

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3219.9 of the Code of Virginia, relating to real property tax*  
 3 *exemption; spouse of member of armed forces killed in action.*

4 [H 127]  
 5 Approved

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

7 **1. That § 58.1-3219.9 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed**  
 9 **forces killed in action.**

10 A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for  
 11 tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation  
 12 the real property described in subsection B of the surviving spouse (i) of any member of the armed  
 13 forces of the United States who was killed in action as determined by the ~~United States~~ U.S. Department  
 14 of Defense and (ii) who occupies the real property as his principal place of residence. *For purposes of*  
 15 *this section, such determination of "killed in action" includes a determination by the U.S. Department of*  
 16 *Defense of "died of wounds received in action."* If such member of the armed forces of the United  
 17 States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal  
 18 residence on the date that such member of the armed forces is killed in action, then the exemption for  
 19 the surviving spouse shall begin on the date that such member of the armed forces is killed in action.  
 20 However, no county, city, or town shall be liable for any interest on any refund due to the surviving  
 21 spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required  
 22 by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the  
 23 exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for  
 24 a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

25 B. Those dwellings in the locality with assessed values in the most recently ended tax year that are  
 26 not in excess of the average assessed value for such year of a dwelling situated on property that is  
 27 zoned as single family residential shall qualify for a total exemption from real property taxes under this  
 28 article. If the value of a dwelling is in excess of the average assessed value as described in this  
 29 subsection, then only that portion of the assessed value in excess of the average assessed value shall be  
 30 subject to real property taxes, and the portion of the assessed value that is not in excess of the average  
 31 assessed value shall be exempt from real property taxes. Single family homes, condominiums, town  
 32 homes, and other types of dwellings of surviving spouses that (i) meet this requirement and (ii) are  
 33 occupied by such persons as their principal place of residence shall qualify for the real property tax  
 34 exemption.

35 For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and  
 36 town real property taxes, the average assessed value shall be such average for all dwellings located  
 37 within the county that are situated on property zoned as single family residential.

38 C. The surviving spouse of a member of the armed forces killed in action shall qualify for the  
 39 exemption so long as the surviving spouse does not remarry and continues to occupy the real property  
 40 as his principal place of residence. The exemption applies without any restriction on the spouse's moving  
 41 to a different principal place of residence.

42 D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying  
 43 dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant  
 44 to subsection B, and (ii) the land, not exceeding one acre, upon which it is situated. However, if a  
 45 county, city, or town provides for an exemption from or deferral of real property taxes of more than one  
 46 acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide  
 47 an exemption for the same number of acres pursuant to this section.

48 E. For purposes of this exemption, real property of any surviving spouse of a member of the armed  
 49 forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held  
 50 in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii)  
 51 held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a  
 52 continuing right of use or support. The term does not include any interest held under a leasehold or term  
 53 of years.

54 F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue  
 55 of holding the property in any of the three ways set forth in subsection E and (ii) one or more other  
 56 persons have an ownership interest in the property that permits them to occupy the property, then the

57 tax exemption for the property that otherwise would have been provided shall be prorated by  
58 multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a  
59 denominator the total number of all people having an ownership interest that permits them to occupy the  
60 property.

61 2. In the event that the principal residence is jointly owned by two or more individuals including the  
62 surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the  
63 property in any of the three ways set forth in subsection E, then the exemption shall be prorated by  
64 multiplying the amount of the exemption by a fraction that has as a numerator the percentage of  
65 ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.