

CLAIM FOR REAL PROPERTY TAX DEDUCTION ON DWELLING HOUSE OF QUALIFIED NEW JERSEY RESIDENT SENIOR CITIZEN, DISABLED PERSON, OR SURVIVING SPOUSE/SURVIVING CIVIL UNION PARTNER

(N.J.S.A. 54:4-8.40 et seq.; L.1963 c.172 as amended) (N.J.A.C. 18:14-1.1 et seq.); Civil Union Act PL 2006, c.103, effective 2/19/07

IMPORTANT File this completed claim with your municipal tax assessor or collector. (See instructions on reverse.)

1. CLAIMANT NAME

Name(s) of claimant owner(s) permanently residing in dwelling house.

2. DWELLING LOCATION

Street Address of resident owner claimant's dwelling. (Unit # if Co-op)

County & Municipality

Block / Lot / Qualifier

3. YEAR OF DEDUCTION This deduction is claimed for the tax year (indicate tax year).

4. CITIZEN & RESIDENT (Complete A & B)

- A. I was a citizen of New Jersey as of October 1 of the pretax year, i.e., the year prior to the tax year for which deduction is claimed; and  
B. I was also a legal or domiciliary resident of New Jersey for at least one year immediately prior to October 1 pretax year. See instructions 2 & 3.

5. OWNER & OCCUPANT

I (my spouse/civil union partner and I, as tenants by entirety), solely owned, held title to above identified dwelling occupied as my (our) principal or permanent residence as of October 1 of the pretax year. See instructions 4 & 5.

\*\*Complete 5a only if partial owners

5a. Name of part owner % ownership interest in property

\*\*Complete 5b only if resident-tenant shareholder in Cooperative or Mutual Housing Corporation

5b. Corporation Name of Cooperative or Mutual Housing

Co-op/M.H. Corp. Street Address Municipality State

\$ Co-op

Net Property Tax Amount for Unit Mutual Housing Corp.

6. ANNUAL INCOME LIMIT (must be reaffirmed by March 1 following year for which deduction was given.)

During the tax year for which the deduction is claimed, I reasonably anticipate that my annual income (and that of my spouse/civil union partner combined) will not exceed \$10,000 after a permitted exclusion of Social Security Benefits, or Federal Government Retirement/Disability Pension, or State, County, Municipal Government and their political subdivisions and agencies Retirement/Disability Pension. See instructions 6 & 8.

7. BIRTH DATE MARITAL/CIVIL UNION STATUS

- A. Date of Birth  
B. Single Married/Civil Union Partner Surviving Spouse/Surviving Civil Union Partner  
Legally Separated/Divorced/Dissolutioned

8. SENIOR OR DISABLED CITIZEN OR SURVIVING SPOUSE/SURVIVING CIVIL UNION PARTNER

(Choose A, B, or C)

- A. I was age 65 or more years as of December 31, of the year prior to tax year for which deduction is claimed.  
B. I was permanently and totally disabled and unable to be gainfully employed as of December 31 of the year prior to the tax year. ATTACH PHYSICIAN'S OR SOCIAL SECURITY DISABILITY OR NEW JERSEY COMMISSION FOR BLIND CERTIFICATE.  
C. I was a surviving spouse/surviving civil union partner as of October 1 of the year prior to the tax year and have not remarried/entered into a new civil union partnership. I was age 55 or more as of December 31 of the year prior to the tax year and at time of my spouse's/civil union partner's death. \*\*My deceased spouse/civil union partner at his or her death was receiving a senior citizen's property tax deduction or a permanently and totally disabled person's property tax deduction.

9. REAL PROPERTY TAX DEDUCTION OTHER DWELLING I (and my spouse/civil union partner) did not receive a senior or disabled citizen or surviving spouse/civil union partner (if applicable) property tax deduction on another dwelling for the same tax year except on my (our) former home identified below where I (we) resided from month/year to month/year.

Street Address Municipality

I certify the above declarations are true to the best of my knowledge and belief and understand they will be considered as if made under oath and subject to penalties for perjury if falsified.

