

BOROUGH OF ALLENDALE

PUBLIC NOTICE

ORDINANCE 20-16 - AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 237, ARTICLE I ENTITLED PROPERTY TAX REFUNDS FOR DISABLED VETERANS

was introduced at the Regular Meeting of the Mayor and Council of the Borough of Allendale, in the County of Bergen, New Jersey, held on Thursday, October 8, 2020 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey on Thursday, October 22, 2020 at 8:00 P.M. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement of this ordinance is to amend, in its entirety, Chapter 237, Article I of the Code of the Borough of Allendale entitled "Property Tax Refunds for Disabled Veterans" to update the Borough's qualification requirements and the terms by which the Borough may grant an exemption as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 9:00 a.m. and 4:30 p.m. at the Office of the Municipal Clerk, 500 West Crescent Avenue, Allendale, New Jersey.

Michelle Ryan
Acting Municipal Clerk

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE 20-16

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 237,
ARTICLE I ENTITLED PROPERTY TAX REFUNDS FOR DISABLED VETERANS**

BE IT ORDAINED by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 237, Article I of the Code of the Borough of Allendale entitled "Property Tax Refunds for Disabled Veterans" be and hereby is amended, supplemented and revised in its entirety to read as follows:

§ 237-1 Statutory Requirements.

WHEREAS, N.J.S.A.54:4-3.30 permits a veteran who is declared by the United States Veteran's Administration or its successor to be 100% permanently disabled to receive a real property tax exemption for their dwelling house and lot; and

WHEREAS, N.J.S.A.54:4-3.31 explicitly states that upon written claim made and accepted by the tax assessor for the municipality, the exemption shall be placed upon the tax rolls, and that such exemption shall be allowed and prorated by the assessor for the remainder of any taxable year from the date the written claim has been made and accepted by the tax assessor; and

WHEREAS, N.J.S.A. 54:4-3.32 permits the governing body of each municipality to refund all taxes collected on property which would have been exempt had proper claim in writing been made pursuant to N.J.S.A.54:4-3.30; and

WHEREAS, it is appropriate for the Borough to adopt a uniform policy regarding the refund of taxes paid prior to the written claim being made pursuant to N.J.S.A.54:4-3.30; and

WHEREAS, recognizing that there could be a delay in the time period for when the veteran is deemed 100% disabled by the United State Veteran's Administration and the time period in which application for such exemption is made which could dramatically affect the amount of said refund being requested; and

WHEREAS, although the special status afforded to veterans in this scenario is recognized, the financial affairs of the municipality must also be taken into account and it is further recognized that there may be a new generation of veteran's seeking such exemptions from Operation's around the world; and

WHEREAS, upon recommendation from the Tax Assessor, the Mayor and Council have determined that it is in the best interest of the municipality to adopt a uniform policy surrounding such requests for refunds pursuant to N.J.S.A.54:4-3.32; and

WHEREAS, such a uniform policy adopted hereby has been upheld by the Court in Salvatore Del Prior v. Edison Township 26 N.J. Tax 502 (2012).

§ 237-1 Policy.

Totally Disabled Veteran's and Surviving Spouse Tax Exemption

The Borough will allow for either a veteran or surviving spouse of a veteran to obtain municipal property tax relief upon proper claim pursuant to N.J.S.A. 54:4-30 et seq. An eligible veteran shall be defined as a member of the armed forces who was either honorably discharged or released under honorable circumstances from active service, in time of war, in any branch of the

Armed Forces of the United States, who has been or shall be declared by the United States Veteran's Administration or its successor to have a service connected disability and to be determined to be 100% permanently disabled.

In order to qualify for the municipal tax exemption, the veteran or someone on his/her behalf, under oath, must file a written claim with the Tax Assessor's office. The Tax Assessor's office will supply the applicant with the appropriate paperwork and the applicant will be required to provide the Tax Assessor's office with the following information:

- Reason for exemption;
- A description of the property for which the exemption is claimed;
- A certificate of claimant's honorable discharge or release under honorable circumstances from active service, in time of war and a certificate/letter from the United States Veteran's Administration or its successors, certifying to a service-connected disability;
- Any other documentation as required by statute at the time the application is made.

In order for a surviving spouse of a veteran to qualify for the municipal tax exemption, the spouse, under oath, must file a written claim with the Tax Assessor's office. The Tax Assessor's office will supply the surviving spouse with the appropriate paperwork and the applicant will be required to provide the Tax Assessor's office with the following information:

- Proof to establish that the spouse is the owner of legal title to the premises on which the exemption is made;
- That the claimant occupies the dwelling house on said premises as the claimant's legal residence in the State of New Jersey;
- That the veteran has been declared by the United States Veteran's Administration, or its successor, to have a service-connected disability or that the veteran shall have been declared to have die in active service in time of war;
- That the veteran is or would have been entitled to the exemption at the time of death;
- The claimant is a resident of the State of New Jersey and has not remarried.

In determining a grant of a municipal tax exemption under this section, the Borough will pro-rate the exemption for the remainder of the year in which application is made from the date the application is submitted to the Borough of Allendale Tax Assessor. There shall be no further retroactive refund granted, regardless of the disability date determination of the United States Veteran's Administration.

BE IT FURTHER ORDAINED, that is any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect as required by law.

| | Motion | Second | Yea | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Homan | | ✓ | ✓ | | | |
| O'Connell | | | ✓ | | | |
| O'Toole | ✓ | | ✓ | | | |
| Sasso | | | ✓ | | | |
| Strauch | | | ✓ | | | |
| Wilczynski | | | ✓ | | | |
| Bernstein | | | | | | |

I hereby certify that the foregoing is a true copy of an ordinance introduced by the Mayor and Council of the Borough of Allendale on October 8, 2020

Michelle Ryan
Acting Borough Clerk