



SPONSOR: Rep. Osienski & Sen. Walsh
Rep. K. Williams

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 249

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

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

1 Section 1. Amend § 8131, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 CHAPTER 81. Limitations Upon Taxing Power

4 Subchapter II. Citizens Over 65 Years of Age

5 § 8131. Definitions [For application of this section, see 81 Del. Laws, c. 314, § 2].

6 As used in this subchapter:

7 (3) “Resident” means one legally domiciled within the State for a an established period of ~~40 years~~
8 ~~immediately preceding October of the pretax year years as set forth below.~~

9 a. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute
10 domicile within the State for the purposes of this subchapter. Absence from this State for a period of 12 months is
11 prima facie evidence of abandonment of domicile in this State. The burden of establishing legal domicile within
12 the State is on the claimant.

13 b. ~~1.~~ For claimants ~~establishing~~ who established legal domicile in this ~~state~~ State ~~after~~ by December 31,
14 2018, only claimants who, as of June 30 immediately prior to the beginning of the county fiscal year, have been
15 legally domiciled within the ~~state~~ State for a period of at least ~~40~~ 3 consecutive years are eligible to receive a an
16 exemption or credit.

17 2. For claimants who established legal domicile in this State after December 31, 2018, only claimants
18 who, as of June 30 immediately prior to the beginning of the county fiscal year, have been legally domiciled
19 within the State for a period of at least 10 consecutive years are eligible to receive an exemption or credit.

SYNOPSIS

This Act incorporates a “grandfather provision” into the definition of “resident” such that a claimant for a tax exemption who is at least 65 years of age and who was domiciled in the State of Delaware by December 31, 2018, upon reaching their 3-year anniversary of having been domiciled in the State as of June 30 immediately prior to the beginning of the County fiscal year, and upon satisfying all other requirements, such claimant is eligible for a property tax exemption or credit.

For a claimant who is at least 65 years of age and who was domiciled in the State after December 31, 2018, upon reaching their 10-year anniversary of having been domiciled in the State as of June 30 immediately prior to the beginning of the County fiscal year, and upon satisfying all other requirements, such claimant is eligible for a property tax exemption or credit.

The above-mentioned changes are similar to revisions to the residency requirements for claimants who are 65 years of age or older and who seek a credit against school taxes. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.