

Issue Analysis Form



Date: December 10, 2019
Item: Tax Relief for Elderly and Disabled
Lead Department(s): Commissioner of Revenue
Contact Person(s): Lindsey Lane

Description and Current Status

At the Board's November 13, 2019 work session, information was presented regarding tax relief for the elderly and disabled. The Board indicated a consensus to move forward with amending the current Ordinance. The amendment states disability income of relatives and non-relatives living with the owner shall not be included.

A draft ordinance is attached for consideration; a motion approving the ordinance is requested.

The amendment to the ordinance shall be effective January 1, 2020

Sample Motion: I move that the Board approve the Amendment to Section 74-222, relating to eligibility for exemption of eligible persons for real estate exemption, and such amendment shall be effective January 1, 2020.

Government Path

- | | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so, before what date? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Fiscal Impact Statement

County Impact
Notes

**ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF
PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY
AMENDING AND RE-ENACTING § 74-222 RELATING TO
ELIGIBILITY FOR EXEMPTION OF ELIGIBLE PERSONS FOR REAL ESTATE
EXEMPTION**

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) *That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by amending and re-enacting § 74-222, as follows:*

Sec. 74-222. - Eligibility for exemption for eligible person.

- (a) Any eligible person not less than 65 years of age as of the last day of the immediately preceding taxable year or any person under 65 years of age who has been determined to be permanently and totally disabled on the last day of the immediately preceding taxable year, who owns or partially owns a dwelling or mobile home as the sole dwelling of that person, shall be eligible for, and may apply for, an exemption of real estate taxes on such dwelling or mobile home and the land, in an amount not to exceed five contiguous acres on which it is situated, provided that:
- (1) The total combined income during the immediately preceding year shall not exceed \$45,000.00. The following scale shall apply: on such combined income amounts of from \$0.00 to \$28,000.00, the exemption shall be 100 percent; and on such combined income amounts of \$28,001.00 to \$45,000.00, the exemption shall be 50 percent.
- (2) The net combined financial worth, as of December 31 of the immediately preceding year, cannot exceed \$120,000.00.
- (b) The total combined income applicable in this section includes the income **received during the prior calendar year** of:
- (1) The owners of the dwelling who use it as their principal residence;
- (2) The owners' relatives who live in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner, whether such relatives are compensated or not; and
- (3) Non-relatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not.
- (c) **If an individual described above in subsection (b)(2) or (b)(3) is permanently and totally disabled, any disability income received by such person shall not be included.**
- (d) Real property owned and occupied as the sole dwelling of an eligible person or two or more individuals includes real property:

- (1) Held by the eligible person alone, in conjunction with his spouse, or in conjunction with one or more other people as tenant or tenants for life or joint lives;
- (2) Held in a revocable inter vivos trust over which an eligible person alone, with his spouse, or with one or more other people hold the power to revocation; or
- (3) Held in an irrevocable trust under which an eligible person alone, in conjunction with his spouse, or in conjunction with one or more other person possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support.

(Ord. No. O-17-10, § 1, 7-11-2017)

State law reference—Similar provisions, Code of Virginia, § 58.1-3212

- (2) *That this Ordinance shall be effective January 1, 2020.*