

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-644-958-208
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

This case arises from a timely protest of a State Tax Commission (Commission) decision adjusting a property tax reduction benefit for 2014 and 2015. 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 2014 and 2015 property tax reduction benefit. The [Redacted] Assessor 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 her of the intent to deny a property tax reduction benefit for 2014 because her income exceeded the maximum amount of \$28,700 after the inclusion of a \$10,610 payment from the Idaho Department of Health and Welfare, not previously reported on her application. The Commission also advised Petitioner that her income total for the purpose of the 2015 property tax reduction benefit would increase to include a payment from the Idaho Department of Health and Welfare, not previously reported on her application. The inclusion of the Health and Welfare payment for 2015 reduced the property

reduction benefit from an amount not to exceed \$1,020 to an amount not to exceed \$190. Petitioner's file was forwarded for administrative review.

Income for purpose of the property tax reduction benefit purposes is defined in Idaho Code § 63-701(5)¹. 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 Tax 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 inclusion of both \$10,610 and \$12,483 payments from Idaho Department of Health and Welfare on her property tax reduction benefit applications for 2014 and 2015, respectively. Moreover, Idaho Code does not provide an exclusion for Health and Welfare payments. Petitioner also failed to substantiate claimed medical expenses on her property tax reduction benefit applications. Petitioner's benefit for 2014 must be denied and her benefit for 2015 must be reduced.

THEREFORE, the decision of the Commission to deny the 2014 and reduce the 2015 property tax reduction benefit is APPROVED and MADE FINAL.

¹ (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 any annuity and excluding rollovers as provided in section 402 or 403 of the Internal Revenue Code).

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.
