

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5205

By Delegates Hanshaw (Mr. Speaker) and
Hornbuckle

[By Request of the Executive]

[Introduced January 25, 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 the senior citizens' tax credit for property tax paid; providing for an increase in the
 3 amount of credit; expanding the income eligibility; providing for retrospective effect.

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)~~ (3) 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) For tax years beginning on or after January 1, 2024, a low-income person who is
 18 allowed a \$20,000 homestead exemption from the assessed value of his or her homestead for ad
 19 valorem property tax purposes, as provided in section three, article six-b of this chapter, shall be

20 allowed a refundable credit against the taxes imposed by this article equal to the amount of ad
21 valorem property taxes paid on up to the first \$30,000 of taxable assessed value of the homestead
22 for property tax years that begin on or after January 1, 2024: *Provided*, That any person who is
23 required to pay the federal alternative minimum income tax in the current tax year is disqualified
24 from receiving any tax credit provided under this section.

25 (3) (4) Due to the administrative cost of processing, the refundable credit authorized by this
26 section may not be refunded if less than \$10.

27 (4) (5) The credit for each property tax year shall be claimed by filing a claim for refund
28 within three years after the due date for the personal income tax return upon which the credit is first
29 available.

30 (b) *Terms defined.* --

31 For purposes of this section:

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

37 (2) (A) For tax years beginning before January 1, 2007, "taxes paid" means the aggregate
38 of regular levies, excess levies and bond levies extended against not more than \$10,000 of the
39 taxable assessed value of a homestead that are paid during the calendar year determined after
40 application of any discount for early payment of taxes but before application of any penalty or
41 interest for late payment of property taxes for a property tax year that begins on or after January 1,
42 2003, except as provided in paragraph (B) of this subdivision.

43 (B) For tax years beginning on or after January 1, 2007, "taxes paid" means the aggregate
44 of regular levies, excess levies and bond levies extended against not more than \$20,000 of the
45 taxable assessed value of a homestead that are paid during the calendar year determined after

46 application of any discount for early payment of taxes but before application of any penalty or
47 interest for late payment of property taxes for a property tax year that begins on or after January 1,
48 2007.

49 (C) For tax years beginning on or after January 1, 2024, "taxes paid" means the aggregate
50 of regular levies, excess levies and bond levies extended against not more than \$30,000 of the
51 taxable assessed value of a homestead that are paid during the calendar year determined after
52 application of any discount for early payment of taxes but before application of any penalty or
53 interest for late payment of property taxes for a property tax year that begins on or after January 1,
54 2024.

55 (c) *Legislative rule.* --

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

58 (d) *Confidentiality.* --

59 The Tax Commissioner shall utilize property tax information in the statewide electronic
60 data processing system network to the extent necessary for the purpose of administering this
61 section, notwithstanding any provision of this code to the contrary.

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

65 (f) Changes in the language of this section enacted in the year 2024 shall apply
66 retroactively to taxable years beginning after December 31, 2023.

NOTE: The purpose of this bill is to increase the senior citizens' tax credit for property tax paid, and to expand the eligibility requirements for the credit.

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