

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 23456
Petitioner.)
DECISION
_____)

This case arises from a timely protest of a State Tax Commission (Commission) decision adjusting a property tax reduction benefit for 2010. This matter was submitted for a decision based on the documents in the file. The Commission has reviewed the file and makes its decision.

All property within the jurisdiction of this state is subject to property tax. A property tax reduction benefit is available to certain qualifying individuals throughout the state. The benefit is in the form of payment of a portion or all of an applicant's property tax on the dwelling he/she owns and occupies. The payment is funded by the state sales tax.

[Redacted] (petitioner) filed an application with [Redacted] County for the property tax reduction benefit on March 8, 2010.

Pursuant to Idaho Code § 63-707(5), the staff reviewed the petitioner's application and sent her a letter advising her of the intent to deny her the benefit because, based on information available to the Commission, it appears the petitioner received rental income that was not included in the application. The petitioner responded with a visit to the [Redacted] County Assessor's office where she phoned the Commission and made an inquiry as to the meaning of the intent to deny letter. The petitioner was asked by the Commission if she rented any part of her home. She stated that there was someone who stayed in her basement on and off but there was not a rental agreement or lease and the person only gave her money from time-to-time. The

petitioner then put those statements in writing, signed and dated it, and submitted it to the Commission. Her file was transferred to the Legal/Tax Policy Division for administrative review.

Income for the purpose of the property tax reduction benefit is defined in Idaho Code § 63-701(5) as follows:

(5) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code, as defined in section 63-3004, Idaho Code, and to the extent not already included in federal adjusted gross income:

- (a) Alimony;
- (b) Support money;
- (c) Nontaxable strike benefits;
- (d) The nontaxable amount of any individual retirement account, pension or annuity, (including railroad retirement benefits, all payments received under the federal social security act except the social security death benefit as specified in this subsection, state unemployment insurance laws, and veterans disability pensions and compensation, excluding any return of principal paid by the recipient of an annuity and excluding rollovers as provided in section 402 or 403 of the Internal Revenue Code);
- (e) Nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities;
- (f) Worker's compensation; and
- (g) The gross amount of loss of earnings insurance.

It does not include gifts from nongovernmental sources or inheritances. To the extent not reimbursed, the cost of medical care as defined in section 213(d) of the Internal Revenue Code, incurred or paid by the claimant and, if married, the claimant's spouse, may be deducted from income. To the extent not reimbursed, personal funeral expenses, including prepaid funeral expenses and premiums on funeral insurance, of the claimant and claimant's spouse only, may be deducted from income up to an annual maximum of five thousand dollars (\$5,000) per claim. "Income" does not include veterans disability pensions received by a person described in subsection (1)(e) who is a claimant or a claimant's spouse if the disability pension is received pursuant to a service-connected disability of a degree of forty percent (40%) or more. "Income" does not include dependency and indemnity compensation or death benefits paid to a person described in subsection (1) of this section by the United States department of veterans affairs and arising from a service-connected death or disability. "Income" does not include lump sum death benefits made by the social security administration pursuant to 42 U.S.C. section 402(i). Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission in such form as the county assessor, board of equalization or state tax commission shall determine. "Income" shall be that received in the calendar year immediately

preceding the year in which a claim is filed. Where a claimant and/or the claimant's spouse does not file a federal tax return, the claimant's and/or the claimant's spouse's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant and/or the claimant's spouse filed a federal tax return, as determined by the county assessor. The county assessor, board of equalization or state tax commission may require documentation of income in such form as each shall determine, including, but not limited to: copies of federal or state tax returns and any attachments thereto; and income reporting forms such as the W2 and 1099. (Emphasis added.)

The petitioner's protest letter stated she did not receive a set amount of money from the person staying with her nor did she receive money on a set date. However, the Commission received from a third party a copy of a lease agreement and a letter referencing said agreement dated August 26, 2010. The letter signed by the petitioner stated she has received \$510 a month in rent for the last couple of years; the rent was due on the third of each month and was always paid on time.

The petitioner's application shows social security income of \$11,160. When other income of \$6,120 (\$510 per month) is added and medical expenses of \$455 are deducted, the petitioner's total 2009 net income for property tax reduction benefit purposes is \$16,825. The petitioner qualifies to receive a benefit of an amount not to exceed \$920 for 2010.

WHEREFORE, the Intent to Deny Property Tax Reduction Benefit letter dated October 15, 2010, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

An explanation of the taxpayers' right to appeal this decision is enclosed.

DATED this _____ day of _____ 2010.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2010, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]

Receipt No.
