

Township of Egg Harbor



Tax Abatement - Application Packet

Township Code
Chapter 201

All applications for tax abatement must be filed with the Township of Egg Harbor Tax Assessor within thirty (30) calendar days of completion of construction which is as defined as substantially ready for the intended use for which the building or structure is constructed.

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT PROCEDURES**

The Township of Egg Harbor established Chapter 201 of the Code of the Township of Egg Harbor entitled “Tax Abatements” for properties with commercial and industrial uses in the Township. Applicants may request tax abatement on projects in qualified zones for a period up to five years. All applications for tax abatement must be filed with the Township of Egg Harbor Tax Assessor within thirty (30) calendar days of completion of construction which is as defined as substantially ready for the intended use for which the building or structure is constructed. The Township Committee of the Township of Egg Harbor must adopt an ordinance authorizing a Tax Abatement Agreement with the applicant. It is the applicant’s responsibility to file all forms and provide all information requested for consideration by the Township Committee in a timely fashion. An application fee of \$150 payable to the Township of Egg Harbor is due at the time of application submission.

FORMS CHECKLIST

- State of New Jersey Form E/A-1 (1992) - APPLICATION FOR EXEMPTION AND/OR ABATEMENT FOR THE IMPROVEMENT, CONVERSION OR CONSTRUCTION OF PROPERTY PURSUANT TO P.L. 1991, C.441 (N.J.S.A. 40A:21-1 ET SEQ) AND 40A:21-1 ET SEQ) AND AUTHORIZED BY MUNICIPAL ORDINANCE
- Township of Egg Harbor Form TA-1 (Series) - TAX ABATEMENT APPLICATION
- Township of Egg Harbor Form TA-2 (Series) - SITE PLAN, BUILDING PLAN, FINANCIAL AND SALES INFORMATION
- Township of Egg Harbor Form TA-3 (Series) - PROSPECTIVE EMPLOYEE INFORMATION
- Township of Egg Harbor Form TA-4 (Series) - REAL PROPERTY TAX PROJECTIONS
- Township of Egg Harbor Form TA-5 (Series) - REAL PROPERTY TAX CURRENCY CERTIFICATION AND VERIFICATION OF PAYMENT OF MUNICIPAL CHARGES
 - 5.1 Tax Collector’s Certification
 - 5.2 Municipal Clerk’s Certification
 - 5.3 Construction Official’s Certification
 - 5.4 Land Use Administrator’s Certification as one package.

Upon completing all the information required on this application and attachments, you shall submit a complete application package to the Township Tax Assessor’s Office, along with a check in the amount of \$150.00 made payable to the Township of Egg Harbor. All forms and information must be submitted as one package. A partial package will be rejected.

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 made 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.

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-1**

TAX ABATEMENT APPLICATION

Applicant	_____	Date	_____
Street Address	_____	Block/Lot	_____
		Zone	_____
Property Owner	_____		
Principal Contact	_____	Phone	_____
Business Address	_____		
	_____	State	_____
		Zip	_____
	(If different from above)		

The above party hereby applies for permission to enter into an agreement with the Township Committee of the Township of Egg Harbor for a Tax Abatement on a project to be herein detailed, pursuant to the provision of P.L. 1991, Chapter 441 and Chapter 201 of the Code of the Township of Egg Harbor. The applicant agrees to provide information, in narrative form, on applicant's business letterhead, using paragraph format, as required for the following six sections.

Section One

Give a general description of this project for which abatement is sought (i.e. type and size of building, type of business, number of employees, hours of operations, etc.).

Section Two

Provide a legal description of all real estate being utilized for the project.

Section Three

Provide a statement of the reasons for seeking tax abatement on the project and a description of the benefits to be realized by the applicant if abatement is granted.

Section Four

Estimate the cost of the project and provide documentation to support your estimate.

Section Five

Describe any lease agreements between the applicant and proposed users of the project. Include a history and description of the user's business.

Section Six

Provide pertinent data regarding the relationship, agreements, and status of other properties owned by the applicant within the Township of Egg Harbor.

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-1**

I _____, do hereby certify, under oath before a Notary Public, that the information provided in and with this application by me is true, to the best of my knowledge. I understand that any wilfully false statements by me, under oath, is a violation of the law.

Date	Signature	Title
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NOTARY PUBLIC

Sworn before me this _____ day of _____, _____.

