

PUBLIC HEARING NOTICE

The Pittsylvania County Board of Supervisors will hold a Public Hearing at 7:00 p.m., on Tuesday, July 16, 2024, at the Board Meeting Room, 39 Bank Street SE, Chatham, Virginia 24531, to receive citizen input on proposed revisions to Pittsylvania County Code § 6-6, Tax Exemption on Property of Certain Elderly and Disabled Persons. A complete copy of the proposed revisions is available at the Pittsylvania County Administrator's Office, 1 Center Street, Chatham, Virginia 24531, Monday through Friday, 8:00 a.m. to 5:00 p.m., as well as on the County's website at www.pittsylvaniacountyva.gov.

**SEC. 6-6. EXEMPTION ON REAL ESTATE OF CERTAIN ELDERLY AND
DISABLED PERSONS.**

1. Purpose.

In accordance with Virginia Code § 58.1-321, 1950, as amended, the Board of Supervisors hereby deems those elderly persons or permanently and totally disabled persons who fall within the provisions of this article to be bearing an extraordinary tax burden on the real estate and manufactured homes defined herein in relation to their income and net worth.

2. Definitions.

- a. "dwelling" shall mean the full-time residence and domiciliary, including a manufactured or mobile home, of the person claiming the exemption.
- b. "elderly" shall mean a person not less than sixty-five (65) years of age as of December 31 of the year prior to the year for which exemption is requested.
- c. "fair market value" shall mean, when applied to real estate, based upon the appraised value, and not the assessed value, as shown on the records of the Commissioner of Revenue. When applied to personal property, fair market value shall mean the actual value as appraised by the Commissioner of Revenue.
- d. "income" shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.
- e. "manufactured or mobile home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode; or is three-hundred and twenty (320) or more square feet when erected on site; is built on a permanent chassis; and is designed to be used as a single family dwelling, with or without a permanent foundation.
- f. "permanently and totally disabled" shall mean unable to engage in any substantially gainful activity by means 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 the person's life.
- g. "real estate" shall mean real property and dwelling structures, and shall include manufactured or mobile homes which are presently being used as a dwelling, and are connected to the required utilities including plumbing, heating, air conditioning, and electrical utilities.
- h. "relative" shall mean any relation by blood or marriage.
- i. "taxable year" shall mean the calendar year, from January 1 until December 31, for which exemption is claimed.

3. General Provisions.

A. Real estate owned and occupied as the sole dwelling of a person or persons who are not less than sixty-five (65) years of age or who are determined to be permanently and totally disabled are exempted from so much of the County Real Estate Taxes as provided for in Section 4 hereof, subject however to the following restrictions and conditions, in addition to those set out elsewhere in this section:

1. The combined annual income shall be based on adding together the income received during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) owners of the dwelling who use it as their principal residence, (ii) 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 (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not, shall not exceed ~~twenty-five~~thirty-five thousand (~~\$25,000.00~~\$35,000.00) dollars per year; provided that the first four thousand (\$4,000.00) dollars of annual income of each relative/nonrelative, other than the spouse of the owner, shall not be included in such totals; and

2. That the net combined financial worth, including equitable interests, of the owners and of the spouse of any owner, excluding the value of the dwelling and the land upon which it sits, not exceeding one acre, does not exceed ~~sixty~~seventy thousand (~~\$60,000.00~~\$70,000.00) dollars as of the 31st day of December of the immediately preceding calendar year, and through the taxable year to which such exemption is to apply.

B. The person or persons claiming such exemptions shall file annually, after the (1st) day of January but not later than the fifteenth day of February, with the Commissioner of Revenue of Pittsylvania County, Virginia, or such other agent or officer as may be designated by the commissioner, on forms supplied by the County, an Affidavit setting forth the names of related persons occupying the real estate for which the exemption is claimed, their total combined net worth, including equitable interests and the combined income from all sources of all persons specified. The application deadline may be extended on the approval of the Commissioner of Revenue, if the applicant is applying for the exemption for the first time or in cases of hardship, and if proper application is made along with a sworn affidavit that failure to apply by the fifteenth day of February was due to reasons beyond the applicant's control. The Commissioner of Revenue shall require that the applicant, spouse, and any and all relatives living in the dwelling supply proof of age in the form of Birth Certificates or Passports or Driver's License; and proof of income in the form of copies of their W-2s, 1099-DIV, 1099-INT, 1099-MISC, 1099-R, SSA-1099 Social Security Statements, and such other documents as may be required by the Commissioner of Revenue to determine income and total combined net worth.

