

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3212 of the Code of Virginia, relating to real property tax;*
3 *exemptions for elderly and handicapped; computation of income limitation.*

4 [H 1937]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 58.1-3212 of the Code of Virginia is amended and reenacted as follows:**8 **§ 58.1-3212. Local restrictions and exemptions.**

9 Pursuant to Article X, Section 6 (b) of the Constitution of Virginia, the General Assembly hereby
10 authorizes the governing body of a county, city or town to establish by ordinance net financial worth or
11 annual income limitations as a condition of eligibility for any exemption or deferral of tax allowed
12 pursuant to this article. If the governing body establishes an annual income limitation, the computation
13 of annual income shall be based on adding together the income received during the preceding calendar
14 year, without regard to whether a tax return is actually filed, by (i) owners of the dwelling who use it as
15 their principal residence, (ii) owners' relatives who live in the dwelling, except for those relatives living
16 in the dwelling and providing bona fide caregiving services to the owner whether such relatives are
17 compensated or not, and (iii) at the option of each locality, nonrelatives of the owner who live in the
18 dwelling except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not.
19 *A locality may provide in its ordinance that, for the purpose of the computation of annual income, if an*
20 *individual described in clause (ii) and (iii) is permanently and totally disabled, any disability income*
21 *received by such person shall not be included.* If the governing body establishes a net financial worth
22 limitation, net financial worth shall be based on adding together the net financial worth, including the
23 present value of equitable interests, as of December 31 of the immediately preceding calendar year, of
24 the owners, and of the spouse of any owner, of the dwelling.

25 Nothing in this section shall be construed or interpreted as to preclude or prohibit the governing
26 body of a county, city or town from excluding certain sources of income, or a portion of the same, for
27 purposes of its annual income limitation or excluding certain assets, or a portion of the same, for
28 purposes of its net financial worth limitation.

29 Any county, city, or town that pursuant to this article provides for the exemption from, deferral of,
30 or a combination program of exemptions from and deferrals of real property taxes may exempt or defer
31 the real property taxes of the qualifying dwelling and the land, not exceeding ten acres, upon which it is
32 situated.

33 No local ordinance shall require that a citizen reside in the jurisdiction for a designated period of
34 time as a condition for qualifying for any real estate tax exemption or deferral program established
35 pursuant to § 58.1-3210.

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