SEAL

Signature: _____ Comm. Expires: _____

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-2**

**SITE PLAN, BUILDING PLAN
FINANCIAL AND SALES
INFORMATION**

Applicant	_____	Date	_____
Street Address	_____	Block/Lot	_____
		Zone	_____
Property Owner	_____		
Principal Contact	_____	Phone	_____
Business Address	_____		
	_____	State	_____
		Zip	_____
	(If different from above)		

- Submit site plan and resolution as approved by the Egg Harbor Township Land Use Board or Board of Adjustment.
- Submit architect's rendering of the completed project which demonstrates the structure and design of the project. A set of plans approved by the Egg Harbor Township Building Division will meet this requirement.
- Submit copies of the amount, terms and conditions of any financing.
- Submit copies of the contract for sale, deed, mortgage, mortgage note, and closing statements and any additional information as necessary.
- Submit copies of any and all appraisals completed on the property within the last three years.
- Submit copies of any and all lease agreements with prospective tenants.
- Submit engineer or architect estimate of costs for various phases of the project.

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-3**

PROSPECTIVE EMPLOYEE INFORMATION

Applicant _____ Date _____

Street Address _____ Block/Lot _____ Zone _____

Property Owner _____

Principal Contact _____ Phone _____

Business Address _____

_____ State _____ Zip _____

(If different from above)

Prospective Employees
(Within two years of project completion)

CLASS	NUMBER		ESTIMATED SALARY	
	Full Time	Part Time	Full Time	Part Time
Upper Management				
Middle Management				
First Line Supervisor				
Laborer				
Clerk/Typist				
Apprentice Program				
(other)				
(other)				
Total Number Employees				
Total Annual Salary				
Total Part Time				

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-4**

REAL PROPERTY TAX PROJECTIONS

Applicant _____ Date _____

Street Address _____ Block/Lot _____ Zone _____

Property Owner _____

Principal Contact _____ Phone _____

Business Address _____

_____ State _____ Zip _____

(If different from above)

This form provides information on the property and improvements to the property that may be subject to abatement. The data provided is for estimation purposes only and the final tax assessment and abatement will be completed by the Egg Harbor Township Tax Assessor. The Tax Assessor will use either the cost assessment procedure or the income assessment procedure. The applicant for abatement must provide detailed information as requested by the Tax Assessor to determine the final real property tax.

The following information is provided to substantiate a tax assessment using the

cost basis income basis

COST BASIS

TYPE OF NEW CONSTRUCTION	CURRENT ASSESSMENT		NEW CONSTRUCTION COST	TOTAL VALUE (CURRENT + NEW)
	LAND	BUILDINGS		
ADDITION				
(SIZE)				
NEW				
(SIZE)				

INCOME BASIS

TYPE OF NEW CONSTRUCTION	CURRENT ASSESSMENT		CURRENT LEASE INCOME	NEW LEASE INCOME
	LAND	BUILDINGS		
ADDITION				
(SIZE)				
NEW				
(SIZE)				

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-4**

REAL PROPERTY TAX PROJECTIONS

Applicant _____ Date _____

Street Address _____ Block/Lot _____ Zone _____

Property Owner _____

Principal Contact _____ Phone _____

Business Address _____

_____ State _____ Zip _____

(If different from above)

ESTIMATED ANNUAL TAX PAYMENTS DURING ABATEMENT (starting first full tax year after completion of improvements)			
ABATEMENT YEAR	ESTIMATED TAXES		PERCENT OF TAXES DUE ON IMPROVEMENTS
	LAND	BUILDINGS	
ONE			0%
TWO			20%
THREE			40%
FOUR			60%
FIVE			80%
FIRST YEAR FOLLOWING ABATEMENT			100%

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-5.1**

**REAL PROPERTY TAX CURRENCY CERTIFICATION
AND
VERIFICATION OF PAYMENT OF MUNICIPAL CHARGES**

Applicant		Date	
Street Address		Block/Lot	
Property Owner			
Principal Contact		Phone	
Business Address			
		State	
		Zip	

(If different from above)

The applicant shall have these certifications from the Township of Egg Harbor.

Tax Collector Certification

1. I certify that all taxes and assessments for the above block and lot are current.
2. Taxes in the sum of \$_____ were paid on _____.
3. The next tax payment of \$_____ is due on _____.

