

APPLICATION FOR FIVE-YEAR EXEMPTION AND/OR ABATEMENT

Pursuant to N.J.S.A.40A:21-1 et seq.; P.L.1991, c. 441, as amended by P.L. 2007, c. 268

AND AS AUTHORIZED BY MUNICIPAL ORDINANCE

Applications **must** be filed with municipal assessors within 30 days (including Saturdays & Sundays) of completion of construction, improvements, conversion, conversion alteration. Late applications will be denied.

COUNTY: _____ MUNICIPALITY: _____

I. IDENTIFICATION

Applicant Name: _____ Name of Officer (if corporate owner): _____

Phone Number: (____) _____ Email Address: _____

Mailing Address/Corporate Headquarters: _____

City: _____ State: _____ ZIP: _____

Property Location (Street Address): _____

Block: _____ Lot: _____ Qualifier: = _____

II. PROJECT INFORMATION

This Application is for tax exemption tax abatement both.

A. The subject property is a one or two family dwelling upon which claimant has completed:

- New Construction;
- Conversion or alteration of a building or structure into a dwelling;
- Improvement of an existing dwelling. Indicate age of dwelling: _____

B. The subject property is a multiple dwelling, commercial or industrial structure upon which claimant has completed:

- Construction of a multiple dwelling under a tax agreement;
- Construction of a commercial or industrial structure under a tax agreement;
- Improvement to a multiple dwelling;
- Improvement to a commercial or industrial building or structure;
- Conversion or alteration of a building or structure to a multiple dwelling.

If increasing the volume of an existing multiple dwelling, commercial or industrial structure, please indicate the percentage of volume increased: _____%

C. Project Details

I. Date of completion of new construction, conversion, or improvement: _____, 20____.

II. Total cost of project: \$ _____.

III. Brief description of the nature and type of construction, conversion, or improvement.

D. Other Information

1. Were prior five-year exemptions/abatements granted on this property? No Yes, amount: \$ _____

2. Are there delinquent property taxes or nonpayment tax penalties due on the property? No Yes

3. Attach all required documentary proofs. (Assessor may require copy of ordinance, copy of executed tax agreement between applicant and municipal governing body, project descriptions, plans, drawings, cost estimates, etc.)

III. Certification

I certify that the foregoing statements mad by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signature _____ Title (If Applicable) _____ Date _____

FOR OFFICIAL USE	
<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Assessor	Date

GENERAL INFORMATION AND INSTRUCTIONS

- 1. Availability:** The Five-Year Exemption and/or Abatement is discretionary on the part of the municipal government. For Exemption/Abatement to apply, there must first be an area in the municipality designated by the local government as "in need of rehabilitation." Then, there must be an enabling ordinance enacted by the local governing body. The ordinance may identify various rehabilitation areas in the municipality, the types of structures and rehabilitation/redevelopment efforts which may be eligible, as well as the availability of exemption or abatement or both.
- 2. Filing Deadline:** EA-1 Applications must be filed with the municipal assessor within 30 days (including Saturdays & Sundays) of completion of the construction, improvement, conversion, or conversion alteration. Late applications will be denied. No applications can be filed or take effect unless a valid timely ordinance is in force. Completion means substantially ready for the intended use for which a building/structure is constructed, improved, or converted.
- 3. Terms Defined per N.J.S.A. 40A:21-3:**
 - Abatement—that portion of a property's assessed value as it existed prior to construction, improvement, conversion of a tax exempted building/structure thereon.
 - Exemption—that portion of an assessor's full and true value of any construction, improvement or conversion alteration not increasing the property's taxable value.
 - Construction—providing new dwellings, multiple dwellings or commercial/industrial structures. Or enlarging existing multiple dwellings or commercial/industrial structures by more than 30% but not changing the existing use.
 - Conversion/Conversion Alteration—altering or renovating a nonresidential building, structure, hotel, motel, motor hotel, or guesthouse to convert it from its previous use to a dwelling/multiple dwelling.
 - Improvement—modernizing, rehabilitating, renovating, altering, repairing which produces a physical change in an existing building or structure...but does not change its permitted use. It does not include repairs for fire or other property damage for which insurance payments were received within three years of applying for the Five-Year Exemption/Abatement. For multiple dwellings, it includes only improvements to common areas or elements or three or more dwelling units ...For multiple dwellings or commercial/industrial structures it does not include ordinary painting, repairs, replacement of maintenance items or the enlargement of an existing structure by more than 30%.
 - Dwelling—a building or part of a building used or held for use as a home or residence, including accessory buildings on the premises. Individual condominium and cooperative units and individual residences within a horizontal property regime are also considered dwellings. The "common elements" of a horizontal property regime, cooperative, or condominium, are not considered "dwellings" but are defined as "multiple dwellings."
 - Multiple Dwelling—a building or structure fitting the definition of "multiple dwelling" in the "Hotel and Multiple Dwelling Law," (see N.J.S.A. 55:13A-3), and also the "common elements" or "general common elements" of a condominium, a cooperative, or a horizontal property regime.
 - Commercial or Industrial Structure—a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof.
- 4. Start Date of Exemption/Abatement:** As amended by P.L.2007, c. 268, Five-Year Tax Exemptions and/or Abatements take effect as of a project's completion date, except for projects subject to tax agreements for which the effective date of exemption/abatement is January 1 of the year following the year the project is completed. **For projects under tax agreements, Added Assessments are applicable** in the interim period between completion and January 1st. **For exemption/abatement projects not under tax agreements,** taxes to be paid are prorated based on an annual period using a property's current year assessed value minus the prorated exemption/abatement amount plus any portion of assessed value of the construction, improvement, or conversion not exempted which is also prorated based on an annual period.
 - Annual period—a duration of 365 days, (366 days when February has 29 days), beginning on the date an exemption or abatement for a project becomes effective, i.e., the project's completion date.
- 5. Payments in Lieu of Taxes (PILOTS):** PILOTS are the payment mechanism within an exemption/abatement program and are only applied to exempt or abated properties. PILOTS cannot be utilized independently outside of an exemption/abatement. The Five-Year Exemption/Abatement Law provides three kinds of in lieu payments: cost basis; gross revenue basis; tax phase-in basis. A tax agreement between the applicant and municipal governing body will determine if there is a PILOT for the property and which kind of in lieu payment will be utilized.

