

## CHAPTER 207

**AN ACT** requiring that senior and disabled property taxpayers be allowed to make installment payments to repay amounts overpaid by the State for homestead credits and homestead property tax reimbursement, amending P.L.1999, c.63 and P.L.1997, c.348.

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

1. Section 15 of P.L.1999, c.63 (C.54:4-8.66b) is amended to read as follows:

C.54:4-8.66b Erroneous rebates or credits, installment payments for senior, disabled property taxpayers.

15. a. Except as provided in subsection b. of this section, a person who receives a homestead rebate or 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 rebate or 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 a notice from the director pursuant to this section, shall within 45 days after receiving that notice, be permitted to enter into an installment payment agreement for a reasonable period of time that will enable the person to completely satisfy the amount paid in error and without the assessment of interest thereon.

2. Section 16 of P.L.1999, c.63 (C.54:4-8.66c) is amended to read as follows:

C.54:4-8.66c Recovery of rebates, credits.

16. Except for an installment payment agreement permitted pursuant to subsection b. of section 15 of P.L.1999, c.63 (C.54:4-8.66b), a homestead rebate or credit paid as a result of misrepresentation or paid in error and any penalties and interest as 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 a State tax in accordance with the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

3. Section 3 of P.L.1997, c.348 (C.54:4-8.70) is amended to read as follows:

C.54:4-8.70 Filing of application for homestead property tax reimbursement.

3. An application for a homestead property tax reimbursement hereunder shall be filed with the director annually on or before June 1 of the year following the year for which the claim is being made and shall reflect the prerequisites for a homestead property tax reimbursement on December 31 of the tax year for which the claim is being made; provided, however, that the director may, by rule, designate a later date as the date by which the application shall be filed or waive the requirement for filing an annual application for any year or years subject to any limitations and conditions the director may deem appropriate. The application shall be on a form prescribed by the director and provided for the use of applicants hereunder. Each applicant making a claim for a homestead property tax reimbursement under this act shall provide, if required by the director, to the director a copy

of his or her current year property tax bill or current year site fee bill on the homestead constituting that person's principal residence and a copy of his or her property tax bill for the base year or site fee bill for the base year on the same homestead, or other equivalent proof as permitted by the director.

It shall be the duty of every eligible claimant to inform the director of any change in his or her status or homestead which may affect his or her right to continuance of the homestead property tax reimbursement.

If an eligible claimant receives an additional homestead property tax reimbursement to which the claimant was not entitled or greater than the reimbursement to which the claimant was entitled, the director shall permit the claimant to enter into an installment payment agreement for a reasonable period of time that will enable the claimant to completely satisfy the amount of the reimbursement paid to which the claimant was not entitled. If the claimant does not enter into an installment payment agreement, the director may, in addition to all other available legal remedies, offset such amount against a gross income tax refund or amount due pursuant to P.L.1990, c.61.

4. This act shall take effect immediately.

Approved August 7, 2017.