

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 42
Committee Substitute Favorable 3/27/01
Senate Finance Committee Substitute Adopted 6/20/01
Senate Finance Committee Substitute #2 Adopted 7/18/01

Short Title: Property Tax Homestead Exclusion.

(Public)

Sponsors:

Referred to:

February 1, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING
3 LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF
4 THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD
5 REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX
6 RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 105-277.1 reads as rewritten:

9 "**§ 105-277.1. Property classified for taxation at reduced valuation. tax homestead**
10 **exclusion.**

11 (a) Exclusion. – ~~The following class of property~~ A permanent residence owned
12 and occupied by a qualifying owner is designated a special class of property under
13 Article V, Sec. 2(2) of the North Carolina Constitution and ~~shall be assessed for taxation~~
14 ~~in accordance with this section. The first twenty thousand dollars (\$20,000) in appraised~~
15 ~~value of a permanent residence owned and occupied by a qualifying owner is excluded~~
16 ~~from taxation.~~ is taxable in accordance with this section. The amount of the appraised
17 value of the residence equal to the exclusion amount is excluded from taxation. The
18 exclusion amount is the greater of twenty thousand dollars (\$20,000) or fifty percent
19 (50%) of the appraised value of the residence. A qualifying owner is an owner who
20 meets all of the following requirements as of January 1 preceding the taxable year for
21 which the benefit is claimed:

22 (1) Is at least 65 years of age or totally and permanently disabled.

23 (2) Has an income for the preceding calendar year of not more than ~~fifteen~~
24 ~~thousand dollars (\$15,000).~~ the income eligibility limit.

25 (3) Is a North Carolina resident.

26 (a1) Temporary Absence. – An otherwise qualifying owner does not lose the
27 benefit of this exclusion because of a temporary absence from his or her permanent

1 residence for reasons of health, or because of an extended absence while confined to a
2 rest home or nursing home, so long as the residence is unoccupied or occupied by the
3 owner's spouse or other dependent.

4 (a2) Income Eligibility Limit. – Until July 1, 2003, the income eligibility limit is
5 eighteen thousand dollars (\$18,000). For taxable years beginning on or after July 1,
6 2003, the income eligibility limit is the amount for the preceding year, adjusted by the
7 same percentage of this amount as the percentage of any cost-of-living adjustment made
8 to the benefits under Titles II and XVI of the Social Security Act for the preceding
9 calendar year, rounded to the nearest one hundred dollars (\$100.00). On or before July 1
10 of each year, the Department of Revenue must determine the income eligibility amount
11 to be in effect for the taxable year beginning the following July 1 and must notify the
12 assessor of each county of the amount to be in effect for that taxable year.

13 (b) ~~Definitions. – When used in this section, the following definitions shall~~
14 ~~apply:~~ The following definitions apply in this section:

15 (1) Code. – The Internal Revenue Code, as defined in G.S. 105-228.90.

16 (1a) Income. – Adjusted gross income, as defined in section 62 of the Code,
17 plus all other moneys received from every source other than gifts or
18 inheritances received from a spouse, lineal ancestor, or lineal
19 descendant. For married applicants residing with their spouses, the
20 income of both spouses must be included, whether or not the property
21 is in both names.

22 (1b) Owner. – A person who holds legal or equitable title, whether
23 individually, as a tenant by the entirety, a joint tenant, or a tenant in
24 common, or as the holder of a life estate or an estate for the life of
25 another. A manufactured home jointly owned by husband and wife is
26 considered property held by the entirety.

27 (2) Repealed by Session Laws 1993, c. 360, s. 1.

28 (2a) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 982, s. 20.

29 (3) Permanent residence. – A person's legal residence. It includes the
30 dwelling, the dwelling site, not to exceed one acre, and related
31 improvements. The dwelling may be a single family residence, a unit
32 in a multi-family residential complex, or a manufactured home.

33 (4) Totally and permanently disabled. – A person is totally and
34 permanently disabled if the person has a physical or mental
35 impairment that substantially precludes him or her from obtaining
36 gainful employment and appears reasonably certain to continue
37 without substantial improvement throughout his or her life.

38 (c) Application. – An application for the exclusion provided by this section
39 should be filed during the regular listing period, but may be filed and must be accepted
40 at any time up to and through ~~April 15~~ June 1 preceding the tax year for which the
41 exclusion is claimed. When property is owned by two or more persons other than
42 husband and wife and one or more of them qualifies for this exclusion, each owner ~~shall~~
43 must apply separately for his or her proportionate share of the exclusion.

1 (1) Elderly Applicants. – Persons 65 years of age or older may apply for
2 this exclusion by entering the appropriate information on a form made
3 available by the assessor under G.S. 105-282.1.