18.43



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 10/29/18 07:00 PM

18-43

2018 ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 520, "TAXATION" IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE CRITERIA FOR TAX AGREEMENTS FOR EXEMPTIONS AND ABATEMENTS OF PROJECTS

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 520, §520-10 "Criteria for tax agreements for exemptions and abatements for construction of commercial, industrial and multiple dwellings" and § 520-12 "Approval of tax agreements for exemptions and abatements of projects, new construction of commercial and industrial structures and multiple dwellings" of the Code of the Township of Bloomfield is hereby amended to read as follows:

§520-10. CRITERIA FOR TAX AGREEMENTS FOR EXEMPTIONS AND ABATEMENTS OF PROJECTS.

The Township Council may approve and enter into tax agreements for the exemption and abatement from taxation for Projects located in all zones within the Township, except Public (P), Public/Recreational (PR) and the Single-Family Zones (R-1A, R-1B, R-2A and R-2B).

§520-12. APPROVAL OF TAX AGREEMENTS FOR EXEMPTIONS AND ABATEMENTS OF PROJECTS.

C. Payment in Lieu of Taxes.

All owners of Projects subject to exemption and abatement pursuant to the approval and execution of a tax agreement shall be charged and obligated to make payments in lieu of full property taxes of an annual amount computed by the tax phase-in formula, as authorized by N.J.S.A. 40A:21-10, as follows:

The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

1. In the first full year after completion, no payment in lieu of taxes otherwise due;
2. In the second full year after completion, an amount not less than twenty percent (20%) of taxes otherwise due;
3. In the third full year after completion, an amount not less than forty percent (40%) of taxes otherwise due;
4. In the fourth full year after completion, an amount not less than sixty percent (60%) of taxes otherwise due;

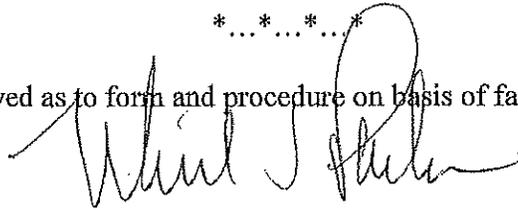
5. In the fifth full year after completion, an amount not less than eighty percent (80%) of taxes otherwise due.

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

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Approved as to form and procedure on basis of facts set forth.



Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on OCTOBER 29, 2018.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldnj.com>

Meeting: 03/02/15 07:00 PM

2015 ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND TO CHAPTER 520, "TAXATION" IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY TO EXPAND THE RANGE AND BOUNDARIES FOR TAX AGREEMENTS AND PERMIT HARDSHIP WAIVERS FOR CERTAIN APPLICATIONS

BE IT ORDAINED by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 520, §520-10 entitled "Criteria for Tax Agreements for Exemptions and Abatements for Construction of Commercial, Industrial and Multiple Dwellings" of the Code of the Township of Bloomfield is hereby amended in its entirety and shall read as follows:

"The Township Council may approve and enter into tax agreements for the exemption and abatement from taxation for Projects (construction of commercial and industrial structures and multiple dwellings) that are located in a designated "area in need of redevelopment" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq, the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, M-1 zone or within one-half mile of a train station upon meeting the following qualifications:

- (A) All real estate taxes must be current;
- (B) Upon completion, the applicant must provide a certificate of occupancy or any other permit or approval required by the Township; and
- (C) The construction and operation of the Project must be in compliance with any and all applicable federal, state and local health and safety codes and regulations."

Section 2. Chapter 520, §520-12 entitled "Approval of Tax Agreements for Exemptions and Abatements of Projects; New Construction of Commercial and Industrial Structures and Multiple Dwellings" of the Code of the Township of Bloomfield is hereby amended to replace the second paragraph thereof the following new paragraph:

AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

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of Law/Township Atto. nev

"Prior to consideration by the Township Council for approval, all applications shall be reviewed within sixty (60) days of receipt by a Review Committee consisting of the following Township officials:

- (A) Township Administrator
- (B) Chief Financial Officer
- (C) Township Attorney
- (D) Township Assessor
- (E) Director of Community Development

In addition, the Township Administrator shall, in his/her discretion, include certain outside consultants as members of the Review Committee including the Township Appraiser and Special Counsel for Tax Matters. In addition to meeting to review applications the Review Committee shall meet periodically to review the Township's tax abatement program and make recommendations to the Township Council with respect thereto. The Review Committee shall provide regular reports to the Township Committee concerning its activities including compliance reports for all financial agreements"

Section 3. Chapter 520, §520-12 entitled "Approval of Tax Agreements for Exemptions and Abatements of Projects; New Construction of Commercial and Industrial Structures and Multiple Dwellings" of the Code of the Township of Bloomfield is hereby amended to include a new paragraph at the end of subsection (A) that shall read as follows:

"The requirements relating to the timing for the submission of an application under this §520-12 and/or any certifications required by Township officials hereunder may be waived by the Township Council, in its discretion, upon the determination of the Township Council that although an application was not submitted timely, unforeseen or changed circumstances beyond the control of the applicant resulted in a demonstrated need for a tax agreement hereunder. Nothing in this paragraph shall be interpreted to amend or waive the application contents or extend the application submission deadline beyond that which is otherwise required or permitted by N.J.S.A. 40A:21-1, et seq."

