

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 201

FISCAL
NOTE

By Senators Oliverio, Queen, Caputo, Hunt, Rucker,
and Maroney

[Introduced January 13, 2023; referred
to the Committee on Finance]

1 A BILL to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as
 2 amended, all relating to increasing the Homestead Property Tax Exemption for
 3 homeowners.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6B. HOMESTEAD PROPERTY TAX EXEMPTION.

§11-6B-3. ~~Twenty thousand~~ Forty-thousand dollar homestead exemption allowed.

1 (a) *General.* — An exemption from ad valorem property taxes shall be allowed for the first
 2 ~~\$20,000~~ \$40,000 of assessed value of a homestead that is used and occupied by the owner
 3 thereof exclusively for residential purposes, when such owner is 65 years of age or older or is
 4 certified as being permanently and totally disabled provided the owner has been or will be a
 5 resident of the State of West Virginia for the two consecutive calendar years preceding the tax year
 6 to which the homestead exemption relates: *Provided,* That an owner who receives a similar
 7 exemption for a homestead in another state is ineligible for the exemption provided by this section.
 8 The owners application for exemption shall be accompanied by a sworn affidavit stating that such
 9 owner is not receiving a similar exemption in another state: *Provided, however,* That when a
 10 resident of West Virginia establishes residency in another state or country and subsequently
 11 returns and reestablishes residency in West Virginia within a period of five years, such resident
 12 may be allowed a homestead exemption without satisfying the requirement of two years
 13 consecutive residency if such person was a resident of this state for two calendar years out of the
 14 ten calendar years immediately preceding the tax year for which the homestead exemption is
 15 sought. Proof of residency includes, but is not limited to, the owners voters registration card issued
 16 in this state or a motor vehicle registration card issued in this state. Additionally, when a person is a
 17 resident of this state at the time such person enters upon active duty in the military service of this
 18 country and throughout such service maintains this state as his or her state of residence, and upon
 19 retirement from the military service, or earlier separation due to a permanent and total physical or
 20 mental disability, such person returns to this state and purchases a homestead, such person is

21 deemed to satisfy the residency test required by this section and shall be allowed a homestead
22 exemption under this section if such person is otherwise eligible for a homestead exemption under
23 this article; and the Tax Commissioner may specify, by regulation promulgated under Chapter 29A
24 of this code, what constitutes acceptable proof of these facts. Only one exemption shall be allowed
25 for each homestead used and occupied exclusively for residential purposes by the owner thereof,
26 regardless of the number of qualified owners residing therein.

27 (b) *Attachment of exemption.* — This exemption shall attach to the homestead occupied by
28 the qualified owner on the July first assessment date and shall be applicable to taxes for the
29 following tax year. An exemption shall not be transferred to another homestead until the following
30 July first. If the homestead of an owner qualified under this article is transferred by deed, will or
31 otherwise, the ~~\$20,000~~ \$40,000 exemption shall be removed from the property on the next July
32 first assessment date unless the new owner qualifies for the exemption.

33 (c) *Construction.* — The residency requirement specified in subsection (a) is enacted
34 pursuant to the Legislatures authority to prescribe by general law requirements, limitations, and
35 conditions for the homestead exemption, as set forth in Article X, Section 1b of the Constitution of
36 this state. Should the Supreme Court of Appeals or a federal court of competent jurisdiction
37 determine that this residency requirement violates federal law in a decision that becomes final, this
38 section shall then be construed and applied, beginning with the July first assessment day
39 immediately following the date the decision became final, as if the residency requirement had not
40 been enacted, thereby preserving the availability of the homestead exemption and the fiscal
41 integrity of local government levying bodies.

§11-6B-7. Property tax books.

1 (a) *Property book entry.* -- The exemption of the first ~~\$20,000~~ \$40,000 of assessed value
2 shall be shown on the property books as a deduction from the total assessed value of the
3 homestead.

4 (b) *Levy; statement to homestead owner.* -- When the ~~\$20,000~~ \$40,000 exemption is

- 5 greater than the total assessed value of the eligible homestead, no taxes shall be levied. The
- 6 sheriff shall issue a statement to the owner showing that no taxes are due.

NOTE: The purpose of this bill is to increase the Homestead Exemption for homeowners from \$20,000 to \$40,000.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.