4 (2) Disabled Applicants. – Persons who are totally and permanently
5 disabled may apply for this exclusion by (i) entering the appropriate
6 information on a form made available by the assessor under G.S.
7 105-282.1 and (ii) furnishing acceptable proof of their disability. The
8 proof ~~shall~~ must be in the form of a certificate from a physician
9 licensed to practice medicine in North Carolina or from a
10 governmental agency authorized to determine qualification for
11 disability benefits. After a disabled applicant has qualified for this
12 classification, ~~he or she shall not be~~ the applicant is not required to
13 furnish an additional certificate unless the applicant's disability is
14 reduced to the extent that the applicant could no longer be certified for
15 the taxation at reduced valuation.

16 (d) Multiple Ownership. – A permanent residence owned and occupied by
17 husband and wife as tenants by the entirety is entitled to the full benefit of this exclusion
18 notwithstanding that only one of them meets the age or disability requirements of this
19 section. When a permanent residence is owned and occupied by two or more persons
20 other than husband and wife and one or more of the owners qualifies for this exclusion,
21 each qualifying owner is entitled to the full amount of the exclusion not to exceed his or
22 her proportionate share of the valuation of the property. No part of an exclusion
23 available to one co-owner may be claimed by any other co-owner and in no event may
24 the total exclusion allowed for a permanent residence exceed the exclusion amount
25 provided in this section."

26 **SECTION 2.** G.S. 105-309(f) reads as rewritten:

27 "(f) ~~The following information shall~~ notice set out below must appear on each
28 abstract or on an information sheet distributed with the abstract. The abstract or sheet
29 must include the address and telephone number of the assessor below the ~~notice~~
30 ~~required by this subsection. The notice shall read as follows:~~ notice:

31
32 'PROPERTY TAX ~~RELIEF~~ HOMESTEAD EXCLUSION FOR ELDERLY AND OR
33 PERMANENTLY DISABLED PERSONS.
34

35 North Carolina excludes from property taxes ~~the first twenty thousand dollars~~
36 ~~(\$20,000) in a portion of the~~ appraised value of a permanent residence owned and
37 occupied by North Carolina residents aged 65 or older or totally and permanently
38 disabled whose income does not exceed ~~fifteen thousand dollars (\$15,000).~~ (assessor
39 insert amount). The amount of the appraised value of the residence that may be
40 excluded from taxation is the greater of twenty thousand dollars (\$20,000) or fifty
41 percent (50%) of the appraised value of the residence. Income means the owner's
42 adjusted gross income as determined for federal income tax purposes, plus all moneys

1 received other than gifts or inheritances received from a spouse, lineal ancestor or lineal
2 descendant.

3 If you received this exclusion in (assessor insert previous year), you do not need to
4 apply again unless you have changed your permanent residence. If you received the
5 exclusion in (assessor insert previous year) and your income in (assessor insert previous
6 year) was above ~~fifteen thousand dollars (\$15,000)~~, (assessor insert amount), you must
7 notify the assessor. If you received the exclusion in (assessor insert previous year)
8 because you were totally and permanently disabled and you are no longer totally and
9 permanently disabled, you must notify the assessor. If the person receiving the
10 exclusion in (assessor insert previous year) has died, the person required by law to list
11 the property must notify the assessor. Failure to make any of the notices required by this
12 paragraph before ~~April 15~~ June 1 will result in penalties and interest.

13 If you did not receive the exclusion in (assessor insert previous year) but are now
14 eligible, you may obtain a copy of an application from the assessor. It must be filed by
15 ~~April 15.~~ June 1. "

16 **SECTION 3.** G.S. 159-15 reads as rewritten:

17 "**§ 159-15. Amendments to the budget ordinance.**

18 Except as otherwise restricted by law, the governing board may amend the budget
19 ordinance at any time after the ordinance's adoption in any manner, so long as the
20 ordinance, as amended, continues to satisfy the requirements of G.S. 159-8 and 159-13.
21 However, except as otherwise provided in this section, no amendment may increase or
22 reduce a property tax levy or in any manner alter a property taxpayer's liability, unless
23 the board is ordered to do so by a court of competent jurisdiction, or by a State agency
24 having the power to compel the levy of taxes by the board.

25 If after July 1 the local government receives additional and unanticipated revenues,
26 the governing body may amend the budget ordinance to reduce the property tax levy to
27 account for the unanticipated revenues.

28 The governing board by appropriate resolution or ordinance may authorize the
29 budget officer to transfer moneys from one appropriation to another within the same
30 fund subject to such limitations and procedures as it may prescribe. Any such transfers
31 shall be reported to the governing board at its next regular meeting and shall be entered
32 in the minutes."

33 **SECTION 4.** Section 3 of this act becomes effective July 1, 2001, and
34 expires October 1, 2001. The remainder of this act becomes effective for taxes imposed
35 for taxable years beginning on or after July 1, 2002.