Section 2. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby rescinded.

Section 3. This amendment to §520-10 and §520-12 of the Code of the Township of Bloomfield shall take effect in accordance with applicable law.

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Ordinance (ID # 4303)

Meeting of March 2, 2015

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 13, 2015

Joseph M. Pellegrino
Municipal Clerk of the Township of Bloomfield

McVey
Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
<input type="checkbox"/> Adopt			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table	Elias N. Chalet		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Nicholas Joanow		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Carlos Bernard		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Wartyna Davis		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve	Joseph Lopez		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Carlos Pomares		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion	Michael J. Venezia		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
<input type="checkbox"/> Adopt			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table	Elias N. Chalet		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Nicholas Joanow		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Carlos Bernard		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Wartyna Davis		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve	Joseph Lopez		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Carlos Pomares		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion	Michael J. Venezia		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk
<http://www.bloomfieldtwpnj.com>
Meeting: 03/03/14 06:30 PM

2014 ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 520, TAXATION WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD

BE IT ORDAINED by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 520, § 520-3 entitled "Tax exemption amount declared" of the Code of the Township of Bloomfield is hereby amended by revising the section to read as follows:

A. Dwellings. In determining the value of real property, the Township of Bloomfield shall regard the first \$25,000 in the Assessor's full and true value of improvements for each dwelling, primarily and directly affected by the improvement in any such dwelling more than 20 years old, as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements unless there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This amendment to § 520-3 of the Township's ordinances shall take effect upon final passage and publication in accordance with the law.

......*

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on 4/7/14.

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Brian J. Moore
Director of Law - Township Attorney

Louise H. Poljan
 Municipal Clerk of the Township of Bloomfield

Michael Venezia
 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 3408						
<input type="checkbox"/> Adopt		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Deny	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Nicholas Joannow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance 3408						
<input checked="" type="checkbox"/> Adopt		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Deny	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Nicholas Joannow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Carlos Bernard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

Ordinance (ID # 4303)

Meeting of March 2, 2015

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 13, 2015

Heuse M. Paligeno
Municipal Clerk of the Township of Bloomfield

McVey
Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table						
<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Table with no Vote						
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						
	Elias N. Chalet		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicholas Joanow		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Bernard		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Wartyna Davis		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Lopez		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Pomares		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael J. Venezia		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

✓ Vote Record - Ordinance						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
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<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Table with no Vote						
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						
	Elias N. Chalet		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicholas Joanow		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Bernard		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Wartyna Davis		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Lopez		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Pomares		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael J. Venezia		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(8-51)
12/1/08

AN ORDINANCE TO AMEND CHAPTER 520, "TAXATION" IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, ESSEX, COUNTY, NEW JERSEY

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1 Chapter 520 "Taxation" of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

§520-1. PURPOSE AND INTENT

The Legislature of the State of New Jersey has determined that various statutes authorized by Article VIII, Section 1, Paragraph 6 of the New Jersey Constitution permitting municipalities to grant for periods of five years exemptions or abatements, or both, from taxation in areas in need of rehabilitation have proven to be effective in promoting construction and rehabilitation of residential and commercial and industrial structures in areas threatened with economic and social decline. In response, the Legislature adopted Chapter 441 of the Laws of 1991 (C 40A:21-1 et seq.) (the "Act") to consolidate and make more coherent the most useful features of those statutes. The Township of Bloomfield makes known its intention to utilize the tax exemption and abatement provisions authorized by Article VIII, Section 1, Paragraph 6 of the New Jersey Constitution, as enacted through the provisions of the Act, to authorize five-year exemptions and abatements under certain conditions and in certain locations within the Township of Bloomfield for improvements to dwellings, construction of new dwellings, improvements to or conversion of structures to multiple dwellings, improvements to and construction of commercial and industrial structures.

§520-2. DEFINITIONS

(A) As used in this ordinance the following terms shall have the meanings indicated:

Abatement means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to the Act.

Annual period means a duration of time comprising three hundred and sixty-five days, or three hundred and sixty-six days when the included month of February has twenty-nine days, that commences on the date that an exemption or abatement for a Project becomes effective pursuant to Section 16 of the Act and §520-13 of this ordinance.

Area in need of rehabilitation means a portion or all of a municipality which has

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH
[Signature]
Director of Law-Township Attorney

been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c.79 (C.40A:12A-1 et seq.), a blighted area as determined pursuant to the "Blighted Areas Act," P.L. 1949, c.187 (C.40:55-21.1 et seq.), or which has been determined to be in need of rehabilitation pursuant to P.L. 1975, c.104 (C.54:4-3.72 et seq.), P.L. 1977, c.12 (C.54:4-3.95 et seq.), or P.L. 1979, c.233 (C.54:4-3.121 et seq.)

Assessor means the officer of the Township charged with the duty of assessing real property for the purpose of general taxation.

Bloomfield Center Vision Plan Boundary means the area delineated in the [Bloomfield Center Redevelopment Area Plan], which includes the properties identified on the Tax Maps of the Township as: Block 153, 154, 225, 226, 227, 228, 241, 243, 244, 301, 302 and 311; Block 242, Lot 13; Block 245, Lots 1, 3, 4 and 7; Block 253, Lots 1, 7, 8, 10 and 33; and Block 255, Lot 1.

