

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
)
[Redacted],) DOCKET NO. 39045
)
)
Petitioner.) DECISION
)
_____)

BACKGROUND

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, funded by state sales tax, of all or a portion, of the claimant’s property tax on the dwelling the claimant owns and occupies. The amount of property tax reduction depends on income—the greater the income, the smaller the benefit.

[Redacted] (claimant) filed an application for a property tax reduction benefit [Redacted]Idaho Code §§ 63-707(5) and 63-707(6) require that the Commission review all claims and reduce the benefit claimed, if required. During the review of the claimant’s application and records available to the Commission, the staff discovered income that was not included in the application. The omitted income was for [Redacted] reported on a [Redacted].

The claimant filed a timely protest of the Intent to Deny Property Tax Reduction Benefit letter. In the protest, the claimant reported that part of the [Redacted] that was [Redacted] was withheld for taxes, which she could never get back. The remaining [Redacted] were used to make back payments on her bills and to help her parents, children, and grandchildren. As a result, all the [Redacted] were gone. The file was referred to the Legal/Tax Policy Division for administrative review. The claimant was sent a letter explaining the methods available for

redetermining a protested Intent to Deny Property Tax Reduction Benefit letter. The claimant did not respond.

LAW AND ANALYSIS

Income for property tax reduction benefit purposes is defined in Idaho Code § 63-701(5):

(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.)

Gross income is defined in Internal Revenue Code section 61:

General definition

Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:

- (1) Compensation for services, including fees, commissions, fringe benefits, and similar items;
 - (2) Gross income derived from business;
 - (3) Gains derived from dealings in property;
 - (4) Interest;
 - (5) Rents;
 - (6) Royalties;
 - (7) Dividends;
 - (8) Alimony and separate maintenance payments;
 - (9) Annuities;
 - (10) Income from life insurance and endowment contracts;
 - (11) Pensions;
 - (12) Income from discharge of indebtedness;
 - (13) Distributive share of partnership gross income;
 - (14) Income in respect of a decedent; and
 - (15) Income from an interest in an estate or trust.
- (Emphasis added.)

In the present case, the claimant did not file a [Redacted] income tax return for taxable year 2013. The starting point for the calculation of income for purposes of the property tax reduction benefit would be the equivalent of the [Redacted] adjusted gross income. In taxable year 2013, the claimant received social security income of \$8,148 and [Redacted] of \$30,000. [Redacted] are considered income, since it is not excluded elsewhere. When the [Redacted] of \$30,000 are added, the total income for purposes of the benefit is \$38,148. No medical expenses

were claimed. The maximum household income allowed to receive a benefit for taxable year 2014 is \$28,700. The claimant's household income for taxable year 2013 exceeds this amount.

CONCLUSION

The claimant's household income for taxable year 2013 exceeds the maximum income amount to receive a minimum benefit.

THEREFORE, the decision of the Commission to deny the property tax reduction benefit for taxable year 2014 is hereby AFFIRMED 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.
