

can be reconciled to the uniform methods of financial reporting prescribed by the department and can be audited for validity and completeness. Each hospital and each health care facility shall adopt the appropriate system for its fiscal year, effective upon such date as the department shall direct. In determining the effective date for reporting requirements, the department shall consider both the immediate need for uniform reporting of information to effectuate the purposes of this division and the administrative and economic difficulties which hospitals and health care facilities may encounter in complying with the uniform financial reporting requirement, but the effective date shall not be later than ~~one--year--after--July--17--1978~~ January 1, 1980.

Approved June 10, 1979

CHAPTER 43

PROPERTY TAX RELIEF FOR AGED AND DISABLED

S. F. 495

AN ACT relating to additional property tax relief for persons sixty-five years of age or older, surviving spouses fifty-five years of age or older and persons totally disabled by reducing the semiannual mobile home tax rate and by providing for the filing of claims for a credit on the property taxes due in the coming fiscal year, altering the reimbursement and credit schedule for property taxes due or rent constituting property taxes paid, extending the deadline for filing and making clarifying provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section one hundred thirty-five D point twenty-two (135D.22), subsection two (2), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

2. If the owner of the mobile home was totally disabled, as defined in section four hundred twenty-five point seventeen (425.17), subsection six (6) of the Code on or before December thirty-first of the base year, is a surviving spouse having attained the age of fifty-five years on or before December thirty-first of the base year or has attained the age of sixty-five years on or before December thirty-first of the base year and has an income when included with that of a spouse which is less than four thousand dollars per year, no semiannual tax shall be imposed on the mobile home. If the income is four thousand dollars or more but less than ten thousand dollars, the semiannual tax shall be computed as follows:

If the Household Income is:	Semiannual Tax Per Square Foot
\$4,000 - 4,999.99	1.5 cents
5,000 - 5,999.99	4.0
6,000 - 6,999.99	6.0
7,000 - 7,999.99	7.0
8,000 - 8,999.99	7.5
9,000 - 9,999.99	8.0

For purposes of this subsection "income" means income as defined in section four hundred twenty-five point seventeen (425.17), subsection one (1), of the Code and "base year" means the calendar year preceding the year in which the claim for a reduced rate of tax is filed. The mobile home reduced rate of tax shall only be allowed on the mobile home in which the claimant is residing at the time in which the claim for a reduced rate of tax is filed.

Sec. 2. Section four hundred twenty-five point sixteen (425.16), Code 1979, is amended to read as follows:

425.16 ADDITIONAL TAX CREDIT. In addition to the homestead tax credit allowed under section 425.1, subsections 1 to 4, persons who own or rent their homesteads and who meet the qualifications provided in this division are eligible for an extraordinary property tax credit or reimbursement payable in September of any year.

Sec. 3. Section four hundred twenty-five point seventeen (425.17), subsections five (5), nine (9), ten (10) and eleven (11), Code 1979, are amended to read as follows:

5. "Claimant" means a person filing a claim for credit or reimbursement under this division who has attained the age of sixty-five years on or before December ~~31~~ thirty-first of the base year or who is a surviving spouse having attained the age of fifty-five years on or before December ~~31~~ thirty-first of the base year, or who is totally disabled and was totally disabled on or before December ~~31~~ thirty-first of the base year, and was domiciled in this state during the entire base year and is domiciled in this state at the time the claim is filed. "Claimant" includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. ~~When two persons of a household are able to meet the qualifications for a claimant, they may determine between them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than July 31 of each year and his decision shall be final.~~ If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, ~~and some or all of the qualified persons are not related,~~ the persons may determine among them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than ~~July 31~~ October thirty-first of each year and ~~his~~ the director's decision shall be final.