B-2 zone means the following properties identified on the tax maps of the Township that are also identified in the Township zoning ordinance and shown on the Township zoning maps as Neighborhood Business Districts: Block 63, Lots 1, 2, 3 and 5; Block 361, Lots 1, 2, 3 and 4; Block 362, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17 and 18; Block 363, Lots 3, 5 and 6; Block 25, Lots 16, 17, 18 and 19; Block 21, Lots 1, 2, 4, 5, 6 and 7; Block 20, Lots 18, 19 and 24; Block 334, Lots 1, 3, 103, 104, 105, 7 and 8; Block 391, Lots 22, 23, 24, 25 and 26; Block 393, Lots 1.01, 1.02, 2, 3, 4, 5, 6, 7 and 8; Block 394, Lots 1, 2, 3, 4, 5, 6, 7 and 8; Block 41, Lots 1, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 34; Block 42, Lots 32, 35, 38 and 39; Block 38, Lots 13, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 26; Block 127, Lots 23, 24, 25, 27, 29, 30, 31, 33 and 39; Block 134, Lots 63, 68 and 69; Block 94, Lots 1, 22, 24, 26, 27, 28, 29, 30 and 31; Block 95, Lots 1 and 10; Block 96, Lots 1, 34 and 36; Block 98, Lots 8, 9, 10, 11, 12, 13, 14, 15 and 18; Block 271, Lots 1, 3, 5, 7 and 8

CBD zone means all of the properties identified in the Township zoning ordinance and shown on the Township zoning maps as Central Business Districts

Commercial or industrial structure means a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the Township Council determines will tend to maintain or provide gainful employment within the Township, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. Commercial and industrial structures shall not include any structure or part thereof used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure or part thereof used or to be used by the business at the new site together with the total square footage of the land used or to be used by the business at the new site exceeds the total square footage of that utilized by the business at its current site of operations by at least ten percent; and the

property that the business is relocating to has been the subject of a remedial action plan costing in excess of two hundred and fifty thousand dollars performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under P.L. 1970, c.33 (C.13:1D-1 et seq), the "Water Pollution Control Act," P.L. 1977, c.74 (C.58:10A-1 et seq), the "Solid Waste Management Act," P.L. 1970, c.39 (C.13:1E-1 et seq), and the "Spill Compensation and Control Act," P.L. 1976, c.141 (C.58:10-23.11 et seq).

Completion means substantially ready for the intended use for which a building or structure is constructed, improved or converted, as determined by the Assessor.

Condominium means a property created or recorded as a condominium pursuant to the "Condominium Act," P.L. 1969, c.257 (C. 46:8B-1 et seq)

Construction means the provision of a new dwelling, multiple dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple dwelling or commercial or industrial structure by more than thirty percent, but shall not mean the conversion of an existing building or structure to another use.

Conversion or conversion alteration means the alteration or renovation of a non-residential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

Cooperative means a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

CORD zone means all properties in the Township identified in the Township zoning ordinance and shown on the Township zoning maps as Commuter Oriented Residential Districts.

Cost means, when used with respect to abatements for dwellings or multiple dwellings, only the cost or fair market value of direct labor and materials used in improving a multiple dwelling, or of converting another building or structure to a multiple dwelling, or of constructing a dwelling, or of converting another building or structure to a dwelling; including any architectural, engineering, and contractor's fees associated therewith, as the owner of the property shall cause to be certified to the Township Council by an independent and qualified architect, following the completion of the Project.

Dwelling means a building or part of a building used, to be used or held for use as a one or two-family home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for a fair enjoyment thereof, but shall not mean any building or part of a building, defined as a "multiple dwelling" pursuant to the "Hotel and Multiple

Dwelling Law," P.L. 1967, c.76 (C. 55:13A-1 et seq.) A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L. 1963, c.168 (C. 46:8A-1 et seq.), or the "Condominium Act," P.L. 1969, c.257 (C. 46:8B-1 et seq.), or of a cooperative, if the residential units are owned separately.

Exemption means that portion of the Assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to the Act.

Horizontal property regime means a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L. 1963, c.168 (C. 46:8A-1 et seq.)

Improvement means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than thirty percent. In no case shall it include the repair of fire or other damage to property for which payment of a claim was received by any person from an insurance company at any time during the three year period immediately preceding the filing of an application for exemption and abatement pursuant to the Act.

Multiple dwelling means a building or structure meeting the definition of "multiple dwelling" set forth in the "Hotel and Multiple Law," P.L. 1967, c.76 (C. 55:13A-1 et seq.), and means for the purpose of improvement or construction the "general common elements" and "common elements" of a condominium, a cooperative, or a horizontal property regime.

M-1 zone means all properties in the Township identified in the Township zoning ordinance and shown on the Township zoning maps as Industrial Districts

Project means the construction, improvement or conversion of a structure in an area in need of rehabilitation that would qualify for an exemption, or an exemption and abatement, pursuant to N.J.S.A. 40A:21-1 et seq.

Township means the Township of Bloomfield, in the County of Essex, State of New Jersey.

(B) The above definitions are meant to mirror the definitions set forth in

N.J.S.A. 40A:21-3 To the extent that such definitions differ from those set forth here, the definitions set forth therein shall govern

§520-3. CRITERIA FOR EXEMPTION OF DWELLINGS

Improvements to dwellings, newly constructed dwellings, conversion of nonresidential structures to dwellings, including unutilized public buildings to one and two-family dwellings, cooperatives, if purchased separately by the occupant thereof, and individual residences within a horizontal property regime or a condominium located within the Township are eligible to receive a five-year exemption, as provided in §520-4 upon meeting the following qualifications:

- (A) In regard to improvements to dwellings, the dwelling must be 20 years or older;
- (B) All real estate taxes must be current; and
- (C) The applicant must provide a certificate of occupancy or any other permit or approval required by the Township.

