

COUNTY OF YORK

MEMORANDUM

DATE: July 24, 2014 (BOS Mtg. 9/16/14)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Proposed amendment to County Code §§ 21-41 and 21-44, Tax Relief to the Elderly and Disabled

House Bill 1000, adopted by the 2014 General Assembly and signed by the governor, added some textual clarification to the statutes pursuant to which the County offers partial real estate property tax relief to qualified elderly and disabled individuals. The bill revises Code of Virginia §§ 58.1-3210 and 58.1-3211.1 relative to such tax relief programs and changes the manner in which localities must calculate income and net worth in determining eligibility. The new language required to be part of our ordinance is shown in draft Ordinance No. 14-14, and is copied from language in HB 1000. Briefly, an “eligible person” is now defined as one who qualifies by age or disability and who owns and occupies property as his sole dwelling including property held jointly with her or her spouse, or held in certain trust arrangements by which the eligible person remains, for all practical purposes, the actual owner. Previously, local governments were uncertain whether property held in trusts qualified for the tax exemption because the applicable statutes did not previously expressly provide for such. For your information, York County has always allowed the tax exemption for eligible owners even when the property was held in certain kinds of trusts many individuals create for estate planning purposes. In addition, the amended statute clarifies that the financial net worth and annual income limitations will include the net worth and incomes of the owners of the dwelling as well as the owner’s relatives who also live in the dwelling, except for relatives living there and providing bona fide care giving services to the owner.

In both cases, these amendments modify the tax reduction program in ways which will tend to add flexibility to homeowners who wish to claim the exemption.

I recommend the adoption of Ordinance No. 14-14.

Barnett/3440:sw
Attachment

- Proposed Ordinance No. 14-14