

...Real Estate and Personal Property Tax Relief

TAX RELIEF FOR THE ELDERLY AND DISABLED - REAL ESTATE:

QUALIFICATIONS:

1. The property owner must be at least 65 years of age or determined to be permanently or totally disabled by December 31st of the year preceding the year for which assistance is required.
2. As of December 31st of the year preceding the tax year for which assistance is requested, the taxpayer must be a Richmond County resident and said property must be occupied as the sole dwelling for the taxpayer. The taxpayer may be temporarily in the hospital, nursing home, etc, and still qualify for relief. If the residence is occupied by someone else while the taxpayer is away, it is not considered a temporary condition.
3. The total combined income from all sources of the taxpayer, spouse and all occupants living in the home may not exceed \$20,000 in the year preceding the tax year for which assistance is requested; however, the first \$4,000 of income of each occupant (excluding the spouse) living in the home with the homeowner may be excluded in computing income.
4. The net combined financial worth of the owner and spouse may not exceed \$100,000. The value of the house and one acre of land, which is occupied by the taxpayer, is not included in computing the net worth. Checking, savings account, stocks, bonds, vehicles and additional real estate are some items that would apply in computing net worth.
5. Taxpayers seeking assistance must file annually. Applications must be filed between February 1st and May 1st of each year for which relief is sought.
6. Persons under the age of 65 claiming the exemption must present certification from the Veterans Administration, the Railroad Retirement Board, Social Security Administration or a sworn affidavit by two medical doctors to the effect that such person is permanently and totally disabled. The affidavit of a least one doctor will be based upon a physical examination.
7. No application shall be approved for property on which any delinquent taxes remain unpaid as of August 1 in the year in which the application is submitted.

APPLICATION

TAX RELIEF FOR DISABLED VETERANS - REAL ESTATE:

Pursuant to Article X, Section 6-A of the Constitution of Virginia, the General Assembly exempted from taxation the real property, including the joint real property of husband and wife, of any Veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent and total disability, and who occupies the real property as his/her primary place of residence.

The Surviving Spouse of a Veteran eligible for the exemption set forth in this Article shall also qualify for the exemption, so long as the death of the Veteran occurred on or after January 1, 2011, the Surviving Spouse does not remarry, and the Surviving Spouse continues to occupy the real property as his/her primary place of residence.

The Veteran or Surviving Spouse claiming the exemption under this Article shall file with the Commissioner of the Revenue an Application, including Certification:

- (a) setting forth the name of the disabled Veteran and the name of the Spouse (if any) also occupying the real property,
- (b) indicating whether the real property is jointly owned by the husband and wife,
- (c) certifying that the real property is occupied as the primary residence by either the Veteran or Surviving Spouse (if applicable), and
- (d) certifying that the Surviving Spouse (if applicable) has not remarried.

The Veteran or Surviving Spouse shall also provide documentation from the U.S. Department of Veterans Affairs or its successor indicating that the Veteran has a 100 percent service-connected, permanent, and total disability. The Veteran shall only be required to re-file the required information if the Veteran's primary residence changes. If a Surviving Spouse of a Veteran is applying for the exemption, the Surviving Spouse shall also provide documentation that the Veteran's death occurred on or after January 1, 2011.

QUALIFICATIONS:

- Disability of Veteran must be 100% service-connected AND permanent AND total.
- Residence must be Veteran's primary residence (proof, such as resident State tax return, may be requested).
- Spouse (if applicable) must also be identified.
- Deceased Veteran (if applicable) must have died on or after January 1, 2011.
- Surviving Spouse (if applicable) must not be remarried.
- Surviving Spouse (if applicable) must continue to reside in primary residence.

REQUIRED DOCUMENTATION:

- Certification of disability being: (a) 100% service-connected, AND (b) permanent, AND (c) total.
- (If applicable) Copy of Veteran's death certificate showing death occurred on or after January 1, 2011.

APPLICATION

TAX RELIEF FOR DISABLED VETERANS - PERSONAL PROPERTY:

Pursuant to subdivision (a) (8) of Article X, Section 6 of the Constitution of Virginia, one motor vehicle owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law with a 100 percent service-connected, permanent, and total disability shall be exempt from taxation. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is rated as 100 percent disabled. Any locality may establish procedures for a veteran to apply for the exemption and may enact any ordinance necessary for administration of the exemption.