9. "Property taxes paid due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services,

~~paid due~~ on a claimant's homestead in this state, but includes only property taxes for which the claimant ~~was is~~ liable and which ~~were will~~ actually ~~be~~ paid by the claimant. ~~if-the-property-taxes-have-actually-been-paid,--they shall-be-deemed-to-have-been-paid-when-due,--regardless-of-the-date-of-actual payment.~~ "Property taxes paid due" shall be computed with no deduction for any credit under this division or for any homestead credit allowed under section 425.1. Each claim shall be based upon the taxes paid due during the fiscal year next following the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not a member of claimant's household, "property taxes paid due" is that part of property taxes paid due on the homestead which equals the ownership percentage of the claimant and his or her household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled, or is a surviving spouse of such person who is over the age of fifty-five years of age, the person may be eligible for the credit allowed under this division. ~~if-a-claimant-changes-his-or-her-homestead,--this-shall-not-prevent-him-or-her from-filing-a-claim-based-on-property-taxes-for-which-the-claimant-was-liable and-which-were-actually-paid-by-the-claimant,--but-duplication-of-claims-shall not-be-allowed.~~ If a homestead is an integral part of a farm, the claimant may use the total property taxes paid due for the larger unit, but not exceeding forty acres of land. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes paid due for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

10. "Special assessment" means special assessments made pursuant to sections 384.37 to 384.79. The amount of a special assessment which may be included in the amount of property taxes paid due for one year shall be an amount equal to one-tenth of the total amount of the special assessment levied against the homestead of the claimant, if the claimant ~~elects elects~~ to pay the total amount of the special assessment in one payment. If the claimant elects to pay the special assessment in ten annual installments as provided by law, the claimant may include as a portion of the property taxes paid due during the fiscal year next following the base year an amount equal to the special assessment, including interest, paid due during that same base fiscal year.

11. "Base year" means:

- a. For a claimant filing a claim for rent constituting property taxes paid, the calendar year last ending before the claim is filed.
- b. For a claimant filing a claim for property taxes paid due, the state fiscal year ending in the calendar year in which the claim is filed.

Sec. 4. Section four hundred twenty-five point eighteen (425.18), Code 1979, is amended to read as follows:

425.18 CLAIM IS PERSONAL. The right to file a claim under this division shall be personal to the claimant and shall not survive the claimant's death,

but the right may be exercised on behalf of a claimant by his or her legal guardian, spouse or attorney. If a claimant dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the reimbursement may be paid to another member of the household as determined by the director. If the claimant was the only member of the household, the reimbursement may be paid to the claimant's executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 5. Section four hundred twenty-five point nineteen (425.19), Code 1979, is amended to read as follows:

425.19 CLAIM AND CREDIT OR REIMBURSEMENT. Subject to the limitations provided in this division, a claimant may annually claim a reimbursement credit for property taxes paid due during the fiscal year next following the base year or claim a reimbursement for rent constituting property taxes paid in the base year. The amount of the reimbursement credit for property taxes paid due for a homestead, ~~after audit or certification by the director,~~ shall be paid within one hundred eighty days after receipt of the claim by the director to the county treasurer who shall credit the money received against the amount of the property taxes due and payable on the homestead of the claimant and the amount of the reimbursement for rent constituting property taxes paid shall be paid to the claimant from the state general fund on ~~or before--September--25~~ December thirty-first of each year ~~commencing in 1974.~~ ~~However, the claimant for reimbursement for property taxes paid may designate on the claim at the time it is filed that the check for reimbursement for property taxes paid be made payable to the claimant and the county treasurer of the county in which the homestead is located.~~

Sec. 6. Section four hundred twenty-five point twenty (425.20), Code 1979, is amended to read as follows:

425.20 FILING DATE. A claim for reimbursement for ~~property taxes paid or~~ rent constituting property taxes paid shall not be paid or allowed, unless the claim is actually filed with and in the possession of the department of revenue on or before ~~July 31~~ October thirty-first of the year following the base year, ~~beginning July 31, 1974.~~

A claim for credit for property taxes due shall not be paid or allowed unless the claim is actually filed with the county treasurer on or before September thirtieth of the fiscal year during which the property taxes are due and contains an affidavit of the claimant's intent to occupy the homestead for six months or more during the fiscal year for which the claim is filed. The county treasurer shall submit the claim to the director of revenue on or before October fifteenth of each year.

