

**CHAPTER 6, ARTICLE III  
REAL ESTATE TAX RELIEF FOR THE ELDERLY or PERMANENTLY  
AND TOTALLY DISABLED**

**Section I: DEFINITIONS**

A) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Affidavit* means the real estate tax exemption affidavit.
2. *Commissioner of the revenue* means the commissioner of revenue of the town or any of his duly authorized deputies or agents.
3. *County* means Loudoun County, Virginia.
4. *Dwelling* means the sole residence owned and occupied by the person or persons claiming exemption, and includes a manufactured home used as the sole residence owned and occupied by the person(s) claiming an exemption hereunder.
5. *Exemption* means exemption from the town real estate tax according to the provisions of this article.
6. *Net worth* means the amount by which assets (including the present value of all equitable interests) exceed liability.
7. *Permanently and totally disabled* means a person who has been certified by the Social Security administration, the department of veterans affairs or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, by a sworn affidavit by two medical doctors who either are licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, and, in addition, who has been found by the county to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.
8. *Person* means a natural person.
9. *Property* means real property.
10. *Taxable year* means the calendar year, from January 1 until December 31, for which exemption is claimed.

**Section II: EXEMPTION AUTHORIZED.**

Real estate tax exemption is provided for qualified property owners who are not less than 65 years of age or who are permanently and totally disabled and who are eligible according to state law and the provisions of this chapter.

**Section III: ADMINISTRATION OF EXEMPTION**

The exemption shall be administered by the Commissioner of the Revenue according to the provisions of this chapter. The Commissioner of Revenue is hereby authorized and empowered to make such inquiry of persons seeking such exemption in conformance with the provisions of this chapter, including the requiring of answers under oath, as may be reasonably necessary to determine qualifications for exemption as specified by this chapter. The commissioner of revenue may require the production of certified income tax returns, appraisal reports and any

other pertinent documents to establish worth qualification and the affidavit from the county commissioner of revenue showing exemption has been approved by the county.

#### Section IV: REQUIREMENTS FOR EXEMPTION

- A) An exemption shall be granted subject to the following provisions:
- 1) The title of the property for which an exemption is claimed is must be held, or partially held, on January 1 of the taxable year, by the person or persons claiming the exemption, each of whom must also be (i) 65 years of age or older, or (ii) permanently and totally disabled on December 31 of the year immediately preceding the taxable year. A dwelling jointly owned by a husband and wife, with no other joint owners, may qualify if either spouse is 65 years of age or older or is permanently and totally disabled.
  - 2) The property must be occupied as the sole dwelling of the person or persons claiming the exemption, each of whom must also be (i) 65 years of age or older, or (ii) permanently and totally disabled on December 31 of the year immediately preceding the taxable year. The sole residence owned by a person otherwise qualified for exemption under this chapter who is not actually occupying the same while a patient in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall continue to be deemed such qualifying owner's dwelling; provided, however, that such residence is not used by or leased to others for consideration.
  - 3) The gross combined income of the person or persons claiming the exemption during the calendar year immediately preceding the taxable year did not exceed \$72,000, provided that all disability income received by an owner or an owner's spouse during the calendar year immediately preceding the taxable year as compensation for permanent disability shall not be included in such total. Gross combined income shall be computed by adding together the total income received during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) owners of the dwelling who use it as their principal residence and (ii) owners' relatives who live in the dwelling, provided that the first ten thousand dollars (\$10,000) of income of the owner's spouse and each relative, of the owner or owners, who is living in the dwelling, shall not be included in such total.
  - 4) The total net financial worth of the person or persons claiming the exemption as of December 31 of the calendar year immediately preceding the taxable year did not exceed \$440,000. Total net financial worth shall include the value of all assets, including the present value of all equitable interests of the owner or owners and the owner's spouse, and shall exclude the fair market value of the dwelling and the land upon which it is situated, not exceeding ten acres, for which the exemption is claimed.
  - 5) Applicants for exemption shall have qualified and received real estate tax relief from the county. Applicants must exercise the same option for exemption with the town as claimed with the county.

#### Section V: CLAIMING AN EXEMPTION.

A) The person or persons claiming an exemption must file an application for real estate tax exemption and affidavit with the commissioner of the revenue, on forms supplied by the commissioner, on or before April 1 of the tax year for which relief is sought. Those applying for an exemption for the first time must file on or before December 31 of the tax year for which relief is sought. Every third year from the date of the original application, the person or persons claiming an exemption must file a new application and affidavit with the commissioner. For the two years following the date of the original application and all subsequent applications, the person or persons claiming an exemption must file a certification, on forms supplied by the

county commissioner of revenue, stating their combined gross income and the total combined net worth of the owners and spouses.

B) The affidavit shall set forth, in a manner prescribed by the commissioner of revenue, the names of the related persons occupying the dwelling for which the exemption is claimed, their gross combined income and the total combined net worth of the owners and spouses.

C) If, after audit and investigation, the commissioner of revenue determines that the person or persons are qualified for an exemption, he shall deduct the amount of the exemption from the claimant's real estate tax liability.

(Ord. No. 01-10-2, 11-13-2001)

#### Section VI: Amount of exemption.

The person or persons qualifying for and claiming an exemption shall be relieved of liability for that portion of the real estate tax levied on the qualified dwelling and the land on which it is situated, not to exceed three acres. However, for all tax years 1981 through 1988 the amount of the owner's real estate taxes relieved shall not exceed \$250.00.

(Ord. No. 01-10-2, 11-13-2001)

#### Section VII: Proration.

The town does not prorate any real estate taxes.

(Ord. No. 01-10-2, 11-13-2001)

#### Section VIII: False claims.

No person shall intentionally make a false claim for an exemption.

(Ord. No. 01-10-2, 11-13-2001)

#### Section IX: Penalty

In addition to any other penalties provided by law, any person who intentionally makes a false claim for an exemption shall not be entitled to the exemption from taxation, if granted, but shall be liable for the full amount of tax due. In addition, such person shall be disqualified from re-applying for an exemption for a period of two years.

(Ord. No. 01-10-2, 11-13-2001)

#### Section X: Changes in status

Changes in respect to income, financial worth, ownership or property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions as provided in this chapter and in the stipulations set forth by the town shall nullify any relief of real estate tax liability for the then current taxable year and the taxable year immediately following.

Amended December 12, 2011