Signature of Claimant Date

OFFICIAL USE ONLY -Block Lot Approved in amount of \$

Age Disability Surviving Spouse/Surviving Civil Union Partner of senior citizen or disabled person

Assessor Date

Collector Date



## GENERAL INSTRUCTIONS

1. **APPLICATION FILING PERIOD** - File this form with the municipal tax assessor from October 1 through December 31 of the pretax year, i.e., the year prior to the calendar tax year or with the municipal tax collector from January 1 through December 31 of the calendar tax year. For example, for a property tax deduction claimed for calendar tax year 2007, the pretax year filing period would be October 1 - December 31, 2006 with the assessor and the tax year filing period would be January 1 - December 31, 2007 with the collector.
2. **ELIGIBILITY DATES** - Eligibility for the property tax deduction is established in the year prior to the calendar tax year for which the deduction is claimed as follows:
  - New Jersey Citizenship as of October 1 pretax year
  - Property Ownership as of October 1 pretax year
  - Residence in New Jersey and in Dwelling House as of October 1 pretax year and
  - Residence in New Jersey for 1 year immediately prior to October 1 pretax year
  - Senior Citizen Age 65 or more as of December 31 pretax year
  - Permanent and Total Disability as of December 31 pretax year
  - Surviving Spouse/Surviving Civil Union Partner Age 55 or more as of December 31 pretax year and at the time of spouse's/civil union partner's death
3. **CITIZEN & RESIDENT DEFINED** - United States Citizenship is not required. Resident for purposes of this deduction means a claimant who was legally domiciled in New Jersey for one year immediately prior to October 1 of the pretax year. Domicile is the place you regard as your permanent home - the place you intend to return to after a period of absence. You may have only one legal domicile even though you may have more than one residence. Seasonal or temporary residence in this State, of whatever duration, does not constitute domicile. Absence from the State for a 12 month period is prima facie evidence of abandonment of domicile.
4. **RESIDENCE IN DWELLING HOUSE DEFINED** - Residence in the dwelling house means the dwelling where a claimant makes his principal or permanent home. Vacation, summer or second homes do not qualify. Only one deduction may be received per principal residence regardless of the number of qualified claimants residing on the premises.
5. **TENANCY BY ENTIRETY DEFINED** - Tenancy by Entirety means ownership of real property by both husband and wife or civil union partners, as a single ownership, in joint title acquired after marriage/civil union partnership.
6. **INCOME DEFINED & LIMITED** -
  - a.) The income period is the same tax year as the tax year for which a deduction is claimed.
  - b.) A claimant must reasonably anticipate that income received during the tax year, including income of the claimant's spouse/civil union partner, will not exceed \$10,000. Income of claimant's family members, other than spouse/civil union partner, should not be included as annual income.
  - c.) Income means all income received from whatever source derived including, but not limited to, salaries, wages, bonuses, commissions, tips, and other compensations before payroll deductions, all dividends, interest, realized capital gains, royalties, income from rents, business income, and in their entirety, pension, annuity and retirement benefits. Realized capital gains, except for capital gain from the sale or exchange of real property owned and used by the claimant as his principal residence, dividends, interest, pensions, annuities and retirement benefits must be included in full without deductions even though they may be wholly or partially exempt for Federal income tax purposes.

**EXCLUDABLE INCOME**\*\*Income can be excluded under ONE of the following three categories: Social Security Benefits or Federal Government Retirement/Disability Pension including Federal Railroad Retirement Benefits or State, County, Municipal Government and their political subdivisions and agencies Retirement/Disability Pension.

**NOTE: In accordance with the Civil Union Act, eligibility guidelines that apply to married couples and surviving spouses apply equally to civil union couples and surviving civil union partners.**
7. **DOCUMENTARY PROOFS REQUIRED** - Each assessor and collector may require such proofs necessary to establish claimant's deduction entitlement and photocopies of any documents should be attached to this form as part of application record. For example: AGE may be verified by birth certificate, baptismal record, family Bible, census record, marriage certificate, court record, Social Security record, military record or discharge, immigration document, insurance policy, DISABILITY may be verified by physician's certificate, Social Security document, New Jersey Commission for Blind certificate. SURVIVING SPOUSE/SURVIVING CIVIL UNION PARTNER by death certificate of decedent. OWNERSHIP by deed, executory contract for property purchase, last will and testament. RESIDENCY by New Jersey driver's license, motor vehicle registration, voter's registration, State tax return.
8. **ANNUAL POST-TAX YEAR INCOME STATEMENT REQUIRED** - On or before March 1 of the year immediately following the tax year for which deduction was claimed or received, a claimant must file a Post-Tax Year Income Statement, Form PD5, confirming that annual income for the tax year did not exceed the \$10,000 limit and that anticipated annual income for the current year will not exceed that limit and that all other eligibility prerequisites continue to be met. For example, the Post-Tax Year Income Statement filed by March 1, 2008 supports the claim for deduction for tax year 2007 by confirming 2007 income. Anticipated income would refer to income received in tax year 2008 for the 2008 deduction. IF THIS INCOME STATEMENT IS NOT TIMELY FILED, DEDUCTION WILL BE DISALLOWED AND CLAIMANT WILL BE BILLED FOR THE DEDUCTION AMOUNT.
9. **APPEALS** - A claimant may appeal any unfavorable determination by the assessor or collector to the County Board of Taxation annually on or before April 1.

