

# DEPARTMENT OF TAXATION

## 2016 Fiscal Impact Statement

1. **Patron** Gordon C. Helsel, Jr.

2. **Bill Number** HB 421

**House of Origin:**

           **Introduced**

           **Substitute**

           **Engrossed**

3. **Committee** Passed House and Senate

4. **Title** Real Property Tax; Exemptions for Disabled Veterans and Spouses of Soldiers Killed in Action

**Second House:**

           **In Committee**

           **Substitute**

      X       **Enrolled**

### 5. **Summary/Purpose:**

This bill would extend the real property tax exemptions for certain disabled veterans and surviving spouses of disabled veterans and members of the armed forces killed in action to include real property improvements made to the land surrounding the residences so long as the principal use of the improvement is to house or cover motor vehicles or household goods and personal effects for other than a business purpose.

Under current law, the principal residence of a surviving spouse of any member of the armed forces of the United States who was killed in action or a veteran (or widow or widower of a veteran) who has been determined to have a 100 percent service-connected, permanent, and total disability is exempt from real property taxation. The land, not to exceed one acre, upon which the dwelling is situated, is also exempt from taxation. However, if the locality provides for an exemption or deferral of real property taxes of more than one acre for the elderly and handicapped, the locality must also provide an exemption of the same number of acres for disabled veterans and surviving spouses and surviving spouses of soldiers killed in action.

The bill is effective for tax years beginning on or after January 1, 2017.

6. **Budget amendment necessary:** No.

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

### 8. **Fiscal implications:**

To the extent that the bill would extend the real property tax exemptions for certain disabled veterans and surviving spouses of members of the armed forces killed in action to include additional structures on the property, the bill would result in an unknown revenue loss to localities. This bill would have no impact on state revenues.

### 9. **Specific agency or political subdivisions affected:**

All localities

**10. Technical amendment necessary:** No.

**11. Other comments:**

Exemption for Surviving Spouses of Soldiers Killed in Action

Legislation enacted in the 2014 General Assembly Session, House Bill 46 (*Acts of Assembly* 2014, Chapters 757), provided the necessary statutory authorization required by the constitutional amendment to Article X, § 6 of the *Constitution of Virginia*, adopted by voters authorizing the General Assembly to exempt from taxation real property that is the principal residence of a surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the Department of Defense. The constitutional amendment was adopted by voters and became effective January 1, 2015.

Under current law, the real property tax exemption for surviving spouses of soldiers killed in action applies to the principal place of residence with an assessed value not exceeding the average assessed value of all dwellings located within the locality that are zoned as single family residential. For principal places of residence that are assessed at more than the average assessed value of all dwellings located within the locality that are zoned as single family residential, the exemption only applies to the portion of the assessed value of that does not exceed the average assessed value of all dwellings located within the locality that are zoned as single family residential. The exemption applies without any restriction on the surviving spouse moving to a different principal place of residence.

Exemption for Disabled Veterans

House Bill 1645 and Senate Bill 987 (*Acts of Assembly* 2011, Chapters 769 and 840) provided the necessary statutory authorization to exempt from taxation, for tax years beginning on or after January 1, 2011, real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. The surviving spouse of a veteran is eligible for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

Qualifying Land

For both the real property tax exemption for surviving spouses of soldiers killed in action and the real property tax exemption for disabled veterans, the land upon which the dwelling is situated, not to exceed one acre, is also exempt from taxation. However, if the locality provides for an exemption or deferral of real property taxes of more than one acre for the elderly and handicapped, the locality must also provide an exemption of the same number of acres for disabled veterans and surviving spouses and surviving spouses of soldiers killed in action. If the real property is jointly owned by one or more persons and not all persons qualify for the exemption, then the exemption shall be prorated based on the ownership interest of all joint owners.

## Household Goods and Personal Effects

Under Va. Code § 58.1-3504, household goods and personal effects are defined as separate items of taxation and classified as follows:

- Bicycles.
- Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
- Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.
- Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
- Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
- Sporting and photographic equipment.
- Clothing and objects of apparel.
- Antique motor vehicles as defined in § 46.2-100 which may not be used for general transportation purposes.
- All-terrain vehicles, mopeds, and off-road motorcycles as defined in § 46.2-100.
- Electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers.
- All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

The classifications apply only to such property owned and used by an individual or by a family or household primarily incident to maintaining an abode. The governing body of any county, city or town may exempt all of the above classes of household goods and personal effects from taxation. All other household goods and personal effects are considered a category of the general classification of tangible personal property for purposes of the tangible personal property tax.

## Proposal

This bill would extend the real property tax exemptions for certain disabled veterans and surviving spouses of disabled veterans and members of the armed forces killed in action

to include real property improvements made to the land surrounding the residences so long as the principal use of the improvement is to house or cover motor vehicles or household goods and personal effects for other than a business purpose.

The bill is effective for tax years beginning on or after January 1, 2017.

#### Similar Legislation

**House Bill 127** and **Senate Bill 99** would expand the determination of “killed in action” as determined by the U.S. Department of Defense, for purposes of the real property tax exemption for the principal place of residence of a surviving spouse of a soldier killed in action, to include the determination of “died of wounds received in action” by the U.S. Department of Defense.

**House Bill 1203** and **Senate Bill 366** would clarify that houses, manufactured homes, and other types of dwellings owned by and the residence of certain disabled veterans or surviving spouses of disabled veterans and members of the armed forces killed in action qualify for real property tax exemptions, even if the disabled veteran or surviving spouse does not own the land on which the residence is located. The bill would provide that such manufactured homes would qualify for the real property tax exemptions regardless of whether the equipment previously used for mobility has been removed and the manufactured home converted to real property.

cc : Secretary of Finance

Date: 3/2/2016 AM  
DLAS File Name: HB421FERH1161