§520-4. EXEMPTION OF DWELLINGS

(A) Exemption of Improvements to Dwellings

The improvements made to a dwelling shall be granted an exemption from taxation if they meet the criteria established in §520-3 of this ordinance. In determining the value of the real property, the Township shall regard the first fifteen thousand dollars (\$15,000.00) in the Assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased as a result of the improvements.

(B) Exemption of New Dwellings and Conversions

An exemption shall be granted for a portion of the assessed value of the construction of new dwellings and conversions, including unutilized public buildings, to dwelling use if they meet the criteria established in §520-3 of this ordinance and are included in the Bloomfield Center Vision Plan Boundary, the B-2 zone, the CBD zone, the CORD zone or the M-1 zone. In determining the value of the real property, the Township shall regard thirty percent of the Assessor's full and true value of the dwelling constructed, or conversion alterations made, as not increasing the value of the property for a total of five years, notwithstanding that the value of the property upon which the construction or conversion occurs is increased as a result.

§520-5. CRITERIA FOR EXEMPTION OF MULTIPLE

DWELLINGS

Improvements to multiple dwellings and conversions, including unutilized public buildings, to multiple dwelling use, which are included in the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, CORD zone or the M-1 zone are eligible to receive a five-year exemption, as provided §520-6 of this ordinance upon meeting the following qualifications:

- (A) All real estate taxes must be current;
- (B) The applicant must provide a certificate of occupancy or any other permit or approval required by the Township; and
- (C) The construction of any improvements to, and the operation of, any multiple dwelling must be in compliance with any and all applicable federal, state and local health and safety codes and regulations.

§520-6. EXEMPTION OF MULTIPLE DWELLINGS

(A) Exemption of Improvements to Multiple Dwellings

An exemption shall be granted from taxation of improvements made to multiple dwellings and conversions, including unutilized public buildings, to multiple dwelling use, if they meet the criteria established in §520-5 of this ordinance. In determining the value of the real property, the Township shall regard the Assessor's full and true value of the improvements or conversion alterations as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements or conversion alterations are made is increased as a result of the improvements. The assessment on any property granted an exemption pursuant to this §520-6(A) shall not be less than the assessment on the property existing immediately prior to the improvements or conversion alterations except where there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

§520-7. CRITERIA FOR EXEMPTION OF IMPROVEMENTS TO COMMERCIAL AND INDUSTRIAL STRUCTURES

Improvements to commercial and industrial structures that are located within the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, CORD zone, and M-1 zone are eligible to receive a five-year exemption as provided herein upon meeting the following qualifications:

- (A) All real estate taxes must be current;
- (B) The applicant must provide a certificate of occupancy or any other permit or

approval required by the Township; and

(C) The construction and the operation of the commercial and industrial structure, must be in compliance with any and all applicable federal, state and local health and safety codes and regulations.

§520-8. EXEMPTION OF IMPROVEMENTS TO COMMERCIAL AND INDUSTRIAL STRUCTURES

An exemption shall be granted from taxation of improvements made to commercial and industrial structures if they meet the criteria established in §520-7 of this ordinance. In determining the value of the real property, the Township shall regard the Assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased. The assessment on any property granted an exemption pursuant to this §520-8 shall not be less than the assessment on the property existing immediately prior to the improvements or conversion, except where there is damage to the structure through action of the elements sufficient to warrant a reduction.

§520-9. APPLICATION SUBMISSION UNDER §520-4, §520-6, and §520-8 OF THIS ORDINANCE

No exemption or abatement shall be granted pursuant to §520-4, §520-6, and §520-8 of this ordinance except upon written application therefor filed with and approved by the Assessor. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury, and provided for the use of parties seeking exemptions, or exemptions and abatements by the governing body of the Township. All applications pursuant to §520-4, §520-6, and §520-8 of this ordinance shall be filed with the Assessor within thirty days, including Saturdays and Sundays, following the completion of the improvement, conversion alteration or construction. Every such application for exemption, or exemption and abatement, which is filed within the time specified shall be approved and allowed by the Assessor provided that the application is consistent with the provisions of this ordinance, as applicable, and provided that the improvement, conversion alteration or construction for which the application is made qualifies as an improvement, a conversion alteration or construction pursuant to the provisions of N.J.S.A. 40A:21-1 et seq. and this ordinance.

The Assessor shall approve or deny applications for exemptions, or exemptions and abatements pursuant to §520-4, §520-6 and §520-8 of this ordinance within forty-five days of receipt of a timely and completed application. Incomplete applications shall be returned to the applicant with notice of any deficiencies and/or missing information or documentation. Any such application that is returned to the applicant for correction or the provision of further information must be resubmitted to the Assessor within twenty days of receipt. Returned applications are deemed to be received by the applicant within three days of mailing. Any returned application that is not resubmitted to the Assessor within the

required period shall be deemed denied.

§520-10. CRITERIA FOR TAX AGREEMENTS FOR EXEMPTIONS AND ABATEMENTS FOR CONSTRUCTION OF COMMERCIAL, INDUSTRIAL AND MULTIPLE DWELLINGS

The Township Council may approve and enter into tax agreements for the exemption and abatement from taxation for Projects (construction of commercial and industrial structures and multiple dwellings) that are located in the Bloomfield Center Vision Plan Boundary, the CBD zone, B-2 zone, CORD zone and M-1 zone pursuant to §520-11, §520-12, and §520-13 upon meeting the following qualifications:

- (A) All real estate taxes must be current;
- (B) Upon completion, the applicant must provide a certificate of occupancy or any other permit or approval required by the Township; and
- (C) The construction and the operation of the Project must be in compliance with any and all applicable federal, state and local health and safety codes and regulations.

