married, whose annual income combined with that of the spouse is less than \$21,970 in tax year 1998, less than \$22,256 in tax year 1999, or less than \$45,582 in tax year 2000, which income eligibility limits for single and married persons shall be subject to adjustments in tax years 2001 through 2006 pursuant to section 9 of P.L.1997, c.348 (C.54:4-8.68);

has an annual income of \$60,000 or less in tax year 2007, \$70,000 or less in tax year 2008, or \$80,000 or less in tax year 2009, if single or married, which income eligibility limits shall be subject to adjustments in tax years 2010 through 2021 pursuant to section 9 of P.L.1997, c.348 (C.54:4-8.68);

has an annual income of \$150,000 or less in tax year 2022, if single or married, which income eligibility limits shall be subject to adjustments in subsequent tax years pursuant to section 9 of P.L.1997, c.348 (C.54:4-8.68);

has, for at least three years, owned and resided in the homestead for which a homestead property tax reimbursement is sought prior to the date that an initial application for a homestead property tax reimbursement is filed. A person who has been an eligible claimant for a previous tax year shall qualify as an eligible claimant beginning the second full tax year following a move to another homestead in New Jersey, despite not meeting the three-year minimum residency and ownership requirement required for initial claimants under this paragraph; provided that the person satisfies the income eligibility limits for the tax year. Provided however, eligibility beginning in a second full tax year after such a move shall not apply to tax years commencing prior to January 1, 2010.

"Homestead" means:

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

a site in a mobile home park equipped for the installation of manufactured or mobile homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured or mobile home for the installation thereof and such site is used by the eligible claimant as the eligible claimant's principal residence;

a dwelling house situated on land owned by a person other than the eligible claimant which constitutes the place of the eligible claimant's domicile and is owned and used by the eligible claimant as the eligible claimant's principal residence;

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

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

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

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

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

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

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

(2) Is built on a permanent chassis;

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

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

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

(1) The construction and maintenance of streets;

(2) Lighting of streets and other common areas;

(3) Garbage removal;

(4) Snow removal; and

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

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

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

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

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

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

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

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

C.54:4-8.74 Determination of base year.

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

In the case of an eligible claimant who receives a Stay NJ property tax credit in lieu of a homestead property tax reimbursement pursuant to section 4 of P.L.2023, c.75 (C.54:4-8.75d), the eligible claimant shall remain an eligible claimant for the purposes of P.L.1997, c.348

(C.54:4-8.67 et seq.), and the base year of that eligible claimant shall remain unchanged as long as the eligible claimant meets all of the other eligibility requirements of P.L.1997, c.348 (C.54:4-8.67 et seq.).

C.54:4-8.61a Additional benefits, ANCHOR Property Tax Relief Program.

15. a. In addition to the property tax benefits paid under the ANCHOR Property Tax Relief Program to eligible homestead owners and tenants on their principal residences, whether owned or rented, pursuant to the provisions of sections 3 or 4 of P.L.1990, c.61 (C.54:4-8.59 or C.54:4-8.60) as amended, the State Fiscal Year 2024 appropriations act shall provide for the following additional benefits under the ANCHOR Property Tax Relief Program:

(1) a resident homestead owner 65 years of age or older with gross income not in excess of \$250,000 for the tax year that is used to determine such resident homestead owner's eligibility for the ANCHOR Property Tax Relief Program is eligible for an additional benefit in the amount of \$250; provided, however, the total benefits received by such resident homestead owner under the ANCHOR Property Tax Relief Program and this section shall not exceed the amount of property taxes paid by such resident homestead owner; and

(2) a resident 65 years of age or older whose homestead is a unit of residential rental property with gross income not in excess of \$150,000 for the tax year that is used to determine such resident's eligibility for the ANCHOR Property Tax Relief Program is eligible for an additional benefit in the amount of \$250.

b. The additional property tax benefits required pursuant to subsection a. of this section shall be paid in State Fiscal Years 2024, 2025, and 2026 at the same time and in the same manner as, and as part of the same application process for, property tax benefits provided under the ANCHOR Property Tax Relief Program.

C.54:4-8.75m Nonlapsing account, property tax benefits, principal residences, homestead owners, tenants, 65 years, age.

16. a. The Department of the Treasury shall establish a dedicated, nonlapsing account for the purpose of providing property tax benefits to homestead owners and tenants 65 years of age or older on their principal residences, whether owned or rented. All moneys deposited into the account shall be used for the payment of property tax benefits in accordance with subsection c. of this section.

b. (1) There is appropriated to the account established by subsection a. of this section in State Fiscal Year 2024, \$100,000,000 for the purpose of providing property tax benefits in accordance with subsection c. of this section, subject to the approval of the Director of the Division of Budgeting and Accounting in the Department of the Treasury.

