

SENATE, No. 3967

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 15, 2023

Sponsored by:

Senator SAMUEL D. THOMPSON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Revises process of filing real property assessment appeals.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning real property assessment appeals and amending
2 various parts of the statutory law.

3

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

6

7 1. R.S.54:3-21 is amended to read as follows:

8 54:3-21. a. (1) Except as provided in subsection b. of this
9 section a taxpayer feeling aggrieved by the assessed valuation or
10 exempt status of the taxpayer's property or a taxing district which
11 may feel discriminated against by the assessed valuation or exempt
12 status of property in the taxing district, or by the assessed valuation
13 or exempt status of property in another taxing district in the county,
14 may on or before April 1, or 45 days from the date the bulk mailing
15 of notification of assessment is completed in the taxing district,
16 whichever is later, appeal to the county board of taxation by filing
17 with it a petition of appeal; provided, however, that any such
18 taxpayer or taxing district may on or before April 1, or 45 days
19 from the date the bulk mailing of notification of assessment is
20 completed in the taxing district, whichever is later, file a complaint
21 directly with the Tax Court, only if the [assessed valuation of the]
22 property subject to the appeal [exceeds \$1,000,000] is classified by
23 the assessor as Class 4 commercial property, industrial property, or
24 an apartment building or complex, and the property tax bill for the
25 prior tax year was \$50,000 or more. In a taxing district where a
26 municipal-wide revaluation or municipal-wide reassessment has
27 been implemented, a taxpayer or a taxing district may appeal before
28 or on May 1 to the county board of taxation by filing with it a
29 petition of appeal or[, if the assessed valuation of the property
30 subject to the appeal exceeds \$1,000,000,] by filing a complaint
31 directly with the State Tax Court only if the property subject to the
32 appeal is classified by the assessor as Class 4 commercial property,
33 industrial property, or an apartment building or complex, and the
34 property tax bill for the prior tax year was \$50,000 or more. Within
35 ten days of the completion of the bulk mailing of notification of
36 assessment, the assessor of the taxing district shall file with the
37 county board of taxation a certification setting forth the date on
38 which the bulk mailing was completed. If a county board of
39 taxation completes the bulk mailing of notification of assessment,
40 the tax administrator of the county board of taxation shall within ten
41 days of the completion of the bulk mailing prepare and keep on file
42 a certification setting forth the date on which the bulk mailing was
43 completed. A taxpayer shall have 45 days to file an appeal upon the
44 issuance of a notification of a change in assessment. An appeal to
45 the Tax Court by one party in a case in which the Tax Court has

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 jurisdiction shall establish jurisdiction over the entire matter in the
2 Tax Court. All appeals to the Tax Court hereunder shall be in
3 accordance with the provisions of the State Uniform Tax Procedure
4 Law, R.S.54:48-1 et seq.

5 If a petition of appeal or a complaint is filed on April 1 or during
6 the 19 days next preceding April 1, a taxpayer or a taxing district
7 shall have 20 days from the date of service of the petition or
8 complaint to file a cross-petition of appeal with a county board of
9 taxation or a counterclaim with the Tax Court, as appropriate.

10 (2) With respect to property located in a county participating in
11 the demonstration program established in section 4 of P.L.2013,
12 c.15 (C.54:1-104), a property located in a county operating under
13 the "Property Tax Assessment Reform Act," P.L.2009, c.118
14 (C.54:1-86 et seq.), or a property located in a county that has
15 adopted, by resolution, the provisions of section 1 of P.L.2018, c.94
16 (C.54:1-105), and except as provided in subsection b. of this
17 section, a taxpayer feeling aggrieved by the assessed valuation or
18 exempt status of the taxpayer's property or a taxing district which
19 may feel discriminated against by the assessed valuation or exempt
20 status of property in the taxing district, or by the assessed valuation
21 or exempt status of property in another taxing district in the county,
22 may on or before January 15, or 45 days from the date the bulk
23 mailing of notification of assessment is completed in the taxing
24 district, whichever date is later, appeal to the county board of
25 taxation by filing with it a petition of appeal; provided, however,
26 that any such taxpayer, or taxing district, may on or before April 1,
27 or 45 days from the date the bulk mailing of notification of
28 assessment is completed in the taxing district, whichever date is
29 later, file a complaint directly with the Tax Court, only if the
30 **【assessed valuation of the】** property subject to the appeal **【exceeds**
31 **\$1,000,000】** is classified by the assessor as Class 4 commercial
32 property, industrial property, or an apartment building or complex,
33 and the property tax bill for the prior tax year was \$50,000 or more.

