SPONSOR: Rep. K. Williams & Sen. Walsh & Sen. Poore &
Rep. Minor-Brown & Rep. Harris & Rep. Osienski &
Rep. Heffernan & Rep. Morrison & Sen. Sokola &
Sen. Townsend & Sen. Lockman & Sen. Seigfried
Reps. Burns, Gorman, K. Johnson, Lambert, Neal,
Romer, Ross Levin, Wilson-Anton, Chukwuocha, Bolden,
Bush, Carson, Cooke, Griffith, Ortega, Kamela Smith,
Snyder-Hall; Sens. Cruce, Hansen, Mantzavinos,
Sturgeon

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 240

AN ACT TO AMEND TITLE 9 AND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL AND COUNTY TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 8311, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8311. Appeals and corrections upon completion of annual assessment.

(d) If an assessment appeal results in reduction in the assessed value of real property and, as a result of that reduction, a property owner has overpaid any taxes collected by the county in the tax year the appeal was filed, the property owner is entitled to a refund of the tax overpayment if the total overpayment is $50 or more. If the total overpayment is less than $50, the county may elect to refund the overpayment or apply it as a credit to offset any subsequent tax obligation billed to that property.

Section 2. Amend § 8618, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8618. Refund of county taxes paid in ~~error.~~ error; refund after assessment appeal.

(a) County taxes paid through error or by mistake may be refunded by the county government of the county in which the taxes were paid as follows:

(1) The person claiming a refund of taxes shall file with the county government a request for refund in writing stating why it is believed the taxes were paid in error;

(2) The county government shall submit the request for refund to the tax collecting authority of the county for approval of the payment of the refund, and shall make no refund unless the tax collecting authority approves the refund in writing;

(3) The county government shall keep a record of all refunds for at least 3 years, which record shall be available in accordance with the State Freedom of Information Act [§ 10001 et seq. of Title 29].

(b) County taxes determined to be overpaid after an assessment appeal by a taxpayer shall be refunded or credited in accordance with § 8311 of this title.

Section 3. Amend § 1921, Title 14 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1921. Refund of county taxes paid in ~~error.~~ error; refund after assessment appeal.

(a) Local county school taxes paid through error or by mistake may be refunded by the school district to which the taxes were paid as follows:

(1) The person claiming a refund of taxes shall file with the board of the school district a request for refund under oath or affirmation stating the payment of the taxes, the person, firm, corporation or association by whom the taxes were paid, and the date of payment and stating why it is believed the taxes were paid in error;

(2) The school board shall submit the request for refund to the receiver of taxes of the county for the receiver's approval of the payment of the refund and shall make no refund unless the receiver of taxes approves the refund in writing, except that capitation taxes may be refunded without such approval;

(3) The school board and the receiver of taxes shall keep a record of all refunds for at least 3 years, which record shall be open for public inspection during regular business hours.

(b) Local county school taxes determined to be overpaid after an assessment appeal by a taxpayer shall be refunded or credited in accordance with § 8311 of Title 9.

SYNOPSIS

This Act requires a county to issue a refund to a taxpayer for property tax determined to have been overpaid for that year after an assessment appeal if the amount is $50 or greater. A county may elect to refund or credit the amount against future taxes due when the overpayment is less than $50. Amounts in school taxes determined to have been overpaid by a taxpayer after an assessment appeal will be refunded by the county following the same rule.