§520-11. APPLICATION FOR TAX AGREEMENTS FOR EXEMPTIONS AND ABATEMENTS OF PROJECTS

In addition to the application form provided by the Director of the Division of Taxation, applications for tax exemptions and abatements for Projects shall include the following:

- (A) A general description of the Project for which an exemption and abatement is sought;
- (B) A legal description of all real estate necessary for the Project;
- (C) Plans, drawings and other documents to demonstrate the structure and design of the Project;
- (D) A description of the number, classes and type of employees to be employed at the Project site within two years of completion of the Project;
- (E) A statement of the reasons for seeking tax exemption on the Project, and a description of the benefits to be realized by the applicant if an exemption and abatement is granted;
- (F) Estimates of the cost of constructing the Project;

(G) A statement indicating which of the formulas the applicant proposes to be used to calculate the payments in lieu of full property taxes, as authorized by N.J.S.A. 40A:21-10;

(H) A statement showing (1) the real property taxes currently being assessed at the Project site, (2) estimated payments that would be made annually by the applicant on the Project during the period of the tax agreement, and (3) estimated tax payments that would be made by the applicant on the Project during the first full year following the termination of the tax agreement;

(I) If the Project is a commercial or industrial structure, a description of any and all lease agreements between the applicant and proposed users of the Project, and a history and description of the users' businesses;

(J) If the Project is a multiple dwelling, a description of the number and types of dwelling units to be provided, a description of the common elements or general common elements, and a statement of the proposed initial rentals or sales prices of the dwelling units according to type and of any rental lease or resale restrictions to apply to any dwelling units respecting low or moderate income housing;

(K) A schedule of the estimated completion date of the Project;

(L) Such other pertinent information as may be required by the Township

§520-12. APPROVAL OF TAX AGREEMENTS FOR EXEMPTIONS AND ABATEMENTS OF PROJECTS; NEW CONSTRUCTION OF COMMERCIAL AND INDUSTRIAL STRUCTURES AND MULTIPLE DWELLINGS

(A) Applications for tax agreements for exemption and abatement of Projects shall be addressed and submitted to the Mayor of the Township prior to commencement of the Project and shall be approved by ordinance of the Township Council prior to commencement of the Project.

Prior to consideration by the Township Council for approval, all applications shall be reviewed within sixty (60) days of receipt by a Review Committee consisting of the following Township officials:

- (A) Township Administrator
- (B) Chief Financial Officer
- (C) Township Attorney
- (D) Township Assessor

Prior to review by the Committee the Chief Financial Officer shall receive the

following certifications from municipal employees:

- (1) Certification of the Assessor as to the taxes levied on the real property subject to the application in both the year in which the application was filed and the immediately preceding year.
- (2) Certification of the Tax Collector as to the current status of payments due for property taxes and/or municipal liens of any type, including interest charges and penalties, arising from the real property subject to the application or from any other property owned by the applicant as well as the current status of payments due for any tax agreement in force and effect to which the applicant is a party or has an interest.
- (3) Certification of the Tax Collector as to the status of payments due for water services, including any interest and/or late fee penalties, provided to the real property subject to the application or other real property within the Township in which the applicant has an interest.

Upon consideration by the Review Committee, the application shall be submitted with a recommendation by the Review Committee to the Township Council. Where an application is approved by the Township Council, the Township Attorney shall prepare an ordinance in the form necessary to authorize the exemption and abatement and shall prepare the form of the Tax Agreement. The ordinance shall be signed by the Township Attorney as to form and legality and submitted, together with the form of the Agreement, the Application, the certifications, and the recommendation of the Review Committee.

In the event the Review Committee or Township Council does not approve an application changes may be suggested to secure approval. An application may be revised and resubmitted within sixty (60) days of notification of disapproval.

(B) Form of Agreement.

The tax agreement shall include the identification of the affected property by the tax map designation and street address, the nature and scope of the structure to be constructed thereon, the formula for computing payments in lieu of taxes, the duration of the Agreement and the grounds for termination. The tax agreement shall require timely payment of any and all municipal taxes, fees and charges arising from or related to a property granted an exemption and abatement.

The tax agreement shall in all cases further provide that any change made in the ownership of the Project or which would materially change the terms of the tax agreement shall be deemed a material breach of the agreement, which shall be cause for termination of the tax agreement. The tax agreement shall provide that the failure to make

payments in lieu of taxes as required or to comply with any provision, term or condition of the agreement shall be grounds for the Township to terminate the Agreement, and/or to exercise such other remedies as may be provided by statute, this ordinance or the tax agreement

(C) Payment in Lieu of Taxes

All owners of Projects subject to exemption and abatement pursuant to the approval and execution of a tax agreement shall be charged and obligated to make payments in lieu of full property taxes of an annual amount computed by one of the formulas authorized by N.J.S.A. 40A:21-10, as follows:

a Cost basis: the agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to two percent (2%) of the cost of the project. For the purposes of the agreement, "the cost of the project" means only the cost or fair market value of direct labor and all materials used in the construction, expansion, or rehabilitation of all buildings, structures, and facilities at the project site, including the costs, if any, of land acquisition and land preparation, provision of access roads, utilities, drainage facilities, and parking facilities, together with architectural, engineering, legal, surveying, testing, and contractors' fees associated with the project; which the applicant shall cause to be certified and verified to the governing body by an independent and qualified architect, following the completion of the project

b Gross revenue basis: the agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount annually equal to fifteen percent (15%) of the annual gross revenues from the project. For the purposes of the agreement, "annual gross revenues" means the total annual gross rental and other income payable to the owner of the project from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, or any operating or maintenance expenses ordinarily paid by the landlord, are to be paid by the tenant, then those payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The tax agreement shall establish the method of computing the revenues and may establish a method of arbitration by which either the landlord or tenant may dispute the amount of payments so included in the annual gross revenue.