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**ANNUAL POST-TAX YEAR INCOME STATEMENT OF QUALIFIED NEW JERSEY RESIDENT SENIOR CITIZEN, DISABLED PERSON, OR SURVIVING SPOUSE/SURVIVING CIVIL UNION PARTNER REQUIRED TO CONTINUE RECEIPT OF REAL PROPERTY TAX DEDUCTION ON DWELLING HOUSE (N.J.S.A. 54:4-8.40 et seq.; L. 1963, c. 172 as amended) (N.J.A.C. 18:14-1.1 et seq.) P.L. 2006, Chapter 103, the Civil Union Act, effective February 19, 2007.**

This INCOME STATEMENT must be filed with the municipal tax collector timely by March 1 annually or it will result in loss of the deduction and you will be billed for the deducted amount.

**SEE REVERSE SIDE  
FOR INSTRUCTIONS**

1.	NAMES OF REAL PROPERTY TAX DEDUCTION RECIPIENT(S)
A)	
B)	
CLAIMANT'S SS# AND SPOUSE'S/CIVIL UNION PARTNER'S SS# if applicable	
Claimant's Social Security #	
Spouse's/Civil Union Partner's Social Security #	

**2. LOCATION OF CLAIMED DWELLING HOUSE**

Municipality of:		County of:	
Street Address or Unit Number:			
Parcel Key:	Block:	Lot:	Qualifier:
Name and Address of Cooperative or Mutual Housing Corporation, if applicable:			

**3. CONFIRMATION OF INCOME FOR TAX YEAR FOR WHICH DEDUCTION WAS GRANTED**

I declare and confirm that the total annual income I (and my spouse/civil union partner combined) received from all sources after permitted income exclusion, during the previous calendar tax year: \_\_\_\_\_ (year)  
☐ DID NOT exceed \$10,000.    ☐ DID exceed \$10,000.    See Reverse Side for Definition of Income and Excludable Income Defined

**4. ESTIMATION OF ANTICIPATED INCOME FOR CURRENT TAX YEAR**

I reasonably anticipate that the total annual income I (and my spouse/civil union partner combined) will receive from all sources, after permitted income exclusion, during the current calendar tax year \_\_\_\_\_ (year)  
☐ WILL NOT exceed \$10,000.    ☐ WILL exceed \$10,000.

**5. REAFFIRMATION OF ELIGIBILITY**

- ☐ I reaffirm that all information provided on the initial CLAIM FORM PTD concerning New Jersey domicile or legal residence, principal residence in and ownership of the above identified dwelling house as of October 1 pretax year, i.e., the year prior to the calendar tax year, as well as personal data; i.e., age, disability, marital/civil union status as previously filed with the municipal tax assessor and/or collector is true and accurate and remains unchanged except as listed below.\*
- CHOOSE A, B, or C.
- A. ☐ As a surviving spouse/surviving civil union partner, I have not remarried/entered into a new civil union partnership.
- B. ☐ As a permanently and totally disabled person, I also reaffirm that my disability status has not changed.
- C. ☐ I initially applied as a senior citizen, age 65 or more.

\*List below any changes in domicile, residence or occupancy, ownership, marital/civil union status, disablement etc.; if none, state "none":

I certify the above declarations are true to the best of my knowledge and belief and understand they will be considered as if made under oath and subject to penalties for perjury if falsified. I authorize the State of New Jersey, Division of Taxation to conduct a review of my Federal and State Income Tax and any income/eligibility data provided for other property tax benefits in order to verify my eligibility for the senior citizen/disabled person/surviving spouse/civil union partner property tax deduction.

Signature of Claimant

Date

**WARNING**

Failure to timely file this statement with the collector or to submit proof of income as he or she requires OR where annual income exceeds the statutory limit will result in disallowance of the previously granted deduction or jeopardize its continuation. Disallowed deductions must be repaid on or before June 1 of the post-tax year or become delinquent, a lien on the property and a personal debt of the claimant.