(2) The annual appropriations act for State Fiscal Year 2025 shall include an appropriation to the account established by subsection a. of this section, in an amount not to exceed \$200,000,000 for the purpose of providing property tax benefits in accordance with subsection c. of this section.

(3) The annual appropriations act for State Fiscal Year 2026 shall include an appropriation to the account established by subsection a. of this section, in an amount not to exceed \$300,000,000 for the purpose of providing property tax benefits in accordance with subsection c. of this section.

c. Beginning in State Fiscal Year 2026, moneys in the account established by subsection a. of this section shall be appropriated solely for the Stay NJ property tax credit program established pursuant to section 3 of P.L.2023, c.75 (C.54:4-8.75c).

C.54:4-8.75n Restrictions, impact, interference.

17. The amendatory and supplementary provisions of sections 1 through 16 of P.L.2023, c.75 (C.54:4-8.75a et al.) shall not supersede, impact, or interfere with any of the following:

a. the full funding in each State fiscal year necessary to satisfy the requirement in Article VIII, Section IV, paragraph 1 of the New Jersey Constitution that the Legislature provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of children in the State between the ages of five and 18 years;

b. the full funding of the veterans' \$250 property tax deduction, required to be provided to eligible veterans pursuant to Article VIII, Section I, paragraph 3 of the New Jersey Constitution;

c. the full funding of the senior citizens' and disabled persons' \$250 property tax deduction authorized by Article VIII, Section I, paragraph 4 of the New Jersey Constitution;

d. the full payment of the contributions required by law to be made to the State-administered retirement systems; and

e. the maintenance of a budgetary surplus target of no less than 12 percent of total expenditures from the General Fund and the Property Tax Relief Fund in a given State fiscal year.

C.54:4-8.75o "Stay NJ Task Force" established, membership, report to Governor, Legislature.

18. a. There is established in the Department of the Treasury the Stay NJ Task Force. The purpose of the task force shall be to develop recommendations for establishing and funding uniform property tax relief to all senior citizen homeowners and tenants making under \$500,000 per year. The task force shall review all of the existing property tax relief programs and present, to the Governor and the Legislature, no later than May 30, 2024, a report containing recommendations about how to restructure, and consolidate, the various property tax relief programs into one, streamlined, property tax relief program that would deliver to senior citizens having an annual gross income under \$500,000 an annual property tax benefit, which for homeowners shall be in the amount of 50 percent of the property tax bill on their principal residence, beginning with the tax year 2026, which commences on January 1 of that year. The report shall include recommendations concerning system improvements that both the State and local government units would need to implement the Stay NJ property tax credit program and the funding required to establish and maintain such system improvements. The task force shall provide recommendations that have a target implementation date of January 1, 2026.

b. The task force shall be comprised of six members. The membership of the task force shall be appointed as follows:

The State Treasurer, or the State Treasurer's designee, who shall serve ex officio;

The Commissioner of Community Affairs, or the commissioner's designee, who shall serve ex officio;

One public member, who shall be appointed by the Governor, who may be an employee of the Executive Branch of State government;

One public member who shall be appointed by the Governor upon the recommendation of the Senate President;

One public member who shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly; and

One public member who shall be appointed by the Governor upon the joint recommendation of the Senate President and the Speaker of the General Assembly.

The task force shall have a chairperson and a vice chairperson designated by the Governor. The Governor shall designate as the chairperson one of the cabinet members of the task force, or their designee, or the public member appointed by the Governor. The Governor shall designate as the vice chairperson a public member upon the joint recommendation of the Senate

President and the Speaker of the General Assembly. The Governor shall also appoint a secretary. There shall be required affirmative vote of four out of the six members of the task force for an action to be taken or a decision made.

The task force shall organize as expeditiously as practicable following the appointment of all its public members. Appointments to the task force shall be made in an expeditious manner to ensure the task force has sufficient time to make the recommendations required by this section in order to facilitate implementation of the Stay NJ program on or before the dates set forth in P.L.2023, c.75 (C.54:4-8.75a et al.).

c. The Governor shall appoint an executive director, who shall be employed by the task force and paid by the task force from funds appropriated for its use pursuant to P.L.2023, c.75 (C.54:4-8.75a et al.).

The Department of the Treasury shall provide staff support to the task force. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as the task force may require and as may be available to the task force for its purposes. The task force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission outlined in this section; provided, however, any services, professional or otherwise, that the task force requires shall be procured by the Department of the Treasury.

