

**ASSEMBLY CONCURRENT
RESOLUTION No. 158**

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Assemblyman MICHAEL INGANAMORT

District 24 (Morris, Sussex and Warren)

Assemblywoman DAWN FANTASIA

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Proposes constitutional amendment to align income cap for senior and individual with disability property tax deduction with federal poverty guidelines beginning in 2027 and eliminate cap on certain benefits to qualify for deduction.

CURRENT VERSION OF TEXT

As introduced.



1 A CONCURRENT RESOLUTION proposing to amend Article VIII,
2 Section I, paragraph 4 of the Constitution of the State of New
3 Jersey.

4
5 BE IT RESOLVED *by the General Assembly of the State of New*
6 *Jersey (the Senate concurring):*

7
8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

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11 PROPOSED AMENDMENT

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13 Amend Article VIII, Section I, paragraph 4 to read as follows:

14 4. The Legislature may, from time to time, enact laws granting
15 an annual deduction, from the amount of any tax bill for taxes on
16 the real property, and from taxes attributable to a residential unit in
17 a cooperative or mutual housing corporation, of any citizen and
18 resident of this State of the age of 65 or more years, or any citizen
19 and resident of this State less than 65 years of age who is
20 permanently and totally disabled according to the provisions of the
21 Federal Social Security Act, residing in a dwelling house owned by
22 him which is a constituent part of such real property, or residing in
23 a dwelling house owned by him which is assessed as real property
24 but which is situated on land owned by another or others, or
25 residing as tenant-shareholder in a cooperative or mutual housing
26 corporation, but no such deduction shall be in excess of \$160.00
27 with respect to any year prior to 1981, \$200.00 per year in 1981,
28 \$225.00 per year in 1982, and \$250.00 per year in 1983 and any
29 year thereafter and such deduction shall be restricted to owners
30 having an income not in excess of \$5,000.00 per year with respect
31 to any year prior to 1981, \$8,000.00 per year in 1981, \$9,000.00 per
32 year in 1982, **[and]** \$10,000.00 per year in 1983 **[and any year]**
33 through 2026. For each year thereafter, the income limitation shall
34 be annually updated to align with the federal poverty guidelines.
35 The Legislature shall prescribe by law the federal poverty
36 guidelines to be used in determining the income limitation. The
37 income of a citizen and resident shall be exclusive of benefits under
38 any one of the following:

39 a. The Federal Social Security Act and all amendments and
40 supplements thereto;

41 b. Any other program of the federal government or pursuant to
42 any other federal law which provides benefits in whole or in part in
43 lieu of benefits referred to in, or for persons excluded from
44 coverage under, a. hereof including but not limited to the Federal

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 Railroad Retirement Act and federal pension, disability and
2 retirement programs; or

3 c. Pension, disability or retirement programs of any state or its
4 political subdivisions, or agencies thereof, for persons not covered
5 under a. hereof **】**; provided, however, that the total amount of
6 benefits to be allowed exclusion by any owner under b. or c. hereof
7 shall not be in excess of the maximum amount of benefits payable
8 to, and allowable for exclusion by, an owner in similar
9 circumstances under a. hereof**】**.

10 The surviving spouse of a deceased citizen and resident of the
11 State who during his or her life received a deduction pursuant to
12 this paragraph shall be entitled, so long as he or she shall remain
13 unmarried and a resident of the same dwelling house situated on the
14 same land with respect to which said deduction was granted, to the
15 same deduction, upon the same conditions, with respect to the same
16 real property or with respect to the same dwelling house which is
17 situated on land owned by another or others, or with respect to the
18 same cooperative or mutual housing corporation, notwithstanding
19 that said surviving spouse is under the age of 65 and is not
20 permanently and totally disabled, provided that said surviving
21 spouse is 55 years of age or older.

22 Any such deduction when so granted by law shall be granted so
23 that it will not be in addition to any other deduction or exemption,
24 except a deduction granted under authority of paragraph 3 of this
25 section, to which the said citizen and resident may be entitled, but
26 said citizen and resident may receive in addition any homestead
27 rebate or credit provided by law. The State shall annually reimburse
28 each taxing district in an amount equal to one-half of the tax loss to
29 the district resulting from the allowance of tax deductions pursuant
30 to this paragraph.

31 (cf: Art.VIII, Sec.I, par.4, effective December 8, 1988)

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33 2. When this proposed amendment to the Constitution is finally
34 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
35 shall be submitted to the people at the next general election
36 occurring more than three months after the final agreement and
37 shall be published at least once in at least one newspaper of each
38 county designated by the President of the Senate, the Speaker of the
39 General Assembly and the Secretary of State, not less than three
40 months prior to the general election.

