

To: New Jersey Law Revision Commission

From: John Cannel

Re: Property Tax

Date: March 7, 2016

M E M O R A N D U M

This Memorandum requests authority for continuation of a part of a project to revise statutes relating to property tax.

The Commission began this project in 1997 at the suggestion of Lawrence Lasser who had recently retired as Chief Judge of the Tax Court. He argued that the current law was not well organized or expressed. Some of this problem was the result of important groups of stator provisions enacted at different times. In addition, some of the statutes contain language not in accord with court decisions or settled practice. He assembled a small group of advisors and provided guidance in beginning to draft revised law. His role was critical, and with his death in a tractor accident in 1998 the project was suspended. Over the years we have tried without success to find people with the knowledge to lead us in completion of the project.

At the time of Judge Lasser's death drafts of eight chapters comprising the first two articles of the law had been produced. This material sets out what property is taxable and how it is to be assessed. It is separable from later chapters dealing with collection of taxes and administration. We have assembled drafts of these eight chapters into a single draft; a copy of that 1998 draft is included with this memorandum.

What we propose is to use the draft to produce a revised law covering only the subjects of the draft. We recognize that even with the old draft as a starting point, this is not a small project. It will be necessary to bring the 1998 draft up to date. There have been some statutory changes and many judicial decisions since 1998. It will also be necessary to find experts to review drafts. It is our hope that with a contracted project and a good starting point, that will be possible.