C. If the person claiming the exemption is under sixty-five (65) years of age, the Affidavit filed under this section shall have attached thereto a Certification by the Social Security

Administration, the Veterans Administration or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth of Virginia, to the effect that such person is permanently and totally disabled. The affidavit of at least one such doctor shall be based upon a physical examination of such person by such doctor. The affidavit of one such doctor may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability, as defined herein.

D. The fact that persons who are otherwise qualified for tax exemption are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption or deferral is sought does not continue to be the sole dwelling of such person during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

4. Exemption.

(a) The exemption shall be as follows:

| <u>Total Income from All Sources</u> | <u>Tax Exemption</u> |
|---|----------------------|
| \$0 – \$15,400 <u>\$25,400</u> | 100% |
| \$15,401 – \$16,600 <u>\$25,400 - \$26,600</u> | 90% |
| \$16,601 – \$17,800 <u>\$26,600 - \$27,800</u> | 80% |
| \$17,801 – \$19,000 <u>\$27,800 - \$29,000</u> | 70% |
| \$19,001 – \$20,200 <u>\$29,000 - \$30,200</u> | 60% |
| \$20,201 – \$21,400 <u>\$30,200 - \$31,400</u> | 50% |
| \$21,401 – \$22,600 <u>\$31,400 - \$32,600</u> | 40% |
| \$22,601 – \$23,800 <u>\$32,600 - \$33,800</u> | 30% |
| \$23,801 – \$25,000 <u>\$33,800 - \$35,000</u> | 20% |

(b) The total annual exemptions shall not exceed ~~four hundred and fiftysix hundred~~ (\$450.00600.00) dollars.

(c) The tax exemption herein permitted may be granted for any year following the year of the taxpayer occupying such dwelling and owning title or partial title thereto reaches the age of sixty- five (65) years or is determined to be permanently and totally disabled.

(d) If the ownership of the property for which application for exemption is made is not held solely by the applicant, or jointly with the applicant's wife, then the amount of the tax exemption percentage as provided for herein shall be in proportion to the applicant's ownership interest.

5. Changes - Ownership, income or financial worth.

Any change in respect of total combined income, net combined financial worth, ownership of property, or other factors, which occur during the taxable year for which the affidavit is filed, and which has the effect of a reduction or termination of any exemption, shall nullify or reduce any exemption for remainder of the current taxable year, and the taxable year immediately following. A prorated exemption is provided for the portion of the taxable year during which the taxpayer qualified for such exemption.

6. Prorated Exemption upon death of qualifying individual.

Notwithstanding Section 6-6(5) herein, a change in ownership or a nonqualifying individual, when such change resulted solely from the death of the qualifying individual, or a sale of such property shall result in a prorated exemption for the then current taxable year. Such prorated portion shall be determined by multiplying the amount of the exemption by a fraction wherein the number of the complete months of the year such property was properly eligible for such exemption is the numerator and the number twelve (12) is the denominator. The proceeds of the sale which would result in the prorated exemption shall not be included in the computation of net worth or income required by Section 6-6(3) herein.

7. Certification to the Treasurer.

The Commissioner of Revenue shall certify to the Treasurer of Pittsylvania County, Virginia, annually those persons who qualify under this article for an exemption and the amount thereof. The Treasurer shall deduct the amount of exemption from the applicant's real estate tax for that year.

8. Penalty.

Any person who knowingly gives false information to support a claim for an exemption under this article, or any person who willfully fails to notify the Commissioner of Revenue or other designated officer of changes in conditions which would result in a reduction or termination of the exemption.

(B.S.M. 12/19/06) (B.S.M. 12/18/18) (B.S.M. 3/12/19)