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42 3. This proposed amendment to the Constitution shall be
43 submitted to the people at that election in the following manner and
44 form:

45 There shall be printed on each official ballot to be used at the
46 general election, the following:

47 a. In every municipality in which voting machines are not used, a
48 legend which shall immediately precede the question as follows:

1 If you favor the proposition printed below make a cross (X), plus
2 (+), or check (✓) in the square opposite the word "Yes." If you are
3 opposed thereto make a cross (X), plus (+) or check (✓) in the
4 square opposite the word "No."
5 b. In every municipality the following question:
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		CONSTITUTIONAL AMENDMENT TO MODIFY INCOME ELIGIBILITY FOR SENIOR AND INDIVIDUAL WITH DISABILITY PROPERTY TAX DEDUCTION Do you approve amending the State Constitution to change the income cap each year for the senior and individual with a disability property tax deduction? This amendment aligns the income cap with the federal poverty guidelines. Do you also approve amending the Constitution to fully exclude certain benefits from the income cap? A person who is at least 65 or is an individual with a disability may receive a \$250 property tax deduction. Currently, those persons with income of \$10,000 or less per year receive the deduction. This amendment requires the income cap to be changed each year to align with the federal poverty guidelines. The Legislature would pass a law to determine how the federal poverty guidelines are used. Currently, there is a limit on how much of a person's retirement or disability benefits can be excluded from the person's income. This amendment removes that limit. These benefits would be fully excluded from the income limit.
	YES	

		INTERPRETIVE STATEMENT This amendment changes the income cap for the senior and individual with a disability property tax deduction to align with the federal poverty guidelines. The amendment also fully excludes certain benefits from the income cap. Currently, a person who is at least 65 or is an individual with a disability may receive a \$250 property tax deduction. The person is required to be a citizen and resident of the State. The person is also required to have income of \$10,000 or less per year to receive the deduction. This amendment changes the current income cap of \$10,000. After 2026, the amendment requires the income cap to be changed each year to align with the federal poverty guidelines. The federal poverty guidelines are a measure of poverty issued each year by the federal government. They are used to determine eligibility for some State and federal assistance programs. The federal poverty guidelines include poverty levels for different household sizes. The amendment requires a law to clarify which guidelines are used to determine the income cap. Currently, a limited amount of certain retirement and disability benefits are excluded from the income cap. They are excluded up to the amount of the highest Social Security benefit. This amendment fully excludes those benefits from the income cap. This allows more people to claim the deduction.
	NO	

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STATEMENT

This concurrent resolution proposes to amend the New Jersey Constitution to require the income limitations for the senior and individual with a disability property tax deduction to be annually adjusted, beginning in 2027, to align with the federal poverty guidelines for each year. The concurrent resolution also proposes to eliminate the cap on certain benefits for purposes of qualifying for the deduction.

1 The State Constitution authorizes a \$250 property tax deduction
2 for certain individuals who are 65 or more years of age or are
3 individuals with a disability. For the purposes of this deduction, an
4 individual has a disability if the individual is permanently and
5 totally disabled according to the provisions of the Federal Social
6 Security Act. Eligibility for the deduction also depends upon
7 whether an individual's annual income exceeds an income
8 limitation.

9 Currently, an individual is eligible for the deduction if the
10 individual has annual income of \$10,000 or less. The income
11 limitation was last increased by voter approval of a constitutional
12 amendment in 1980.

13 Under the State Constitution, certain government pension,
14 disability, and retirement benefits provided in lieu of social security
15 do not count as income for the purposes of this \$10,000 limit.
16 These benefits are only excluded from income up to the maximum
17 social security benefit amount. Therefore, if these benefits exceed
18 the maximum social security benefit amount, the excess amount
19 currently counts toward the \$10,000 limit.

20 This concurrent resolution proposes to annually change the
21 income limitation to align with the federal poverty guidelines for
22 each year after 2026. The resolution requires the Legislature to
23 prescribe by law the federal poverty guidelines to be used in
24 determining the income limitation.

25 The federal poverty guidelines are a poverty measure issued each
26 year by the federal Department of Health and Human Services
27 based on the annual percentage increase in the Consumer Price
28 Index (CPI). The CPI is a widely used method of measuring
29 inflation and is an expression of the average change over time in the
30 prices paid by certain consumers for the purchase of certain goods
31 and services.

32 The states and federal government determine financial eligibility
33 for various assistance programs in part by referring to the federal
34 poverty guidelines.

35 In addition, this concurrent resolution proposes to lift the limit
36 on exclusions of certain government pension, disability, and
37 retirement benefits provided in lieu of social security from the
38 \$10,000 income limitation. Accordingly, the resolution allows an
39 eligible individual to receive benefits greater than the maximum
40 social security benefit amount and still be eligible for the \$250
41 property tax deduction, provided the individual does not have other
42 income exceeding \$10,000.