OFFICIAL  
USE  
ONLY

- ☐ Approved
- ☐ Disapproved

Signature of Collector

Date



FORM PD5

GENERAL INSTRUCTIONS

1. **FILING PROCEDURE** - On or before March 1 of the post-tax year, deduction recipients **MUST** file this Income Statement with the municipal tax collector to confirm that annual income for the preceding tax year did not exceed the \$10,000 limit, after permitted income exclusion, and that anticipated income for the current tax year will not exceed \$10,000. Deduction recipients must also confirm that all other eligibility conditions continue to be met.
2. **APPLICABLE INCOME PERIOD** - The income period is the same tax year as the tax year for which the deduction was claimed or received. For example, an Annual Post-Tax Year Statement to be filed on or before March 1, 2011 should support the deduction claim for tax year 2010 by confirming actual 2010 income. It should also support the current deduction claim for tax year 2011 by estimating 2011 anticipated income.
3. **EXTENSION OF TIME FOR FILING THIS INCOME STATEMENT** - Where illness or medical problem, as certified by a physician's statement, prevents timely filing of the Annual Post-Tax Year Income Statement the collector may at his or her discretion grant a reasonable extension of time to file but no later than May 1 of the post-tax year.
4. **INCOME DEFINED** - **N.J.S.A. 54:4-8.40(a)** defines "income" as all income from whatever source derived including, but not limited to, realized capital gains except for a capital gain resulting from the sale or exchange of real property owned and used by the taxpayer as his principal residence...and, in their entirety, pension, annuity and retirement benefits.
- N.J.A.C. 18:14-1.1** defines "income" as salaries, wages, bonuses, commissions, tips and other compensations before payroll deductions, all dividends, interest, realized capital gains, royalties, income from rents, business income and, in their entirety, pension, annuity and retirement benefits. Realized capital gains, except for capital gain resulting from the sale or exchange of real property owned and used by the taxpayer as his principal residence,...and dividends, interest, pensions, annuities and retirement benefits must be included in full without deductions even though they may be wholly or partially exempt for Federal income tax purposes.
- N.J.A.C. 18:14-1.1** further defines "business income" as gross income derived from a business, trade, profession or the rental of property after deductions of the ordinary and necessary expenses of the business, trade, profession or rental of property allowed under the Federal Internal Revenue Code and regulations.
- "Disability benefits," the New Jersey Constitution and statutes are silent on the subject of disability income other than those disability benefits received under a Federal, State, or Political Subdivision program which are excludable only to the extent of the maximum benefit received under the Federal Social Security Act. Therefore, any other disability income received should be evaluated for inclusion or exclusion based on its proper treatment for Federal Income Tax purposes.
- "Married/civil union person's income," income received by the applicant and spouse/civil union partner is combined in establishing eligibility for the property tax deduction unless they are living separately. **N.J.S.A. 54:4-8.41** provides, in part, income of a married/civil union person includes an amount equal to the income of the spouse/civil union partner during the applicable income year, except for that portion of the year as the two were living apart in a state of separation, whether under judicial decree or otherwise.
- N.J.A.C. 18:14-1.1** also provides income of claimant's family members other than a spouse/civil union partner is not to be combined with income of claimant.
- NOTE: In accordance with the Civil Union Act, eligibility guidelines that apply to married couples and surviving spouses apply equally to civil union couples.**
5. **EXCLUDABLE INCOME DEFINED** - Benefits are excludable under only ONE of three categories:
1. The Federal Social Security Act and all its amendments and supplements;
  2. Any other Federal government program or Federal law which provides benefits in whole and in part in lieu of Social Security benefits or for persons excluded from coverage under Social Security, including but not limited to the Federal Railroad Retirement Act and Federal pension, disability and retirement programs;
  3. Pension, disability or retirement programs of any state or its political subdivisions, or agencies for persons not covered under Social Security.
- \*\* NOTE:** Where the claimant and/or spouse/civil union partner receives only Social Security benefits and no benefits under 2. & 3., the amount of Social Security received can be deducted from income in full. Where the claimant and/or spouse/civil union partner receives both Social Security benefits and government retirement/disability benefits under 2. or 3., the larger of either one of the income categories can be deducted but any government pension/disability benefit deduction cannot exceed the maximum allowable Social Security benefit. The amount of federal, state, county, municipal pension, disability or retirement benefit etc. excluded should be based on actual benefits received provided that the total excluded under 2. or 3. above is not in excess of the maximum benefit amount excludable in similar circumstances under 1. Social Security. N.J.S.A. 54:4-8.40(a) (1) (2) (3).
6. **DOCUMENTARY PROOFS REQUIRED** - Each collector may require any information necessary to establish claimant's deduction entitlement.
7. **DISALLOWANCE** - Failure to timely file this statement or meet income and other eligibility requirements will result in disallowance of the deduction. Claimants will be notified by formal Notice of Disallowance. Disallowed deductions must be repaid on or before June 1 of the post-tax year or where a filing extension was granted no later than thirty days after mailing of the Notice of Disallowance. If unpaid, taxes will be delinquent, constitute a lien on the property and a personal debt of claimant.
8. **APPEALS** - Disallowed claims may be appealed to the county board of taxation.

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