

**CHAPTER 41**

**HISTORIC SITE REAL PROPERTY TAX EXEMPTIONS UNDER P.L. 2007, c. 157 (N.J.S.A. 54:4-3.52 et seq.)**

**Authority**

N.J.S.A. 54:4-3.54b and 54:50-1.

**Source and Effective Date**

R.2008 d.321, effective November 3, 2008.  
See: 40 N.J.R. 2418(a), 40 N.J.R. 6473(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 41, Historic Site Real Property Tax Exemptions under P.L. 2007, c. 157 (N.J.S.A. 54:4-3.52 et seq.), expires on November 3, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 41, Historic Site Real Property Tax Exemptions under P.L. 2007, c. 157 (N.J.S.A. 54:4-3.52 et seq.), was adopted as new rules by R.2008 d.321, effective November 3, 2008. See: Source and Effective Date.

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**SUBCHAPTER 1. APPLICABILITY AND DEFINITIONS**

**18:41-1.1 Applicability**

This chapter shall supply guidance for certain local property tax exemption procedures. It is intended to apply with respect to any site that, after July 1, 1999, the Director of the

Division of Taxation determines to be eligible for a historic site real property tax exemption pursuant to P.L. 2007, c. 157, and with respect to any site for which the applicant applies for historic site real property tax exempt status after July 1, 1999. Accordingly, this chapter is not applicable to historic sites that have been determined by the Director to be eligible for a historic site real property tax exemption on or before July 1, 1999, or to any applications for which historic site real property tax exempt status was made on or before July 1, 1999.

**18:41-1.2 Words and phrases defined**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Director” means the Director of the Division of Taxation of the Department of the Treasury.

“Historic site” means a building that is listed in the New Jersey Register of Historic Places either individually or as part of a historic district, and has material relevancy to the history of the State and its government. In the case of a building listed as part of a historic district, material relevancy is established by certification by the Commissioner that the building is a key or contributing building to the district as defined at N.J.A.C. 7:4-1.3.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” refers to the Federal standards set forth in 36 CFR Part 68, incorporated herein by reference, as amended and supplemented.

“Substantial change” means an alteration of the building, which does not meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and which makes the building no longer eligible for listing in the New Jersey Register of Historic Places.

**SUBCHAPTER 2. APPLICATIONS FOR OBTAINING HISTORIC SITE REAL PROPERTY TAX EXEMPTION**

**18:41-2.1 Applying for initial exemption; conditions to be met**

(a) Before an application for historic site real property tax exemption under P.L. 2007, c. 157, may be approved, the following conditions must be met:

1. The Commissioner must certify to the Director on the form designated “Certificate of Historic Site” issued to

the applicant by the Commissioner that the building and its pertinent contents and the land upon which it is erected:

i. Has material relevancy to the history of the State and its government warranting its preservation as a historical site;

ii. Is or shall be in the event of a restoration, heretofore or hereafter made, of substantially the same kind, character and description as the original; and

iii. Meets all other conditions as the Commissioner may, by law, require to be declared by the Commissioner to be a historic site;

2. Additionally, the Director shall certify the applicant owner's building to be a historic site qualified for a real property tax exemption whenever the Director finds that the aforesaid property:

i. Has material relevancy to the history of the State and its government warranting its preservation as a historical site;

ii. Is listed in the New Jersey Register of Historic Places;

iii. In the event of a restoration and/or rehabilitation work, made heretofore or hereafter, such work has been or shall be done in accordance with the United States Secretary of the Interior's Standards for the Treatment of Historic Properties; and

iv. Is open to the general public and freely available to all people, without discrimination as to race, creed, color, religion or other protected classes under the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., under reasonable terms and conditions, including, but not limited to, a nominal fee, to ensure the preservation and maintenance of the site, for a minimum of 96 days per year;

3. Before an initial determination of historic site real property tax exemption status can be made, pursuant to N.J.S.A. 54:4-4.4, each exemption claimant owning real property in his or her taxing district, shall provide to each municipal assessor an Initial Statement (Form I.S.) under oath as prescribed by the Director of the Division of Taxation;

4. The Commissioner shall certify to those requirements pursuant to the Commissioner's responsibilities under N.J.S.A. 54:4-3.52 (P.L. 2007, c. 157, sec. 2) and 3.53 (P.L. 2007, c. 157, sec. 3), and, thereafter, the Director's responsibility to find that the requirements of (a)2i, ii and iii above have been met, shall be satisfied;

5. The applicant shall supply and certify to the Director the information set forth in (a)2iv above on such form or forms to be certified by the applicant as the Director may provide. That information shall include, but not be limited to, demonstrating that the building is open to the general

public and freely available to all people, without discrimination as to race, creed, color or religion, or other protected classes under the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., detailing any terms and conditions, including, but not limited to, a specified nominal fee, to ensure the preservation and maintenance of the site for a minimum of 96 days per year; and

6. Notwithstanding the language in (a)5 above, if the applicant claims that the building cannot be open to the public for at least 96 days per year, the following conditions must be met:

i. The municipal governing body where the building is located has passed a resolution specifying the number of fewer days in support of the nonprofit corporation's application for fewer days, such resolution to be forwarded within seven days to the Director; and

ii. The Director approves a fewer number of days after considering the municipal governing body's resolution and the following information, which must be supplied by the nonprofit corporation, which owns the building on a request form to be prescribed by the Director.

(1) Financial condition and resource information of the nonprofit corporation and a statement explaining why the 96-day requirement is not feasible;

(2) Whether or not the request is temporary because of a short-term constraint regarding the public's physical access to the building, and if so, documentation by the applicant explaining in detail the nature and reason, therefore;

(3) If the property relies on volunteers to manage public access, the name and address of each volunteer; and

(4) A detailed statement of the impact upon the public interest in restricting access to the real historic site property to the lesser number of days.

### SUBCHAPTER 3. POST-APPROVAL REVIEW OF HISTORIC SITE REAL PROPERTY TAX EXEMPTION

#### **18:41-3.1 Further Statements claiming exemption; further inquiries, annual review, fee and additional reporting requirements after the exemption is granted; responsibilities of the applicant/claimant and of the assessor to obtain further information from applicant/claimant to continue certification of tax exempt status**

(a) Pursuant to N.J.S.A. 54:4-4.4, on or before November 1 of each year, the historic site real estate tax exemption