

INTRODUCED: April 23, 2018

AN ORDINANCE No. 2018-134

To amend and reordain City Code § 26-366, concerning the real estate tax exemption for qualified veterans, for the purpose of reflecting amendments to the Constitution of Virginia.

\_\_\_\_\_  
Patron – President Hilbert

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Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: MAY 29 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 26-366 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

**Sec. 26-366. - Real estate tax exemption for qualified veterans.**

(a) Pursuant to Code of Virginia, § 58.1-3219.5, and for tax years beginning on or after January 1, 2011, a real estate tax exemption is hereby provided for the dwelling and land, not exceeding one acre, upon which the dwelling is situated, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to Federal law to have a 100 percent service-

AYES:           7           NOES:           0           ABSTAIN: \_\_\_\_\_

ADOPTED:   MAY 29 2018   REJECTED: \_\_\_\_\_   STRICKEN: \_\_\_\_\_

connected, permanent and total disability, and who occupies the real property as such veteran's principal place of residence. If the veteran owns a house that is his residence, including a manufactured home as defined in Code of Virginia, § 46.2-100, whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt. In addition, a real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision (A)(14) of Code of Virginia, § 58.1-3503 and as listed in Code of Virginia, § 58.1-3504 and (ii) for other than a business purpose.

(b) The surviving spouse of a veteran eligible for the exemption set forth in this section shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry [~~and the surviving spouse continues to occupy the real property as such surviving spouse's principal place of residence~~]. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.

(c) The veteran or surviving spouse claiming the exemption under this section shall file with the City Assessor, on forms to be supplied by the City Assessor, an affidavit or written statement:

(1) Setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property;

(2) Indicating whether the real property is jointly owned by a husband and wife; and

(3) Certifying that the real property is occupied as the veteran's principal place of residence.

The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. The veteran shall be required to refile the information required by this section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

§ 2. This ordinance shall be in force and effect upon July 1, 2018.



# Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

## Ordinance/Resolution Request

**TO** Allen Jackson, City Attorney

**THROUGH** Lou Ali, Council Chief of Staff *LA*

**FROM** Steven Taylor, Council Policy Analyst *ST*

**COPY** Chris Hilbert, 3<sup>rd</sup> District and President of City Council  
Lisa Townes, 3rd District Liaison  
Haskell Brown, Deputy City Attorney  
Meghan Brown, Deputy Council Chief of Staff *MLB*

**DATE** April 11, 2018

**PAGE/s** 1 of 2

**TITLE** Amend City Code regarding tax exemption for surviving spouses of disabled veterans for compliance with State Law

RECEIVED

APR 12 2018

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance**  **Resolution**

**REQUESTING COUNCILMEMBER/PATRON**

C. Hilbert

**SUGGESTED STANDING COMMITTEE**

Finance & Economic Development

**ORDINANCE/RESOLUTION SUMMARY**

The patron requests that legislation be drafted for Council's consideration that amends City Code Section 26-366, with regard to the tax exemption for a surviving spouse of a disabled veteran of the US military. The amendment should allow for a real estate tax exemption for the principle place of residence of a surviving spouse of a veteran of the US military without restriction on whether or not the surviving spouse moves to a different principle place of residence.

**BACKGROUND**

The Commonwealth's voters approved an amendment to the Virginia Constitution (Section 6-A, Article X) allowing a real property tax exemption on the principle residence of surviving spouse of US military veteran who was killed in action even when the surviving spouse moves to a different principle residence. The 2018 Session of the General Assembly acted to effectuate the amendment to the Virginia Constitution.

This paper proposes an amendment to the City Code to reflect this change to the property tax exemptions in the City Code, effective July 1, 2018.



# VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

## CHAPTER 422

*An Act to provide for the submission to the voters of a proposed amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax; exemption.*

[S 900]

Approved March 23, 2018

**Be it enacted by the General Assembly of Virginia:**

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2018, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

### ARTICLE X

#### TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans *and their surviving spouses* and surviving spouses of soldiers killed in action.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry and ~~continues to occupy the real property as his or her principal place of residence.~~ *This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.*

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in action prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

§ 2. The ballot shall contain the following question:

"Question: Shall the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability be amended to allow the surviving spouse to move to a different primary residence and still claim the exemption?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1,