No later than May 30, 2024, the task force shall prepare and submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report detailing the task force's recommendations as required by this section, including any recommendations for legislative or regulatory action that are necessary to effectuate the recommendations.

d. Beginning September 1, 2023 and on the first day of each calendar quarter thereafter, the executive director shall submit to the presiding officer of each House of the Legislature, and to the chairs of the Senate Budget and Appropriations Committee and the Assembly Budget Committee, a status update on the work undertaken by the task force during the previous calendar quarter. The presiding officer of each House of the Legislature, and the chairs of the Senate Budget and Appropriations Committee and the Assembly Budget Committee, may request that specific information be included in the quarterly status updates required by this subsection concerning the work of the task force and the formulation of any recommendations it may make for the streamlining of the various property tax relief programs for senior citizens provided by the State into one, uniform program.

e. The task force shall disband on the 30th day after the enactment of legislation in response to the Stay NJ Task Force pursuant to section 19 of P.L.2023, c.75 (C.54:4-8.75p).

C.54:4-8.75p Review, Legislature, Governor, Stay NJ Task Force, recommendations.

19. After the Legislature and the Governor review the Stay NJ Task Force's recommendations and determine such recommendations are appropriate, the Legislature shall consider and approve, and the Governor shall enact, the legislation recommended by the Stay NJ Task Force, or legislation substantially similar to the legislation recommended by the task force, regarding the objectives set forth in section 18 of P.L.2023, c.75 (C.54:4-8.75o) not later than 90 days prior to July 1, 2025, the date by which the State Treasurer shall be required to produce the application for the Stay NJ program in 2026 pursuant to section 4 of P.L.2023, c.75 (C.54:4-8.75d). Notwithstanding the provisions of this act or any law to the contrary, if the Legislature and the Governor fail: (1) to enact legislation following the release of the task force's report or (2) to enact legislation that the Governor and Legislature deem appropriate which otherwise addresses the issues the task force is required to consider pursuant to section 18 of P.L.2023, c.75 (C.54:4-8.75o), then promulgation of a combined single application form

shall not be required on or before the date set forth in section 4 of P.L.2023, c.75 (C.54:4-8.75d) and the implementation of the Stay NJ property tax credit program shall be delayed until the enactment of such legislation. If legislation is enacted after the 90th day preceding July 1, 2025, then promulgation of a combined single application form shall be required no earlier than the 91st day next following the enactment of such legislation and the implementation of the Stay NJ property tax credit program shall begin no earlier than the first tax year quarter beginning no less than six months following the promulgation of the combined single application form.

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

C.54:4-8.57 Short title.

1. Sections 1 through 10 of P.L.1990, c.61 (C.54:4-8.57 through 54:4-8.66) and sections 3, 14 through 16, 18 and 19 of P.L.1999, c.63 (C.54:4-8.58a and C.54:4-8.66a through C.54:4-8.66e) shall be known and may be cited as the "Homestead Property Tax Credit Act"; provided, however, that on and after the first day of the first tax year quarter in which the Stay NJ property tax credit program is implemented, those sections shall be known and may be cited as the "Stay NJ Act."

C.54:4-8.68a Eligibility determination, benefit payments.

21. The amendatory provisions of section 13 of P.L.2023, c.75 (C.54:4-8.67), modifying ownership requirements and income eligibility, shall be used to determine whether a person first becomes an eligible claimant on and after January 1, 2022, and the first payments to a claimant who establishes eligibility pursuant to the amendatory provisions of section 13 of P.L.2023, c.75 (C.54:4-8.67) shall be made beginning in calendar year 2024. The provisions of P.L.1997, c.348 (C.54:4-8.67 et al.) in effect immediately before the effective date of P.L.2023, c.75 (C.54:4-8.75a et al.) shall govern the determination of whether a person first becomes an eligible claimant on or before December 31, 2021. Benefit payments for a newly eligible claimant will begin in State fiscal year 2025, after there has been established a base year of eligibility.

22. There is appropriated from the General Fund to the Department of the Treasury:

a. the sum of \$2,000,000 for support of the task force established pursuant to section 18 of P.L.2023, c.75 (C.54:4-8.75o), including but not limited to the hiring of staff and the procurement of professional services; and

b. the sum of \$15,000,000 for marketing and outreach to inform eligible residents 65 years of age or older of the additional benefits available to eligible homestead owners and tenants on their principal residences pursuant to section 15 of P.L.2023, c.75 (C.54:4-8.61a).

23. This act shall take effect immediately and, with respect to Stay NJ property tax credits, first apply to the tax year quarter beginning January 1, 2026, or, if the Governor and the Legislature fail to enact legislation as required by section 19 of P.L.2023, c.75 (C.54:4-8.75p), the first tax year quarter beginning no less than six months following promulgation of the combined single application form.

Approved June 30, 2023.