Vehicle Qualification:

The following ownership and use qualify for personal property tax exemption:

1. The vehicle is owned by the disabled veteran.
2. The vehicle is used primarily by or for the disabled veteran.
3. The vehicle is owned jointly with the spouse of the disabled veteran.
4. The vehicle is owned solely by the spouse of a disabled veteran and used primarily by or for the disabled veteran.

A vehicle can be owned by a veteran but if it is not used by or for the veteran it does not qualify.

Example: Disabled veteran co-owns a vehicle with the son or daughter, but the vehicle is primarily driven and used by the child. The vehicle does not qualify.

Vehicles Owned by a Married Person

The background information published by the Virginia Department of Elections in 2020 indicated the intent of the exemption relating to vehicles owned solely by the spouse. As presented to the voters, the Constitutional Amendment would allow for a spouse to solely own a qualifying vehicle in situations where the disabled veteran no longer has the ability to own or drive a vehicle. (See the following link to the Virginia Department of Elections <https://www.elections.virginia.gov/proposed-constitutional-amendment-2020/>.)

“Under this amendment, a motor vehicle that is owned by the spouse of a veteran of the United States armed forces or the Virginia National Guard with a one hundred percent (100%) service-connected, permanent, and total disability could also be free from taxation.”

Example: Disabled Veteran's spouse is the sole owner of the vehicle. The veteran no longer has the ability to own or drive a vehicle. The spouse's vehicle is used for transporting veteran to medical centers for care. The vehicle qualifies for the exemption.

Vehicles Owned by a Trust

A vehicle owned by a trust of any type, either revocable or irrevocable, does not qualify for the tax exemption. Code of Virginia §58.1 – 3668 B is very clear that the vehicle must be owned by either the veteran or jointly owned with the spouse.

This situation is identical to the Disabled Veterans' real estate tax exemption effective January 1, 2011. The original legislation required the property to be in the name of the veteran. Properties owned in the name of a trust did not qualify. In a later session, the General Assembly amended the code and extended the exemption to properties owned by the veteran's trust to include revocable or irrevocable trusts.

Until the General Assembly amends §58.1 – 3668 B, vehicles owned by the veteran's trust do not qualify for the exemption.

Please use this chart to determine if a vehicle qualifies.

If you answer "Yes" to all questions, the vehicle qualifies for exemption.

1. Is the veteran rated "100%" service-connected, permanently and totally disabled?
2. Is the vehicle owned by the disabled veteran, jointly with the spouse or solely by the spouse?
3. Is the vehicle used primarily by or for the disabled veteran?

Type of Motor Vehicle Eligible for Exemption:

1. Passenger Car
2. Pickup
3. Panel Truck

Example: The vehicle types listed above as defined in §46.2-100 are exempted. Motorcycles are not included and are not exempted.

When Does the Exemption Begin?

- The Disabled Veteran's Personal Property Exemption is effective January 1, 2021.
- The motor vehicle is exempted as of the date it is acquired or January 1, 2021, whichever is later.
- In non-prorating localities, the exemption begins on the date of the disabled veteran's designation.
- The motor vehicle exemption is not applicable for any period of time prior to January 1, 2021.

Examples:

Veteran's Disability Status

- Veteran declared disabled prior to January 1, 2021.
- Veteran declared disabled after January 1, 2021.

- Disabled Veteran purchases vehicle after January 1, 2021
- Veteran lives in non-prorating locality and is declared disabled after January 1, 2021.

Date Vehicle Becomes Exempt

- January 1, 2021
- Date of qualifying disability rating from the VA
- Date the vehicle is acquired
- Exemption begins on date of designation
- Exemption does not begin on the next January 1 assessment date

What is the Statute of Limitations for Refunds?

- § 58.1-3980 governs the statute of limitations for refunds.
- No taxes can be refunded for any period prior to the effective date of the legislation which is January 1, 2021.

APPLICATION

If you are looking for information for the City of Richmond, please [click here](#). Thar