Township of Egg Harbor

Sharon Riley
Tax Collector

Date

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-5.2**

**REAL PROPERTY TAX CURRENCY CERTIFICATION
AND
VERIFICATION OF PAYMENT OF MUNICIPAL CHARGES**

Applicant		Date	
Street Address		Block/Lot	
Property Owner			
Principal Contact		Phone	
Business Address			
		State	
		Zip	

(If different from above)

The applicant shall have these certifications from the Township of Egg Harbor.

Municipal Clerk Certification

1. I certify that all fees and escrow accounts for the above block and lot are current.
2. Fees in the amount of \$_____ were paid on _____.
3. There is \$_____ in the applicant's escrow account.

Township of Egg Harbor

Eileen M. Tedesco, RMC
Township Clerk

Date

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-5.3**

**REAL PROPERTY TAX CURRENCY CERTIFICATION
AND
VERIFICATION OF PAYMENT OF MUNICIPAL CHARGES**

Applicant		Date	
Street Address		Block/Lot	
Property Owner			
Principal Contact		Phone	
Business Address			
		State	
		Zip	

(If different from above)

The applicant shall have these certifications from the Township of Egg Harbor.

Construction Official Certification

1. I certify that all building fees for the above block and lot are current.
2. Fees in the amount of \$ _____ were paid on _____.

Township of Egg Harbor

Pat Naticchione
Construction Official

Date

**TOWNSHIP OF EGG HARBOR
TAX ABATEMENT
FORM TA-5.4**

**REAL PROPERTY TAX CURRENCY CERTIFICATION
AND
VERIFICATION OF PAYMENT OF MUNICIPAL CHARGES**

Applicant		Date			
Street Address		Block/Lot		Zone	
Property Owner					
Principal Contact		Phone			
Business Address					
		State		Zip	

(If different from above)

The applicant shall have these certifications from the Township of Egg Harbor.

Land Use Administrator Certification

1. I certify that all site development escrow accounts for the above block and lot are current.
2. There is \$_____ in the applicant's escrow account.

Township of Egg Harbor

Theresa Wilbert
Land Use Administrator

Date

Upon approval, the Township will provide an original Tax Abatement Agreement for execution.

TAX ABATEMENT AGREEMENT

THIS AGREEMENT made on this _____ day of _____, _____ between the TOWNSHIP OF EGG HARBOR, a Municipal Corporation of the County of Atlantic and State of New Jersey, (hereinafter designated as "TOWNSHIP"), and _____, whose address is _____, (hereinafter designated as "PROPERTY OWNER"); and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq and Chapter 201 of the Code of the Township of Egg Harbor, the TOWNSHIP is authorized to enter into Tax Abatement Agreements with qualified applicants for qualified uses, as defined in said Act and Ordinance, in order to provide gainful employment within the municipality, assist in the economic development of the municipality, maintain and increase the tax base of the municipality, and diversify and expand commerce within the municipality; and

WHEREAS, PROPERTY OWNER owns certain real property within the municipality as identified on final site plan approved by the Township of Egg Harbor Planning Board or Zoning Board of Adjustment for Block _____ Lot _____; (attached hereto as Exhibit "A"); and

WHEREAS, PROPERTY OWNER has made application (attached hereto as Exhibit "B") for Tax Abatement; and

WHEREAS, the Township Committee of the Township of Egg Harbor has reviewed the application and attachments and recommended approval of same; and

WHEREAS, the Township Committee, by Chapter 201 of the Code of the Township of Egg Harbor, has authorized the Mayor and Township Clerk to execute an agreement with PROPERTY OWNER for Tax Abatement, which Ordinance is attached (Exhibit "C").

WITNESSETH

In consideration of the mutual covenants herein contained and for other good and valuable consideration, the parties hereto agree as follows:

1. This agreement shall be governed by the provision of N.J.S.A. 40A:21-1 et seq and Chapter 201 of the Code of the Township of Egg Harbor herein collectively designated "THE LAW."
2. It is hereby expressly understood and agreed that the TOWNSHIP relies upon the facts, data and representation contained in the exhibits attached hereto.
3. TOWNSHIP hereby grants approval for the project as described herein to be enrolled in the Tax Abatement Program under the provision of the "LAW."
4. Taxes on the land and any improvement not subject to Tax Abatement, shall at all times remain at 100% assessment.

Upon approval, the Township will provide an original Tax Abatement Agreement for execution.

