



informing her of the options available for redetermining a protested Notice. Petitioner did not respond.

## LAW AND ANALYSIS

The issue for decision is whether Petitioner is eligible for a special property tax reduction benefit under Idaho Code section 63-705A. To qualify for the property tax benefit for disabled veterans you must: be an Idaho resident, homeowner, and qualified veteran with a 100% service-connected disability. Once granted to a qualifying veteran, a surviving spouse can use this benefit.

Idaho Code section 63-705A:

(1) For tax year 2021 and thereafter, regardless of any reduction received under section 63-705, Idaho Code, a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall receive a special reduction in property taxes or occupancy taxes levied on his homestead, as defined in section 63-701, Idaho Code. The special tax reduction shall be in the amount of one thousand five hundred dollars (\$1,500) or for the amount of the veteran's actual property taxes or occupancy taxes, as applicable, whichever is less. If a veteran qualifies for tax reduction under both this section and section 63-705, Idaho Code, the combined tax reduction amount may not exceed the actual amount of the veteran's property taxes or occupancy taxes on his homestead.

(2) An applicant for a special property tax or occupancy tax reduction under this section shall comply with all procedural requirements set forth in sections 63-701 through 63-710, Idaho Code, with the exception of any income documentation and the exception of the date limitations as set forth in subsection (5) of this section.

(3) **In the event that a qualified veteran applies for the special tax reduction in this section but then dies, the veteran's surviving spouse is entitled to receive the special tax reduction in that year and subsequent years, until such time as the surviving spouse remarries, dies, or no longer has property tax levied on the homestead.**

(4) **An applicant who is a veteran with a one hundred percent (100%) service-connected permanent and total disability, having once applied for and received the reduction under this section, shall be entitled to continue receiving the benefit in subsequent years without applying annually, unless the veteran changes homesteads pursuant to subsection (5) of this section. (Emphasis added)**

(5) If a qualified veteran has applied for the special tax reduction under this section but after April 15 changes his homestead to a different property that would otherwise qualify for the special tax reduction under this section, the special tax reduction benefit is available for transfer. The state tax commission must notify the appropriate county officials to transfer the special tax reduction benefit to the qualifying property when all of the following conditions are met:

- (a) The qualified veteran has applied for and been granted the tax reduction benefit before April 15;
- (b) After April 15 but before October 1, the qualified veteran has changed his homestead to a separate property that would otherwise qualify for the special tax reduction authorized under this section; and
- (c) The qualified veteran notifies the state tax commission before October 1 of the desire to transfer the tax reduction benefits to the qualifying property.

The Veteran who was awarded the 100% service-connected disability passed away before this program was enacted and never claimed this benefit, therefore the surviving spouse cannot use it.

**CONCLUSION**

Petitioner received benefits totaling \$999.78 for 2023, \$238.78 for the Veteran property tax benefit. Removing the Veteran’s portion, Petitioner qualifies to receive a benefit of only \$760; she must re-pay \$238.78, plus interest.

THEREFORE, the Notice dated April 17, 2024, and directed to \_\_\_\_\_ is hereby APPROVED and MADE FINAL.

IT IS ORDERED that Petitioner pay the following tax, and interest:

<u>YEAR</u>	<u>BENEFIT</u>	<u>INTEREST</u>	<u>TOTAL</u>
2023	\$238.78	\$.16	\$238.94

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

IDAHO STATE TAX COMMISSION

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2024,  
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:

Receipt No.

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