

**DEPARTMENT OF TAXATION
2008 Fiscal Impact Statement**

1. Patron Lynwood W. Lewis, Jr.

2. Bill Number HB 1479

3. Committee Passed House and Senate

House of Origin:

 Introduced

 Substitute

 Engrossed

4. Title Real Property Tax; Exemption and Deferral
for the Elderly and Permanently and Totally
Disabled.

Second House:

 In Committee

 Substitute

 X **Enrolled**

5. Summary/Purpose:

This bill would allow, at local option, local Real Property Tax exemption and deferral programs for the elderly and handicapped to include the income of nonrelatives living in the applicant's dwelling, except for bona fide tenants and bona fide paid caregivers of the owner, when computing the maximum income limits to be eligible for the tax relief.

Currently, only the income of relatives living in the dwelling is included in determining eligibility. If a person can prove that their physical or mental health has deteriorated to the point that the only alternative to moving into a care center is to have a relative move in, then the income of the relative will not be counted towards the income limitation.

The effective date of this bill is not specified.

6. Fiscal Impact Estimates are: Not available. (See Line 8.)

7. Budget amendment necessary: No.

8. Fiscal implications:

This bill would have no impact on state revenues. To the extent that this bill may preclude applicants from qualifying for the relief, there may be a positive impact on local revenues. The revenue impact on each locality would be dependent upon the assessed value of property subject to the exemption or deferral.

9. Specific agency or political subdivisions affected:

All localities

10. Technical amendment necessary: No.

11. Other comments:

Current Law

The exemption/deferral programs for the elderly or handicapped provide tax relief for persons sixty-five years of age or older and for those who are permanently and totally disabled. The governing body of any locality may elect to adopt an exemption program, a deferral program, a combination of both, or none of the above. Income and net financial worth restrictions were incorporated in the exemption/deferral programs to direct tax relief to those whose incomes and financial worth are sufficiently low to merit such relief.

In order to qualify for a real estate tax exemption or deferral, an elderly or disabled individual's total combined gross income from all sources, including the income of relatives living in the dwelling may not exceed \$50,000 during the previous year. The net combined financial worth of the applicant and spouse may not exceed \$200,000, but localities may annually increase net worth limitations by a percentage equal to the Consumer Price Index to account for inflation.

Several localities are authorized to use higher total income and combined net worth limits.

The following cities and counties are authorized to increase their income limits to \$62,000 and their net worth limits to \$350,000:

- Cities of Charlottesville, Chesapeake, Norfolk, Portsmouth, Richmond, Suffolk, and Virginia Beach
- Counties of Chesterfield, Goochland, and Henrico

In 2007, the General Assembly increased the income limitation for these localities from \$52,000 to \$62,000.

The following cities and counties are authorized to increase their income limits to \$75,000 and their net worth limits to \$540,000:

- Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park
- Counties of Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, and Stafford

In 2007, the General Assembly increased the income limitation for these localities from \$72,000 to \$75,000.

If a person can prove that their physical or mental health has deteriorated to the point that the only alternative to moving into a care center is to have a relative move in, then the income of the relative will not be counted towards the income limitation, provided the owner has not transferred more than \$10,000 to the relative in the previous three years.

Proposal

This bill would allow, at local option, exemption and deferral programs for the elderly and handicapped to include the income of nonrelatives living in the applicant's dwelling, except for bona fide tenants and bona fide paid caregivers of the owner, when computing the maximum income limits to be eligible for the tax relief.

Similar Legislation

House Bill 163 would authorize localities to allow by ordinance a real property tax exemption or deferral to elderly or handicapped based on the applicant's current year's income and financial worth.

House Bill 698 would add the Cities of Hampton and Newport News and the Counties of Powhatan and Hanover to the list of cities and counties authorized to use an income limitation of \$62,000 and a net worth limitation of \$350,000 to qualify for real estate tax relief and increase the income limitation to \$67,000.

House Bill 1503 and **Senate Bill 203** (identical) would raise the maximum income eligibility restrictions from \$62,000 to 67,000 in the Cities of Charlottesville, Chesapeake, Norfolk, Portsmouth, Richmond, Suffolk, and Virginia Beach and the Counties of Chesterfield, Goochland, and Henrico.

Senate Bill 283 would add the Cities of Hampton and Newport News and the Counties of Powhatan and Hanover to the list of cities and counties authorized to use an income limitation of \$62,000 and a net worth limitation of \$350,000 to qualify for real estate tax relief.

cc : Secretary of Finance

Date: 2/28/2008 jkl
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