c. Tax phase-in basis: the agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

(1) In the first full year after completion, no payment in lieu of taxes otherwise due;

(2) In the second full year after completion, an amount not less than twenty percent (20%) of taxes otherwise due;

(3) In the third full year after completion, an amount not less than forty percent (40%) of taxes otherwise due;

(4) In the fourth full year after completion, an amount not less than sixty percent (60%) of taxes otherwise due;

(5) In the fifth full year after completion, an amount not less than eighty percent (80%) of taxes otherwise due

(D) Execution of Tax Agreement

Upon adoption of an ordinance by the Township Council authorizing the Township to enter into a tax agreement, the Township Clerk shall insure that the tax agreement is circulated to the appropriate persons or entities for execution. No agreement shall be considered to be in force and effect unless and until it has been signed by the applicant and the Mayor of the Township, after which it shall be dated and certified by the Township Clerk by her/his signature and the affixing of the Township seal

(E) Distribution of Executed Agreements

Once a tax agreement has been fully executed, the Township Clerk shall distribute executed copies thereof to the applicant, the Assessor, the construction code official, the Township Administrator and the Township Attorney. The Township Clerk shall retain one executed copy which shall be placed on permanent file within her/his office and made available for examination pursuant to the Open Public Records Act.

§520-13. DURATION AND TERMINATION OF TAX AGREEMENTS;
CONFORMANCE WITH OTHER LAWS; FILING OF TAX
AGREEMENT

(A) Duration of Tax Agreement; Termination.

All tax agreements authorized pursuant to this ordinance shall be in effect for five full years next following the date of completion of the Project

If the owner of a property that is subject to a tax agreement pursuant to this ordinance ceases to operate or disposes of the property without prior approval of the Township Council, or fails to meet the conditions for qualifying for exemption and abatement, then the taxes which would have otherwise been assessed and payable for each year during which the tax agreement was in effect shall become due and payable as if no exemption and abatement had been granted. In the event a property owner fails to meet the qualifications and conditions for exemption and abatement, the Assessor, on behalf of the Township, shall provide notice of such act or omission to the property owner and the Tax Collector. Within fifteen days of the notice from the Assessor the Tax Collector shall provide notice to the property owner of the amount of the real estate taxes that are due

Where it is determined that a new owner of a Project or property will continue to use the Project or property pursuant to the conditions which qualified the Project or property for exemption and/or abatement, no tax shall be due, the exemption and the abatement shall continue, and the agreement shall remain in effect.

Upon the termination of a tax agreement, a Project shall be subject to all applicable real property taxes, as provided by general laws.

(B) Conformance with other laws.

All projects subject to tax agreements as provided herein shall be subject to all applicable federal, state and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

(C) Filing of Tax Agreement.

Within 30 days after the execution of a tax agreement the Township Clerk shall file a copy with the Director of the Division of Local Government Services within the New Jersey Department of Community Affairs.

§520-14. **COMMENCEMENT DATE**

The effective date of an exemption, or exemption and abatement granted pursuant to this ordinance shall relate back to, and take effect as of, the date of completion of the improvement, conversion alteration or construction of property for which the exemption, or exemption and abatement, is granted, and shall continue for five annual periods from that date. The grant of the exemption, or exemption and abatement, or tax agreement shall be recorded and made a permanent part of the official tax records of the Township, which record shall contain a notice of the termination date thereof.

§520-15. **ASSESSMENT OF PROPERTY**

The Assessor shall determine, on October 1 of the year following the date of the completion of an improvement, conversion or construction, the true taxable value thereof. Except for Projects subject to tax agreements pursuant to this ordinance, the amount of the taxes to be paid for the tax year in which the improvement, conversion or construction of a property is completed shall be based on the assessed valuation of the property for the current tax year, minus the amount of the abatement, if any, granted pursuant to this ordinance and pro rated, plus any portion of the assessed valuation of the improvement, conversion or construction not allowed an exemption pursuant to this ordinance, also pro rated. Except as otherwise provided, the property shall continue to be treated in the appropriate manner for each of the four tax years subsequent to the original

determination by the assessor and shall be pro rated for the final tax year in which the exemption or abatement expires

§520-16. INELIGIBLE PROPERTY

No exemption or abatement shall be granted, or tax agreement entered into, pursuant to the Act with respect to any property for which property taxes and/or water are delinquent or remain unpaid, or for which penalties for nonpayment of taxes are due

§520-17. APPLICABILITY OF EXEMPTION AND ABATEMENT TO TAXES

The exemption and abatement of real property taxes provided by the Township pursuant to this ordinance shall apply to property taxes levied for municipal purposes, school purposes, county government purposes and for the purposes of funding any other property tax exemptions or abatements

§520-18. NOTICE TO PROPERTY OWNERS

The Township shall include a notice in the mailing of the annual property tax bills to each owner of a dwelling located in an area in which exemptions, or exemptions and abatements, are authorized pursuant to this ordinance, advising such property owners of same before the end of the first year following adoption of this ordinance

§520-19. INSPECTION

Any property granted an exemption or an exemption and abatement pursuant to this ordinance shall be subject to an inspection by the Township on an annual basis to ensure that the property is in compliance with all applicable ordinances, regulations and codes of the Township. Any Property which is determined to be in violation of any ordinance, regulation or code governing health and safety standards, shall be subject to penalties and fines, as applicable, or any other remedial action permitted by state statute

§520-20. SEVERABILITY

If any provision of this ordinance is legally invalid or is hereafter found to be legally invalid, the remainder of the ordinance shall remain in full force and effect

§520-21. NON-LIMITATION

Nothing contained in this ordinance shall be so construed as to limit or deprive the

Township of any rights or privileges which are now or in the future conferred on the Township by state statute or federal laws.