5. In consideration of the Tax Abatement afforded by this Agreement PROPERTY OWNER shall make payments to the TOWNSHIP in lieu of full property taxes as follows:
 - A. The improvement will be taxed as an added assessment from the date of completion until January 1 of the calendar year following completion.
 - B. In subsequent years following completion, payment in lieu of full taxes shall be due as follows:
 1. 1st calendar year following completion - 0% of taxes otherwise due
 2. 2nd calendar year following completion - 20% of taxes otherwise due
 3. 3rd calendar year following completion - 40% of taxes otherwise due
 4. 4th calendar year following completion - 60% of taxes otherwise due
 5. 5th calendar year following completion - 80% of taxes otherwise due
 6. Thereafter full taxes for the project shall be paid.
6. PROPERTY OWNER agrees that payments in lieu of taxes made pursuant to the Agreement shall be made in quarterly installments on those dates when real estate tax payments are due. Failure to make timely payments shall result in interest being assessed at the highest rate permitted for unpaid taxes and a tax lien will be placed on the land.
7. It is agreed and understood that when payment due and owing by the PROPERTY OWNER under this agreement is in default for more than 90 days, or the property fails to continue to meet the conditions for qualifying for abatement, then the tax which would have otherwise been payable for each year shall become due and payable from such PROPERTY OWNER as if no abatement had been granted.
8. It is agreed and understood that if PROPERTY OWNER files a tax appeal on any portion of the property referenced in this agreement during the period of this agreement, then the tax which would have otherwise been payable for each year shall become due and payable from such PROPERTY OWNER as if no abatement had been granted.
9. It is agreed and understood that if at any time prior to the termination of the abatement the property owner intends to convey or transfer the property, fails to meet the conditions required for tax abatement, or secures a new tenant, the new owner or tenant must make application to the Township Committee for continuance of Tax Abatement. The applicant shall have the obligation to notify the Township Clerk immediately upon any of the above events so that a determination may be made regarding continuance of Tax Abatement. The new owner or "lessee" must complete and file an application for continuance of Tax Abatement, on an approved form, no later than 30 days following the transfer of the lease or sale of the subject premises. Additionally, the new owner or "lessee" must simultaneously supply copies of the contract of sale or lease along with any documents deemed relevant to consideration of the application. Failure to comply with the terms of this paragraph shall result in an automatic termination of the Tax Abatement.

Upon approval, the Township will provide an original Tax Abatement Agreement for execution.

10. It is agreed and understood that should this agreement or "THE LAW" be declared invalid for any reason by a court of law, any corporate body or any agency of the State of New Jersey, having valid jurisdiction thereof, the full taxes on said property shall be due and owing as if no Tax Abatement was in effect.
11. Anything to the contrary notwithstanding, it is agreed and understood that the Tax Abatement in agreement shall be in effect for a period of not more than five years from the date of completion of the structure.
12. This Agreement shall be binding on the parties hereto, as well as their heirs and assigns as permitted herein.

Witness:

[Insert PROPERTY OWNER name]

(Print Name of Witness above)

(Print Name of President above)

Signature of Witness

Signature of President

Attest:

TOWNSHIP OF EGG HARBOR

Eileen M. Tedesco, Township Clerk

James J. McCullough, Mayor

Upon approval, the Township will provide an original Tax Abatement Agreement for execution.

State of New Jersey :

:ss

County of Atlantic :

Be it remembered that on this ____ day of _____, 201_, before me, the subscriber, a notary public, personally appeared _____, who I am satisfied is the person who signed the within instrument as an individual and President of _____, the corporation named therein and he/she thereupon acknowledged that the said instrument made by the corporation and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered by him/her as such officer and is the voluntary act and deed of the corporation.

State of New Jersey :

:ss

County of Atlantic :

Be it remembered that on this ____ day of _____, 201_, before me, the subscriber, a notary public, personally appeared Eileen M. Tedesco, who, being by me duly sworn on her oath, deposes and makes proof to my satisfaction that she is the Township Clerk of the Township of Egg Harbor, a municipal corporation of the State of New Jersey named in the within instrument; that James J. McCullough, is the Mayor of said Township; that execution as well as the making of this instrument has been duly authorized by the governing body of the Township; that deponent well knows the municipal seal of the Township and that the seal affixed to said instrument is the proper municipal seal and was thereto affixed and said instrument signed and delivered by said Mayor as and for the voluntary act and deed of the municipality, in the presence of deponent, who thereupon subscribed her name thereto as attesting witness.
