

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 724

BY SENATORS BARRETT, WILLIS, AND HAMILTON

[Reported March 27, 2025, from the Committee on
Finance]

1 A BILL to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as
2 amended; and to repeal §11-8-6e, relating to taxation; providing for an increase in the
3 homestead exemption; providing that change to exemption is contingent on passage of
4 constitutional amendment; and repealing limitation on levy rates resulting in property tax
5 increase.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6B. HOMESTEAD PROPERTY TAX EXEMPTION.

§11-6B-3. ~~Twenty thousand dollar~~ Phase-in of increasing homestead exemption allowed.

1 (a) *General.* – An exemption from ad valorem property taxes shall be allowed for ~~the first~~
2 ~~\$20,000~~ not less than \$25,000 of assessed value of a homestead that is used and occupied by
3 the owner thereof exclusively for residential purposes, when such owner is ~~sixty-five~~ 65 years of
4 age or older or is certified as being permanently and totally disabled provided the owner has been
5 or will be a resident of the State of West Virginia for the two consecutive calendar years preceding
6 the tax year to which the homestead exemption relates. The Legislature shall have authority to
7 make future modifications to the homestead property exemption made by general law: *Provided,*
8 That an owner who receives a similar exemption for a homestead in another state is ineligible for
9 the exemption provided by this section. The owner's application for exemption shall be
10 accompanied by a sworn affidavit stating that such owner is not receiving a similar exemption in
11 another state: *Provided, however,* That when a resident of West Virginia establishes residency in
12 another state or country and subsequently returns and reestablishes residency in West Virginia
13 within a period of five years, such resident may be allowed a homestead exemption without
14 satisfying the requirement of two years consecutive residency if such person was a resident of
15 this state for two calendar years out of the 10 calendar years immediately preceding the tax year
16 for which the homestead exemption is sought. Proof of residency includes, but is not limited to,
17 the owner's voter's registration card issued in this state or a motor vehicle registration card issued
18 in this state. Additionally, when a person is a resident of this state at the time such person enters

19 upon active duty in the military service of this country and throughout such service maintains this
20 state as his or her state of residence, and upon retirement from the military service, or earlier
21 separation due to a permanent and total physical or mental disability, such person returns to this
22 state and purchases a homestead, such person is deemed to satisfy the residency test required
23 by this section and shall be allowed a homestead exemption under this section if such person is
24 otherwise eligible for a homestead exemption under this article; and the Tax Commissioner may
25 specify, by regulation promulgated under chapter 29A of this code, what constitutes acceptable
26 proof of these facts. Only one exemption shall be allowed for each homestead used and occupied
27 exclusively for residential purposes by the owner thereof, regardless of the number of qualified
28 owners residing therein.

29 (b) *Attachment of exemption.* — This exemption shall attach to the homestead occupied
30 by the qualified owner on the July 1 assessment date and shall be applicable to taxes for the
31 following tax year. An exemption shall not be transferred to another homestead until the following
32 July 1. If the homestead of an owner qualified under this article is transferred by deed, will or
33 otherwise, the ~~\$20,000~~ exemption as provided in subsection (a) of this section shall be removed
34 from the property on the next July 1 assessment date unless the new owner qualifies for the
35 exemption.

36 (c) *Construction.* — The residency requirement specified in subsection (a) of this section
37 is enacted pursuant to the Legislature's authority to prescribe by general law requirements,
38 limitations, and conditions for the homestead exemption, as set forth in section one-b, article X,
39 of the Constitution of this state. Should the Supreme Court of Appeals or a federal court of
40 competent jurisdiction determine that this residency requirement violates federal law in a decision
41 that becomes final, this section shall then be construed and applied, beginning with the July 1
42 assessment day immediately following the date the decision became final, as if the residency
43 requirement had not been enacted, thereby preserving the availability of the homestead
44 exemption and the fiscal integrity of local government levying bodies.

45 (d) Effective date. —The changes made to this section during the regular session of the
46 Legislature, 2025, shall become effective only upon the ratification of a constitutional amendment
47 submitted to the voters following the adoption of a resolution by the Legislature providing for an
48 increase in the homestead property exemption, or any other amendment to the Constitution of
49 West Virginia permitting a homestead property exemption.

§11-6B-7. Property tax books.

1 (a) *Property book entry.* — The exemption of the ~~first \$20,000~~ of assessed value set forth
2 in §11-6B-3 of this code shall be shown on the property books as a deduction from the total
3 assessed value of the homestead.

4 (b) *Levy; statement to homestead owner.* — When the \$20,000 exemption set forth in §11-
5 6B-3 of this code is greater than the total assessed value of the eligible homestead, no taxes shall
6 be levied. The sheriff shall issue a statement to the owner showing that no taxes are due.

ARTICLE 8. LEVIES.

§11-8-6e. Effect on regular levy rate when appraisal results in tax increase; public hearings.

1 [Repealed.]