

PROPOSED AMENDMENT TO TITLE 16 ARTICLE II
OF THE WESTMORELAND COUNTY CODE

Section 16- Exemption granted.

Real estate, or any portion thereof, owned by, and occupied as the sole dwelling of anyone at least sixty-five (65) years of age, or anyone found to be permanently and totally disabled as defined hereafter in this Code, shall be exempt from real estate taxes in the amounts as set forth in the division. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over, or is permanently and totally disabled and meets the hereinafter qualifications.

Section 16- Qualifications.

Such exemption may be granted for any tax year following the date that any person occupying such dwelling and owning title or partial title thereto reached the age of sixty-five (65) years, or becomes permanently and totally disable, and in addition:

- (1) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed twenty thousand dollars (\$20,000.00), provided that the first three thousand dollars (\$3,000.00) of income of each relative, other than the spouse, of the owner or owners, who is living in the dwelling shall not be included in such total. If a person qualified for exemption under this division can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home, or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the income of that relative or of that relative's spouse shall be counted towards the income limit stated hereinabove.
- (2) The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated does not exceed sixty thousand dollars (\$60,000.00).

Section 16- Scale of exemptions.

Any person or persons qualifying for this exemption shall be exempt in the amounts from taxation of real estate based on income as follows:

<u>Total combined income</u>	<u>Percentage Exemption of tax</u>
Less than \$14,000.00	100%
\$14,001.00 to \$16,000.00	80%
\$16,001.00 to \$18,000.00	60%
\$18,001.00 to \$20,000.00	40%
\$20,001.00 and above	0%

In no case shall the total annual exemption exceed three hundred dollars (\$300.00)

Section 16- Application for exemption.

- (1) Any person or persons claiming such exemption shall file annually with the commissioner of revenue of Westmoreland County, on forms to be supplied by the county, an affidavit setting forth the name of the related persons occupying such real estate and that the total combined net worth, including equitable interests and the combined income from all sources, of the person or persons as specified does not exceed the limits prescribed in this division.
- (2) Such affidavit shall be filed on or after the first day of February, but no later than the first day of May of each year in which an exemption is sought.
- (3) The commissioner of revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications thereof as specified in this division. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.
- (4) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then-current taxable year and the taxable year immediately following.

Section 16- Penalty for false statement.

Any applicant making a false statement to obtain tax relief under this division shall be deemed guilty of a violation of this section and upon conviction thereof, shall be punishable by a fine not to exceed two hundred dollars (\$200.00)

Section 16- Definitions.

The following words and phrases when used in this division shall, for the purpose of this division, have the following respective meanings, except where the context clearly indicates a different meaning;

Affidavit shall mean the real estate tax exemption affidavit.

Commissioner of the revenue shall mean the commissioner of the revenue of this County, or his/her duly authorized deputies or agents.

County shall mean Westmoreland County, Virginia.

Dwelling shall mean the full-time residence of the person or persons claiming exemption.

Exemption shall mean exemption from the real estate tax of the county according to the provisions of this division.

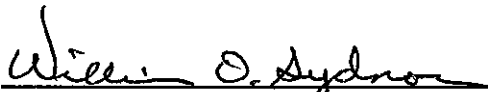
Income shall mean income from whatever source derived, including but not limited to social security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits under the Virginia Supplemental Retirement System.

Net combined financial worth shall mean the fair market value of all assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, less the liabilities of such person or persons, but excluding the value of the dwelling and the land, as provided in section 16-_____. Such terms includes, but is not limited to, the cash surrender value of any life insurance policy owned by such person or persons.

Permanently and totally disabled shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life, and any person who applies under the terms of this definition who is under sixty-five (65) years of age must meet the requirements of Section 58.1-3506.5(D) of the Code of Virginia, 1950, as amended.

Property shall mean real property, and shall include manufactured homes.

ADOPTED this 15th day of October, 2003.



William O. Sydnor, Chairman
Board of Supervisors
Westmoreland County