§520-22. REPEAL

All prior ordinances or parts of prior ordinances inconsistent herewith are hereby repealed. Specifically Article 1 Tax Exemption for Properties in Need of Rehabilitation [Adopted 4-15-2002 by Ord. No. 02-16 (Ch. 240, Art. 1, of the 1987 Code)] is hereby repealed. Any exemptions or abatements granted pursuant to that Ordinance remain in effect.

§520-23. AMENDMENT AND READOPTION OF ORDINANCE

An ordinance adopted pursuant to this section may be amended from time to time. An amendment to an ordinance shall not affect any exemption, abatement, or tax agreement previously granted and in force prior to the amendment.

Application for exemptions and abatements from taxation may be filed pursuant to an ordinance so adopted to take initial effect in the tax year in which the ordinance is adopted, and for tax years thereafter as set forth in N.J.S.A. 40A:21-1 et seq., but no application for exemptions or abatements shall be filed for exemptions or abatements to take initial effect in the eleventh tax year or any tax year occurring thereafter, unless the ordinance is readopted by the governing body pursuant to this section.

§520-24. APPLICATION FEE

No application for Tax Exemption and Abatement submitted pursuant to this ordinance shall be accepted unless it is accompanied by full payment of the required application fee. Such fees shall be in the amount of twenty-five (\$25.00) dollars for dwellings; and for multiple dwellings and commercial and industrial projects the fee shall be two thousand five hundred (\$2,500.00) dollars for all projects whose total project cost is less than one million (\$1,000,000.00) dollars and five thousand (\$5,000) dollars for all projects whose total project cost is greater than one million (\$1,000,000.00) but less than five million (\$5,000,000) dollars and seven thousand five hundred (\$7,500.00) dollars for all other projects. These fees shall be received as compensation for all the legal review and related work of the Township's departments and agencies. All checks shall be certified and payable to the Township. This application fee shall be nonrefundable.

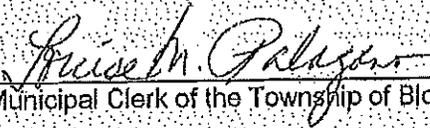
Section 3. All ordinances inconsistent herewith are hereby repealed.

Section 4. This ordinance shall take effect upon final passage and publication

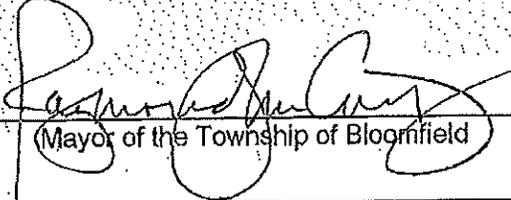
in accordance with the law.

* * *

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on December 1, 2008.


Municipal Clerk of the Township of Bloomfield

I hereby approve the above ordinance.


Mayor of the Township of Bloomfield

MAYOR & COUNCIL	Y	N	ABSTAIN	ABSENT	Y	N	ABSTAIN	ABSENT
MALY	✓				✓			
TAMBORINI	✓				✓			
RITCHINGS	✓				✓			
BARKER	✓				✓			
SPYCHALA	✓				✓			
HAMILTON	✓							✓
MCCARTHY	✓				✓			

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Township of Bloomfield Five-Year Tax Exemption and Abatement

Structure Type	Criteria	Applicable Location	Amount of Exemption	Form or Application/Agreement Required?
<i>Dwelling (includes single family, 1 & 2 family, condo & townhouse)</i>				
Improvement	The dwelling must be 20 years or older; All real estate taxes must be current; the applicant must provide a certificate of occupancy or any other permit or approval required by Township	Entire Township	5-Year: Township shall regard first \$25,000 in the Assessor's full and true value as not increasing the value	Automatic if form filed with Assessor
New Construction	All real estate taxes must be current; and the applicant must provide a certificate of occupancy or any other permit or approval required by the Township.	Only in: Bloomfield Center Vision Plan Boundary, B-2 zone (only designated zones), CBD zone, CORD zone or M-1 zone	5-Year: Township shall regard thirty percent of full and true value of the dwelling constructed, notwithstanding that the value of the property upon which the construction occurs is increased as a result	Automatic if form filed with Assessor
<i>Multi-dwelling</i>				
Improvement and New Construction	All real estate taxes must be current; the applicant must provide a certificate of occupancy or any other permit or approval required by the Township; and the construction of any improvements to, and operation of the structure, must be in compliance with any and all applicable federal, state and local health and safety codes and regulations.	All zones except Public (P), Public Recreational (P/R), Single Family (R-1A, R-1B, R-2A, R-2B)	5-Year: PILOT based on 15% of gross revenue, 2% of project cost or phase-in of taxes (See N.J.S.A. 40A:21-10)	Application process and approval needed/Tax Agreement required
<i>Commercial/Industrial</i>				
Improvement and New Construction	All real estate taxes must be current; the applicant must provide a certificate of occupancy or any other permit or approval required by the Township; and the construction and operation of the structure, must be in compliance with any and all applicable federal, state and local health and safety codes and regulations	All zones except Public (P), Public Recreational (P/R), Single Family (R-1A, R-1B, R-2A, R-2B)	5-Year: PILOT based on tax phase-in (See N.J.S.A. 40A:21-10)	Application process and approval needed/Tax Agreement required