In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension prior to ~~August 1~~ November first, the director may extend the time for filing a claim for reimbursement or credit for a period not to exceed three two months. ~~The director may also extend the time~~

~~for--filing--for--all--claimants--or--for--any--reasonable--group--or--class--of
claimants--for--a--period--not--to--exceed--three--months--if--in--his--judgment--good
cause--exists-~~

Sec. 7. Section four hundred twenty-five point twenty-one (425.21), Code 1979, is amended to read as follows:

425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES. The amount of any claim for credit or reimbursement payable under this division may be applied by the department of revenue against any tax liability outstanding on the books of the department against the claimant, or against a spouse who was a member of the claimant's household in the base year.

Sec. 8. Section four hundred twenty-five point twenty-two (425.22), Code 1979, is amended to read as follows:

425.22 ONE CLAIMANT PER HOUSEHOLD. Only one claimant per household per year shall be entitled to reimbursement under this division and only one claimant per household per fiscal year shall be entitled to a credit under this division.

Sec. 9. Section four hundred twenty-five point twenty-three (425.23), Code 1979, is amended to read as follows:

425.23 SCHEDULE FOR CLAIMS FOR CREDIT OR REIMBURSEMENT. The amount of any claim for credit or reimbursement filed under this division shall be determined as provided in this section.

1. The tentative credit or reimbursement shall be the higher of the two amounts determined as follows:

a. The amount shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes <u>paid due</u> or rent consti- tuting property taxes paid allowed as a <u>credit</u> or reimbursement:
\$ 0 -- 999.99	100%
1,000 --- 1,999.99	100
2,000 --- 2,999.99	95
3,000 -- 3,999.99	85 <u>100%</u>
4,000 -- 4,999.99	70 <u>85</u>
5,000 -- 5,999.99	55 <u>60</u>
6,000 -- 6,999.99	40
7,000 -- 7,999.99	30
8,000 -- 8,999.99	25
9,000 -- 9,999.99	20

b. If the claim is for property taxes paid due and the household income of the claimant is less than four thousand dollars, the alternative tentative reimbursement credit shall be one hundred twenty-five dollars, but not to exceed the amount of property taxes paid due during the fiscal year next following the base year.

2. The actual reimbursement credit for property taxes paid due shall be determined by subtracting from the tentative reimbursement credit the amount of the homestead credit under section 425.1 which was is allowed as a credit

against property taxes paid due in the fiscal year next following the base year by the claimant or any person of his the claimant's household, ~~except that the credit shall not exceed two-thirds of the amount of the credit received on the homestead in the extended fiscal year beginning January 1, 1974, and ending June 30, 1975.~~ If the subtraction produces a negative amount, there shall be no reimbursement credit but no refund shall be required. The actual reimbursement for rent constituting property taxes paid shall be equal to the tentative reimbursement.

3. Any person who is eligible to file a claim for reimbursement credit for property taxes paid due and who has a household income of five thousand dollars or less and who has a special assessment levied against the homestead may file a claim with the county treasurer that the claimant had a household income of five thousand dollars or less ~~during the base year~~ and that a special assessment is presently levied against the homestead. The department shall provide to the respective county treasurers such forms as are necessary for the administration of this subsection. The claim shall be filed not later than September ~~30~~ thirtieth of each year. Upon the filing of the claim, no penalty or interest for late payment shall accrue against the amount of the special assessment due and payable. The claim filed by the claimant shall constitute a claim for reimbursement credit of an amount equal to the actual amount due and payable upon the special assessment payable during the fiscal year against the homestead of the claimant or an amount equal to the annual payment of the special assessment levied against the homestead of the claimant and payable in annual installments through the period of years provided by the governing body of the city, whichever is less. The department of revenue shall, upon the filing of the claim with the department by the county treasurer, pay that amount of the special assessment during the current fiscal year to the county treasurer. The county treasurer shall submit the claims to the director of revenue not later than October ~~15~~ fifteenth of each year. The director of revenue shall certify to the state comptroller the amount of reimbursement due each county for special assessment credits allowed under this subsection. The amount of reimbursement due each county shall be paid by the state comptroller on November ~~15~~ fifteenth of each year, drawn upon warrants payable to the respective county treasurer. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out the provisions of this subsection. The county treasurer shall credit any moneys received from the department against the amount of the special assessment due and payable on the homestead of the claimant.

