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SENATE BILL NO. 1265

Offered January 10, 2007

Prefiled January 10, 2007

*A BILL to amend and reenact § 58.1-3210 of the Code of Virginia, relating to exemptions or deferrals of real estate taxes for the elderly and permanently and totally disabled.*

Patron—Herring

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3210 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped persons.

A. 1. The governing body of any county, city or town may, by ordinance, provide for the exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least sixty-five years of age or if provided in the ordinance, anyone found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption from or deferral of that portion of the tax which represents the increase in tax liability since the year such taxpayer reached the age of sixty-five or became disabled, or the year such ordinance became effective, whichever is later. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five or over or is permanently and totally disabled, *and the proration of the exemption or deferral under subdivision 2 shall not apply for such dwelling.*

2. The governing body of the county, city, or town may, by ordinance, also provide for an exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly held by two or more individuals not all of whom are at least age 65 or permanently and totally disabled. In such case, the tax exemption or deferral for the dwelling shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or permanently and totally disabled, and as a denominator, 100%. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

Nothing in this subdivision shall be interpreted or construed to provide for an exemption from or deferral of tax for any dwelling jointly held by nonindividuals.

B. For purposes of this article, any reference to real estate shall include manufactured homes.

INTRODUCED

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