

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4865**

By Delegates Hardy, Criss, Smith, Hite, Mallow,  
Heckert, Jennings, Shamblin, Riley, Householder, and  
Espinosa

[Introduced January 17, 2024; Referred to the Committee  
on Finance]

1 A BILL to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating  
 2 to increasing the total amount of the senior citizen homestead tax exemption and lowering  
 3 the threshold to 200% of federal poverty guidelines.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 21. PERSONAL INCOME TAX.**

**§11-21-21. Senior citizens' tax credit for property tax paid on first \$20,000 of taxable assessed value of a homestead in this state.**

1 (a) *Allowance of credit.* --

2 (1) A low-income person who is allowed a \$20,000 homestead exemption from the  
 3 assessed value of his or her homestead for ad valorem property tax purposes, as provided in  
 4 section three, article six-b of this chapter, shall be allowed a refundable credit against the taxes  
 5 imposed by this article equal to the amount of ad valorem property taxes paid on up to the first  
 6 \$10,000 of taxable assessed value of the homestead for property tax years that begin on or after  
 7 January 1, 2003, except as provided in subdivision (2) of this subsection.

8 (2) For tax years beginning on or after January 1, 2007, a low-income person who is  
 9 allowed a \$20,000 homestead exemption from the assessed value of his or her homestead for ad  
 10 valorem property tax purposes, as provided in section three, article six-b of this chapter, shall be  
 11 allowed a refundable credit against the taxes imposed by this article equal to the amount of ad  
 12 valorem property taxes paid on up to the first \$20,000 of taxable assessed value of the homestead  
 13 for property tax years that begin on or after January 1, 2007: *Provided,* That for tax years  
 14 beginning on and after January 1, 2009, any person who is required to pay the federal alternative  
 15 minimum income tax in the current tax year is disqualified from receiving any tax credit provided  
 16 under this section.

17 (3) Due to the administrative cost of processing, the refundable credit authorized by this  
 18 section may not be refunded if less than \$10.

19 (4) The credit for each property tax year shall be claimed by filing a claim for refund within

20 three years after the due date for the personal income tax return upon which the credit is first  
21 available.

22 (b) *Terms defined.* --

23 For purposes of this section:

24 (1) "Low income" means federal adjusted gross income for the taxable year that is ~~one~~  
25 ~~hundred fifty~~ two hundred percent or less of the federal poverty guideline for the year in which  
26 property tax was paid, based upon the number of individuals in the family unit residing in the  
27 homestead, as determined annually by the United States Secretary of Health and Human  
28 Services.

29 (2) (A) For tax years beginning before January 1, 2007, "taxes paid" means the aggregate  
30 of regular levies, excess levies and bond levies extended against not more than \$10,000 of the  
31 taxable assessed value of a homestead that are paid during the calendar year determined after  
32 application of any discount for early payment of taxes but before application of any penalty or  
33 interest for late payment of property taxes for a property tax year that begins on or after January 1,  
34 2003, except as provided in paragraph (B) of this subdivision.

35 (B) For tax years beginning on or after January 1, 2007, "taxes paid" means the aggregate  
36 of regular levies, excess levies and bond levies extended against not more than \$20,000 of the  
37 taxable assessed value of a homestead that are paid during the calendar year determined after  
38 application of any discount for early payment of taxes but before application of any penalty or  
39 interest for late payment of property taxes for a property tax year that begins on or after January 1,  
40 2007.

41 (c) *Legislative rule.* --

42 The Tax Commissioner shall propose a legislative rule for promulgation as provided in  
43 article three, chapter twenty-nine-a of this code to explain and implement this section.

44 (d) *Confidentiality.* --

45 The Tax Commissioner shall utilize property tax information in the statewide electronic

46 data processing system network to the extent necessary for the purpose of administering this  
47 section, notwithstanding any provision of this code to the contrary.

48 (e) For tax years beginning on or after January 1, 2012, taxpayers must calculate the credit  
49 authorized in this section prior to calculating the credit authorized in section twenty-three of this  
50 article.

51 (f) Total amount. –

52 The total amount for the senior citizen homestead tax exemption shall not exceed the  
53 amount of \$25 million dollars.

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NOTE: The purpose of this bill is to increase the total amount for the senior citizen homestead tax exemption and lower the threshold to 200% of federal poverty guidelines.

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