

CHAPTER 106

AN ACT concerning benefits under the NJ SAVER and amending P.L.1999, c.63.

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

1. Section 4 of P.L.1999, c.63 (C.54:4-8.58b) is amended to read as follows:

C.54:4-8.58b NJ SAVER rebate, amount; eligibility; conditions.

4. a. A resident of this State who has paid property taxes for the tax year on a homestead that is owned as such, who has filed an application for an NJ SAVER rebate pursuant to the provisions of P.L.1999, c.63 (C.54:4-8.58a et al.), shall be allowed an NJ SAVER rebate in the amount determined by the director pursuant to this section. The amount of the NJ SAVER rebate shall be equal to the product of (1) the NJ SAVER property value amount, multiplied by (2) the NJ SAVER school tax rate for the municipality in which the claimant maintains the homestead for which the claimant has paid property taxes for the tax year; provided however, that the NJ SAVER rebate amount for the 1998 tax year to be paid on or before September 30, 1999 shall be 20% of the amount otherwise determined, the NJ SAVER rebate amount for the 1999 tax year to be paid on or before September 30, 2000 shall be 40% of the amount otherwise determined, and the NJ SAVER rebate amount for the 2000 tax year to be paid on or before September 30, 2001 shall be 83 1/3 % of the amount otherwise determined.

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

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

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

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

2. This act shall take effect immediately.

Approved June 18, 2001.