

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 102**

Short Title: Property Tax Homestead Exclusion.

(Public)

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Sponsors: Representatives Hill, Allen, Gray, Jarrell, Luebke, Pope, Tucker; Alexander, Baddour, Barefoot, Buchanan, Cansler, Church, Cox, Crawford, Edwards, Esposito, Hilton, Hurley, Jeffus, McLawhorn, Morris, Owens, Preston, Rayfield, Redwine, Russell, Shubert, Teague, Wainwright, Warner, Warren, Warwick, and Weiss.

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Referred to: Finance.

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February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PROPERTY TAX RELIEF TO LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS.

The General Assembly of North Carolina enacts:

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

**"§ 105-277.1. Property classified for taxation at reduced valuation.**

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

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

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

(3) Is a North Carolina resident.

(a1) Temporary Absence. – An otherwise qualifying owner does not lose the benefit of this exclusion because of a temporary absence from his or her permanent residence for reasons of health, or because of an extended absence while confined to a

1 rest home or nursing home, so long as the residence is unoccupied or occupied by the  
2 owner's spouse or other dependent.

3 (a2) Income Eligibility Limit. – Until July 1, 2002, the income eligibility limit is  
4 fifteen thousand dollars (\$15,000). For taxable years beginning on or after July 1, 2002,  
5 the income eligibility limit is the amount for the preceding year, adjusted by the same  
6 percentage of this amount as the percentage of any cost-of-living adjustment made to  
7 the benefits under Titles II and XVI of the Social Security Act for the preceding  
8 calendar year, rounded to the nearest one hundred dollars (\$100.00). On or before July 1  
9 of each year, the Department of Revenue must determine the income eligibility amount  
10 to be in effect for the taxable year beginning the following July 1 and must notify the  
11 assessor of each county of the amount to be in effect for that taxable year.

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

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

15 (1a) Income. – Adjusted gross income, as defined in section 62 of the Code,  
16 plus all other moneys received from every source other than gifts or  
17 inheritances received from a spouse, lineal ancestor, or lineal  
18 descendant. For married applicants residing with their spouses, the  
19 income of both spouses must be included, whether or not the property  
20 is in both names.

21 (1b) Owner. – A person who holds legal or equitable title, whether  
22 individually, as a tenant by the entirety, a joint tenant, or a tenant in  
23 common, or as the holder of a life estate or an estate for the life of  
24 another. A manufactured home jointly owned by husband and wife is  
25 considered property held by the entirety.

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

27 (2a) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 982, s. 20.

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

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

37 (c) Application. – An application for the exclusion provided by this section  
38 should be filed during the regular listing period, but may be filed and must be accepted  
39 at any time up to and through April 15 preceding the tax year for which the exclusion is  
40 claimed. When property is owned by two or more persons other than husband and wife  
41 and one or more of them qualifies for this exclusion, each owner shall apply separately  
42 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 be in the form of a certificate from a physician licensed to  
9 practice medicine in North Carolina or from a governmental agency  
10 authorized to determine qualification for disability benefits. After a  
11 disabled applicant has qualified for this classification, he or she shall  
12 not be required to furnish an additional certificate unless the  
13 applicant's disability is reduced to the extent that the applicant could  
14 no longer be certified for the taxation at reduced valuation.

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

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

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

30  
31 'PROPERTY TAX ~~RELIEF~~ HOMESTEAD EXCLUSION FOR ELDERLY AND OR  
32 PERMANENTLY DISABLED PERSONS.  
33

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

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

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

14               **SECTION 3.** This act is effective for taxes imposed for taxable years  
15 beginning on or after July 1, 2002.