

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 25919
)
)
Petitioner.) DECISION
)
_____)

This case arises from a timely protest of a State Tax Commission (Commission) staff's decision denying the property tax reduction benefit for 2013. [Redacted]

[Redacted] (claimant) filed an application for a property tax reduction benefit [Redacted] Idaho Code § 63-707, the county assessor sent the application to the Commission for review and processing. While the claimant's application indicates he is married, he does not provide any income information for his spouse.

An Intent to Deny Property Tax Reduction Benefit letter was sent on August 14, 2013, to inform the claimant that his application was incomplete and additional information was required; specifically any income his spouse received. A timely protest was received by the Commission on August 19, 2013. The claimant protested the intended denial of the property tax reduction benefit, but did not provide any information about his spouse's income. The claimant stated he is supporting himself, has been separated from his wife for the past [Redacted] years, and she will [Redacted]. The claimant's file was transferred to the Legal/Tax Policy Division for administrative review.

All property within the jurisdiction of this state is subject to property tax. A property tax reduction benefit is available to certain qualifying individuals. The benefit is in the form of a payment of all, or a portion of, the property tax on the dwelling the claimant owns and occupies. The payment is funded by state sales tax. The amount of property tax reduction depends on the

income received by the claimant, and if married, the claimant's spouse. The benefit decreases as the claimant's income increases.

Section 63-701, Idaho Code, uses definitions to describe eligibility and income requirements for a claimant to qualify for the property tax reduction benefit. Section 63-701, Idaho Code, states in pertinent part:

63-701. Definitions. As used in this chapter:

(1) **“Claimant” means a person who has filed an application under section 63-602G, Idaho Code, and 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, or before April 15, of the year in which the claimant on the homestead in question, a claimant must be an owner of the homestead and on January 1 of said year a claimant must be:

- (a) Not less than sixty-five (65) years old; or
- (b) A child under the age of eighteen (18) years who is fatherless or motherless or who has been abandoned by any surviving parent or parents; or
- (c) A widow or widower; or
- (d) A disabled person who is recognized as disabled by the social security administration pursuant to title 42 of the United States Code, or by the railroad retirement board pursuant to title 45 of the United States Code, or by the office of management and budget pursuant to title 5 of the United States Code; 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 department of veterans affairs; or
- (f) A person, as specified in 42 U.S.C. 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 as described in this chapter and used as the primary dwelling place of the claimant and may be 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.

(3) **“Household” means the claimant and the claimant’s spouse.** The term does not include bona fide lessees, tenants, or roomers and boarders on contract. **“Household”** includes persons described in subsection (8)(b) of this section.

(4) **“Household income” means all income received by the claimant and, if married, all income received by the claimant’s spouse, in a calendar year.**
(Emphasis added.)

In the present case, the person filing the claim is the claimant. The household is defined as the claimant and the claimant’s spouse. Household income is defined as the income received by the claimant and, if the claimant is married, the claimant’s spouse. The fact that the claimant and his spouse lived apart does not change the requirement to include all income received by both spouses when considering eligibility for the benefit. Without complete income information, the claimant’s property tax reduction benefit application for 2013 must be denied.

THEREFORE, the decision of the Commission to deny the property tax reduction benefit for taxable year 2013 is hereby APPROVED and MADE FINAL.

An explanation of the claimant’s right to appeal this decision is enclosed.

DATED this _____ day of _____ 2014.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2014, 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.
