

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2566

By Delegates Brooks, Kirby, Crouse, Willis, Chiarelli,

Holstein and Riley

[Introduced January 16, 2023; Referred to the

Committee on Finance]

1 A BILL to amend and reenact §11-6B-3 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the Homestead Property Tax Exemption from \$20,000 to \$40,000.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§11-6B-3. ~~Twenty~~ Forty thousand dollar homestead exemption allowed.

1 (a) *General.* -- An exemption from ad valorem property taxes shall be allowed for the first
2 ~~\$20,000~~ \$40,000 of assessed value of a homestead that is used and occupied by the owner
3 thereof exclusively for residential purposes, when such owner is 65 years of age or older or is
4 certified as being permanently and totally disabled provided the owner has been or will be a
5 resident of the State of West Virginia for the two consecutive calendar years preceding the tax year
6 to which the homestead exemption relates: *Provided*, That an owner who receives a similar
7 exemption for a homestead in another state is ineligible for the exemption provided by this section.
8 The owner's application for exemption shall be accompanied by a sworn affidavit stating that such
9 owner is not receiving a similar exemption in another state: *Provided, however*, That when a
10 resident of West Virginia establishes residency in another state or country and subsequently
11 returns and reestablishes residency in West Virginia within a period of five years, such resident
12 may be allowed a homestead exemption without satisfying the requirement of two years
13 consecutive residency if such person was a resident of this state for two calendar years out of the
14 ten calendar years immediately preceding the tax year for which the homestead exemption is
15 sought. Proof of residency includes, but is not limited to, the owner's voter's registration card
16 issued in this state or a motor vehicle registration card issued in this state. Additionally, when a
17 person is a resident of this state at the time such person enters upon active duty in the military
18 service of this country and throughout such service maintains this state as his or her state of
19 residence, and upon retirement from the military service, or earlier separation due to a permanent
20 and total physical or mental disability, such person returns to this state and purchases a
21 homestead, such person is deemed to satisfy the residency test required by this section and shall

22 be allowed a homestead exemption under this section if such person is otherwise eligible for a
23 homestead exemption under this article; and the Tax Commissioner may specify, by regulation
24 promulgated under chapter twenty-nine-a of this code, what constitutes acceptable proof of these
25 facts. Only one exemption shall be allowed for each homestead used and occupied exclusively for
26 residential purposes by the owner thereof, regardless of the number of qualified owners residing
27 therein.

28 (b) *Attachment of exemption.* -- This exemption shall attach to the homestead occupied by
29 the qualified owner on the July first assessment date and shall be applicable to taxes for the
30 following tax year. An exemption shall not be transferred to another homestead until the following
31 July first. If the homestead of an owner qualified under this article is transferred by deed, will or
32 otherwise, the ~~\$20,000~~ \$40,000 exemption shall be removed from the property on the next July
33 first assessment date unless the new owner qualifies for the exemption.

34 (c) *Construction.* -- The residency requirement specified in subsection (a) is enacted
35 pursuant to the Legislature's authority to prescribe by general law requirements, limitations and
36 conditions for the homestead exemption, as set forth in section one-b, article ten of the
37 Constitution of this state. Should the Supreme Court of Appeals or a federal court of competent
38 jurisdiction determine that this residency requirement violates federal law in a decision that
39 becomes final, this section shall then be construed and applied, beginning with the July first
40 assessment day immediately following the date the decision became final, as if the residency
41 requirement had not been enacted, thereby preserving the availability of the homestead
42 exemption and the fiscal integrity of local government levying bodies.

NOTE: The purpose of this bill is to increase the Homestead Property Tax Exemption from
\$20,000 to \$40,000.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.