



State of New Jersey

DEPARTMENT OF THE TREASURY

DIVISION OF TAXATION

PO Box 269

TRENTON NJ 08695-0269

JON S. CORZINE
Governor

BRADLEY I. ABELOW
State Treasurer

IN REPLY RESPOND TO:

Property Administration
Fax: (609) 292-9439

**TO: COUNTY CLERKS / RECORDING OFFICERS,
COUNTY CHIEF FINANCIAL OFFICERS,
ATTORNEYS AND TITLE OFFICERS**

**FROM: STEPHEN M. SYLVESTER, ASSISTANT DIRECTOR
DIVISION OF TAXATION** *Stephen M. Sylvester*

SUBJECT: AMENDED RTF-1 AND RTF-1EE FORMS

DATE: FEBRUARY 16, 2007

Attached for use effective on February 19, 2007 are amended Affidavit of Consideration for Use by Seller (RTF-1) and Affidavit of Consideration for Use by Buyer (RTF-1EE) forms. There are two revisions to these forms.

1. CIVIL UNION LAW

The Affidavit of Consideration forms now allow for implementation of Chapter 103, P.L. 2006, the civil union law, as these statutory provisions affect qualification for total and partial exemptions from the Realty Transfer Fee as found in **N.J.S.A.** 46:15-10 and 46:15-10.1. Chapter 103, enacted on December 21, 2006, is effective on February 19, 2007.

Chapter 103 defines a "civil union" as the *"legally recognized union of two eligible individuals of the same sex established pursuant to this act. Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage."* Also: *"Civil union couples shall have all of the same benefits, protections, and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law, as are granted to spouses in a marriage."* The law specifically provides that *"Whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to 'marriage,' 'husband,' 'wife,' 'spouse,' 'family,' 'immediate family,' 'dependent,' 'next of kin,' 'widow,' 'widower,' 'widowed' or any other word which in a specific context denotes a marital or spousal relationship, the same shall include a civil union pursuant to the provisions of this act."*

Section 5 of the new law (C.37:1-32) states, in part: *"The following list of legal benefits, protections and responsibilities of spouses shall apply in like manner to civil union couples, but shall not be construed to be an exclusive list of such benefits, protections and responsibilities:"*

And this includes, in Section 5:

"a. laws relating to title, tenure, descent and distribution, intestate succession, survivorship, or other incidents of the acquisition, ownership or transfer, inter vivos or at death, of real or personal property, including but not limited to eligibility to hold real and personal property as tenants by the entirety;

"n. laws relating to taxes imposed by the State or a municipality including but not limited to homestead rebate tax allowances, tax deductions based on marital status or exemptions from realty transfer tax based on marital status;" and

"p. the home ownership rights of a surviving spouse..."

Thus, exemptions from Realty Transfer Fee as they appear in **N.J.S.A. 46:15-10** (j) now read: *"Between husband and wife/civil union partners, or parent and child" and (p): "Recorded within 90 days following the entry of a divorce/dissolution decree which dissolves the marriage/civil union partnership between grantor and grantee."*

In addition, when determining eligibility for partial exemptions from the Realty Transfer Fee for senior citizens, blind persons, and disabled persons, the language in Section (5) B. on the Affidavit of Consideration for Use by Seller (form RTF-1) has been amended to accommodate the requirements of Chapter 103: *"In the case of husband and wife/civil union partners, only one grantor needs to qualify if tenants by the entirety."*

I encourage officials to review Chapter 103 in its entirety to ascertain how the new law affects the additional responsibilities of county clerks and recording officers beyond the realm of deed recordings and Realty Transfer Fee exemptions.

2. LAST THREE NUMBERS OF SOCIAL SECURITY NUMBER NOW REQUIRED ON AFFIDAVIT OF CONSIDERATION FORMS

The last three numbers of the grantor's Social Security number must now be provided on all RTF-1 filings, and the last three numbers of the grantee's Social Security number must be provided on all RTF-1EE filings. **This procedure will assist the Division of Taxation in audits of Realty Transfer Fee revenues and collection of additional Realty Transfer Fees due.**

The revised Affidavit forms will be available on our Internet Website at: <http://www.state.nj.us/treasury/taxation/lpt/localtax.htm>. The Director of the Division of Taxation has prescribed these forms. They may be reproduced for distribution, but not altered without prior approval.

Inquiries regarding revised forms, procedures, or the new civil union law should be directed to the Realty Transfer Fee Unit at (609) 292-7813. Thank you for your cooperation.

SMS: GDC
Enclosures