

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-315-901-952
[Redacted],)	
)	
Petitioner.)	DECISION
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This case arises from a timely protest of a State Tax Commission (Commission) decision to deny a property tax reduction benefit for 2017. 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] for a 2017 property tax reduction benefit on March 29, 2017. The [Redacted] Assessor’s office sent that application, together with other applications, to the Commission for review and processing.

The Commission reviewed Petitioner’s application and sent a letter advising him of the intent to deny a property tax reduction benefit for 2017, because Petitioner did not have a Home Owner’s Exemption¹ in place and failed to prove his ownership of the

¹ A “Home Owner Exemption” is referred to in Idaho Code § 63-602G as Property exempt from taxation – Homestead. (1) During the tax year 2006 and each year thereafter, subject to annual adjustment as provided herein, the first seventy-five thousand dollars (\$75,000) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation.

homestead². Petitioner responded with a letter appealing the determination. Petitioner made reference to an irrevocable trust, but failed to provide the Commission with a copy³ of the trust or excerpts from the trust instrument itself. Commission forwarded Petitioner's file for administrative review.

The Commission reviewed the matter and sent Petitioner a letter giving him two options available for addressing the protested Intent to Deny Property Tax Reduction Benefit. Petitioner did not request a hearing nor did he provide additional information.

Idaho Code uses definitions to describe eligibility and income requirements for an applicant to qualify for the property tax reduction benefit. These definitions are not the same definitions used in other sections of the Idaho Code or even in the common dictionary. However, the definitions are very specific. The law must be followed as written. If the law is socially or economically unsound, the power to correct it is legislative, not within the powers of the Commission. *John Hancock Mutual Life Insurance Co. V. Neill*, 79 Idaho 385, 405, 319 P.2d 195, 206 (1957).

In this case, Petitioner disagrees with the Commission regarding proof of ownership. Petitioner failed to file a Home Owner's Exemption and to provide proof of ownership for his homestead. Petitioner's application for a property tax reduction for benefit year 2017 must be denied.

² "Homestead" as defined in Idaho Code § 63-701(2) 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.

³ Idaho Code § 68-114(1) states, "A trustee may present a certification of trust to any person in lieu of a copy of any trust instrument to establish the existence of terms of the trust. The trustee may present the certification voluntarily or at the request of the person with whom he is dealing. Notwithstanding any provision of this chapter to the contrary, no person is required to accept and rely solely on a certification of trust in lieu of a copy of, or excerpts from, the trust instrument itself."

THEREFORE, the decision of the Commission to deny the property tax reduction benefit for 2017 is APPROVED and MADE FINAL.

An explanation of Petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____ 2017.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2017,
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.
