

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 17633
[Redacted])	
)	DECISION
Petitioner.)	
_____)	

This case arises from a timely protest of a State Tax Commission staff's (staff) decision adjusting property tax reduction benefits for 2003. This matter was submitted for decision based on the documents in the file. The State Tax Commission has reviewed the file and makes its decision thereon.

[Redacted] (petitioner) filed an application for property reduction benefits for 2003 on or about February 13, 2003. Pursuant to Idaho Code, the staff routinely audits the applications that have been submitted to the county where the petitioner lives.

In the petitioner's application, the qualifying factor is shown as recognized as disabled by the Social Security Administration (SSA). The staff contacted SSA for verification of the disability. The records showed [Redacted] was recognized as disabled by SSA. The petitioner was not recognized as disabled and was not receiving benefits.

The staff examined a Quitclaim Deed, record # [Redacted], on file with [Redacted] County. [Redacted] is shown as the "person holding title in fee simple" of the subject property on January 1, 2003. When the staff discovered the [Redacted] County records did not show [Redacted] as an owner of the property, the staff sent the petitioner a letter advising her of the intention to deny her benefits. The petitioner filed a protest to that determination, and her file was transferred to the Legal/Tax Policy Division for administrative review.

Idaho Code § 63-701 describes the conditions that must exist for an applicant to qualify to

receive circuit breaker benefits. The pertinent part of Idaho Code § 63-701 states:

Idaho Code § 63-701. Definitions. As used in this chapter:

(1) "Claimant" means a person who has filed a claim under the provisions of sections 63-701 through 63-710, Idaho Code. Except as provided in section 63-702(2), Idaho Code, on January 1 of the year in which the claim was filed **a claimant must be an owner of a homestead and be:**

- (a) Not less than sixty-five (65) years old; or
- (b) A fatherless or motherless child under the age of eighteen (18) years of age; or
- (c) A widow or widower; or
- (d) A disabled person who is recognized as disabled pursuant to 42 USC 423, 45 USC 228, 45 USC 231 or 5 USC 8337; or
- (e) A disabled veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States veterans administration; or
- (f) A person as specified in 42 USC 1701, who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage or otherwise; or
- (g) Blind.

(2) "Homestead" means the dwelling, **owner-occupied by the claimant** and used as the primary dwelling place of the claimant and occupied by any members of the household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multidwelling or multipurpose building and part of the land upon which it is built. Homestead does not include personal property such as furniture, furnishings or appliances, but a manufactured home may be a homestead. (Emphasis added.)

...

(8) **"Owner" means a person holding title in fee simple** or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate or who is a person entitled to file a claim under section 63-702, Idaho Code. (Emphasis added.)

The property tax reduction benefits program is a benefit for certain individuals based on their qualifications as outlined in Idaho law. One of the specific requirements for consideration to receive

the benefits is to own a homestead on January 1 of the year in which the claim is filed. The owner of a property is then described in detail to identify who will be considered the owner for property tax reduction benefits purposes.

During the appeal process, the petitioner and her husband delivered a copy of a Quitclaim deed wherein [Redacted], formerly known as [Redacted], transferred ownership of the subject property to [Redacted]. That deed was recorded on October 2, 2003. The petitioner and her husband will qualify as owners of the property in future years.

On January 1, 2003, the owner of the property--the petitioner--was not 65 or older, blind, a prisoner of war, a widow or widower, a fatherless or motherless child under the age of 18, and was not recognized as disabled by the Social Security Administration, the Railroad Retirement Board, the Veterans' Administration, or Federal Civil Service. In addition, the petitioner was not a disabled veteran, a prisoner taken by a hostile force, or blind person. The petitioner does not qualify to receive property tax reduction benefits for 2003.

The Tax Commission is aware there is some potential this decision could cause a hardship to the property tax reduction applicant in certain circumstances. The proper jurisdiction to handle such hardship situations falls with the county commissioners.

WHEREFORE, the Intent to Change Benefits letter dated September 29, 2003 is hereby APPROVED, AFFIRMED, and MADE FINAL.

An explanation of the petitioner's right to appeal this decision, if it is adverse to the petitioner, is enclosed with this decision.

DATED this ____ day of _____, 2003.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this ____ day of _____, 2003, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]
