

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
[Redacted])	DOCKET NO. 0-291-870-720
)	
Petitioner.)	DECISION
_____)	

This case arises from your prompt protest of a State Tax Commission (Commission) decision adjusting your property tax reduction benefit for 2016. The Commission reviewed the information in the file and this is our final decision. The Commission upholds the Notice of Deficiency Determination. This means **you must pay \$301.15**

DEMAND for immediate payment of the foregoing amount is hereby made and given.

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 of all or a part of the applicant’s property tax on the dwelling he/she owns and occupies. State sales tax funds these payments. The amount of the property tax reduction depends on income—the greater the income, the smaller the benefit.

[Redacted] (Petitioner) filed an application for a property tax reduction benefit with [Redacted] County. The Commission approved the application and Petitioner received a benefit for payment of a portion of the property tax on her homestead.

Idaho Code §§ 63-707 and 63-708 provide for an audit of all claims and the recovery of benefits that have been paid in error. In the present case, the staff discovered during audit that Petitioner did not meet all necessary requirements to receive a benefit. For tax year 2016, Petitioner received a benefit she was not eligible for. The Commission issued a Notice of Deficiency Determination (Notice) on March 20, 2018, requesting Petitioner repay the benefit

received plus interest. Petitioner protested the Notice and her file was transferred to the Appeals unit for administrative review.

On June 25, 2018, Petitioner took part in an informal telephone conference. Petitioner did not provide any additional information for consideration but did express her extreme displeasure with the Notice.

Law and Analysis

Idaho Code § 63-701 uses definitions to describe the conditions that must exist for an applicant to qualify to receive the property tax reduction benefit. The code states in pertinent part:

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

(1) **“Claimant” means a person who 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 first filed a claim 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. (Emphasis added.)

The code sets out certain eligibility requirements for persons seeking a property tax reduction benefit. In her application for the benefit, Petitioner claims she is eligible because she is recognized as disabled by Social Security. However, the existing record received from the Social Security Administration does not recognize Petitioner as disabled.

Property Tax Administrative Rule 600 States:

600. PROPERTY EXEMPT FROM TAXATION (RULE 600).

The burden of proof of entitlement to the exemption is on the person claiming exemption for the property.

Petitioner has provided medical correspondence and reports that describe her physical symptoms and limitations. However, she has not provided any documentation from the Social Security Administration to support her disability claim and Petitioner does not meet any of the other status requirements.

Therefore, the Notice dated March 20, 2018, is hereby APPROVED and MADE FINAL.

IT IS ORDERED that Petitioner repay the following 2016 property tax reduction benefit plus interest:

<u>BENEFIT</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$285.34	\$15.81	\$301.15

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

DATED this _____ day of _____ 2018.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2018,
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.