34 If a petition of appeal is filed on January 15 or during the 19
35 days next preceding January 15, or a complaint is filed with the Tax
36 Court on April 1 or during the 19 days next preceding April 1, a
37 taxpayer or a taxing district shall have 20 days from the date of
38 service of the petition or complaint to file a cross-petition of appeal
39 with a county board of taxation or a counterclaim with the Tax
40 Court, as appropriate.

41 Within 10 days of the completion of the bulk mailing of
42 notification of assessment, the assessor of the taxing district shall
43 file with the county board of taxation a certification setting forth the
44 date on which the bulk mailing was completed. If a county board of
45 taxation completes the bulk mailing of notification of assessment,
46 the tax administrator of the county board of taxation shall within 10
47 days of the completion of the bulk mailing prepare and keep on file
48 a certification setting forth the date on which the bulk mailing was

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1 completed. A taxpayer shall have 45 days to file an appeal upon the
2 issuance of a notification of a change in assessment. An appeal to
3 the Tax Court by one party in a case in which the Tax Court has
4 jurisdiction shall establish jurisdiction over the entire matter in the
5 Tax Court. All appeals to the Tax Court hereunder shall be in
6 accordance with the provisions of the State Uniform Tax Procedure
7 Law, R.S.54:48-1 et seq.

8 b. No taxpayer or taxing district shall be entitled to appeal
9 either an assessment or an exemption or both that is based on a
10 financial agreement subject to the provisions of the "Long Term
11 Tax Exemption Law" under the appeals process set forth in
12 subsection a. of this section.

13 c. In the case of a municipality located in a county wherein the
14 county board of taxation is participating in the demonstration
15 program established in section 4 of the "Real Property Assessment
16 Demonstration Program," P.L.2013, c.15 (C.54:1-104), absent good
17 cause, a property owner shall not be entitled to appeal an
18 assessment on a parcel of real property if the assessor's or the
19 county board of taxation's request to internally inspect the property ,
20 made after the appeal is filed, has been refused by the property
21 owner.

22 (cf: P.L.2021, c.136, s.2)

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24 2. R.S.54:51A-9 is amended to read as follows:

25 54:51A-9. a. Except as otherwise provided in this section, a
26 complaint seeking review of adjudication or judgment of the county
27 board of taxation shall be filed within 45 days of the service of the
28 judgment.

29 b. Direct appeals to the Tax Court of assessments of real
30 property [with an assessed valuation in excess of \$750,000.00] that
31 is classified by the assessor as Class 4 commercial property,
32 industrial property, or an apartment building or complex, that had a
33 property tax bill in the prior tax year of \$50,000 or more, as
34 provided in R.S.54:3-21, shall be filed on or before April 1 of the
35 tax year or 45 days from the date the bulk mailing of notifications
36 of assessment is completed for the taxing district, whichever is
37 later, or with regard to added or omitted assessments, on or before
38 December 1 of the year of levy, or 30 days from the date the
39 collector of the taxing district completes the bulk mailing of tax
40 bills for added assessment or omitted assessments, whichever is
41 later.

42 c. All real property tax cases not provided for herein shall be
43 taken in the manner and time prescribed for such appeals by the
44 rules of the Tax Court.

45 (cf: P.L.1999, c.208, s.17)

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47 3. (New section) The Director of the Division of Taxation in the
48 Department of the Treasury, not later than the 90th day next

1 following the enactment of this act and pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), shall promulgate any new rule or regulation, or revise any
4 existing rule or regulation, as may be necessary to effectuate the
5 provisions of this act.

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7 4. This act shall take effect immediately.

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STATEMENT

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12 This bill would revise the criteria for filing a tax appeal directly
13 with the Tax Court.

14 Under current law, a property taxpayer whose property has an
15 assessed valuation of \$1,000,000 or more can file a tax appeal
16 directly with the Tax Court. This bill would permit a taxpayer to
17 file a tax appeal directly with the Tax Court only if the property is
18 classified by the assessor as Class 4 commercial property,
19 industrial, property, or an apartment building or complex, that had a
20 property tax bill in the prior tax year of \$50,000 or more.
21 Effectively, this bill will result in more tax appeals being filed with
22 the county boards of taxation, of which there is one in each county
23 of the State. If a taxpayer does not agree with a determination of
24 the county board of taxation, the taxpayer is permitted to appeal the
25 board's decision to the Tax Court.