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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 12

AN ACT TO AMEND TITLES 9 AND 14 OF THE DELAWARE CODE RELATING TO EXEMPTIONS FROM
TAXATION ON REAL PROPERTY.

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

1 Section 1. Amend Chapter 81, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Subchapter IV. Veterans with Disabilities

4 § 8157. Exemption from property taxes on real estate; qualifications; and application for exemption.

5 (a) Except as otherwise provided under § 320 of this title, a veteran who receives from the United States
6 Department of Veterans Affairs or its successor agency 100% disability compensation due to a service-connected,
7 permanent and total disability based on individual unemployability or a 100% disability rating shall be entitled to an
8 exemption from taxation on qualified property equal to the full assessed value of the property if all of the following
9 conditions are met:

10 (1) The qualified property for which the exemption is sought must be solely owned by the claimant or jointly
11 owned with his or her spouse. For purposes of this section, "Qualified Property" means a dwelling, including the
12 surrounding land upon which the dwelling is situated, that is occupied as the owner's principal place of residence.

13 (2) As of June 30, immediately before the beginning of the county fiscal year, a claimant must have been
14 legally domiciled within the State for a period of time established by the county. Mere seasonal or temporary residence
15 within the State, of any duration, does not constitute domicile within the State for the purposes of this section. Absence
16 from this State for a period of 12 months is prima facie evidence of abandonment of domicile in this State. The burden
17 of establishing legal domicile within the State is on the claimant.

18 (b) To receive an exemption under this section, a claimant must file a written application on a form prescribed by
19 the governing body of the taxing district in which the claim is to be filed.

(1) The application must at least be accompanied by an award letter provided by the United States Department of Veterans Affairs evidencing the claimant's disability rating or status.

(2) Any assessor may require the filing of a new application at any duration or such proof as the assessor shall deem necessary to establish the right of a claimant to continued exemption. A claimant shall inform the assessor of any change in the claimant's status or property which may affect the claimant's right to continuance of the exemption.

(c) The Department of Finance of New Castle County, Board of Assessments for Kent County, or Board of Assessments for Sussex County may promulgate such rules and regulations and prescribe such forms as they shall deem necessary to implement or carryout this subchapter. They may, in their discretion, eliminate the necessity for sworn application, in which all declarations by the claimant shall be considered as if made under oath and the claimants, as to false declarations, shall be subject to the penalties as provided by law for perjury.

(d) Nothing in this subchapter shall be construed to apply to property taxes levied within and by a municipality.

(e) Nothing in this subchapter shall be construed to apply to ditch taxes, light taxes, sewer charges, or road charges.

§ 8158. Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim under this subchapter in the same manner as is provided for appeals from assessments generally.

Section 2. Amend § 1902, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1902. Power of district to levy taxes for school purposes

(a) Any district may, in addition to the amounts apportioned to it by the Department of Education or appropriated to it by the General Assembly, levy and collect additional taxes for school purposes upon the assessed value of all taxable real estate in such district except real estate exempt from taxation under any of the following:

(1) State law;

(2) A county ordinance adopted prior to June 26, 1995, exempting property for the purpose of attracting or expanding a for-profit business; ~~and~~

(3) A county ordinance adopted on or before January 1, 1998, granting, clarifying or expanding any exemption from county taxation.

(4) Section 8157 of Title 9.

Section 3. This Act shall take effect on the first day of the county fiscal year following its enactment into law.

SYNOPSIS

This Act fully exempts county property taxes and local school taxes for a disabled veteran with a 100% VA rated service-connected, permanent and total disability or for a disabled veteran who is receiving 100% disability compensation due to individual unemployability. The 100% rating and disability compensation is determined by the United States Department of Veterans Affairs. This Act sets forth the minimum requirements that a claimant in any county must meet in determining eligibility for the exemption. Each county may impose additional requirements as necessary for eligibility. The minimum requirements are as follows: (1) the disabled veteran must be legally domiciled in the State for a period of time established by the county; and (2) the property for which the exemption is sought must be solely owned by the disabled veteran (or jointly with spouse) and used as his or her primary place of residence.