Sec. 10. Section four hundred twenty-five point twenty-four (425.24), Code 1979, is amended to read as follows:

425.24 MAXIMUM PROPERTY TAX. In any case in which property taxes paid due or rent constituting property taxes paid ~~in any base year~~ for any household exceeds one thousand dollars, the amount of property taxes paid due or rent constituting property taxes paid shall be deemed to have been one thousand dollars for purposes of this division.

Sec. 11. Section four hundred twenty-five point twenty-five (425.25), Code 1979, is amended to read as follows:

425.25 ADMINISTRATION. The director of revenue shall make available suitable forms with instructions for claimants. Each assessor and county treasurer shall make available the forms and instructions. The claim shall be in such form as the director may prescribe. The director may also devise a tax credit or reimbursement table, with amounts rounded to the nearest whole dollar. Reimbursements or credits in the amount of less than one dollar shall not be paid.

Sec. 12. Section four hundred twenty-five point twenty-six (425.26), subsections two (2), three (3), eight (8), and nine (9), Code 1979, are amended to read as follows:

2. Property taxes paid due or rent constituting property taxes paid, including the portion of gross rent paid for providing utilities, services, furniture, furnishings, and personal property appliances, and the name and address of the owner or manager of the property rented and a statement whether the claimant is related by blood, marriage or adoption to the owner or manager of the property rented;

3. Homestead credit allowed against property taxes paid due;

8. A statement that the property taxes paid due and used for purposes of this division have been or will be paid by him the claimant, and that there are no delinquent property taxes on the homestead.

9. Any information needed to determine whether the claimant is eligible for the alternative reimbursement credit under section 425.23, subsection 1, paragraph "b".

Sec. 13. Section four hundred twenty-five point twenty-seven (425.27), Code 1979, is amended to read as follows:

425.27 AUDIT OF CLAIM. If on the audit of any claim for credit or reimbursement under this division, the director determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, he the director shall recalculate the claim and notify the claimant of the recalculation or denial and his the reasons for it. The director shall not adjust any claim after three years from July-31 October thirty-first of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. If the claim for credit has been paid, the county treasurer shall repay the amount to the director and after notification to the claimant of the recalculation or denial of the claim, the county treasurer shall proceed to collect the tax owed in the same manner as other property taxes due and payable are collected. The recalculation of the claim shall be final unless appealed as provided in section 425.31. The provisions of section 422.70 shall be applicable with respect to this division.

Sec. 14. Section four hundred twenty-five point twenty-nine (425.29), Code 1979, is amended to read as follows:

425.29 FALSE CLAIM--PENALTY. Any person making a false affidavit for the purpose of obtaining credit or reimbursement provided for in this division or who knowingly receives the credit or reimbursement without being legally entitled to it or makes claim for the credit or reimbursement in more than one county in the state shall be guilty of a simple misdemeanor. An action

under this section shall be brought in the county in which the affidavit was filed. The claim for credit or reimbursement shall be disallowed in full and if the claim has been paid the amount ~~may be recovered by assessment in the manner that income taxes are assessed pursuant to sections 422-26 and 422-30~~ shall be recovered in the manner provided in section four hundred twenty-five point twenty-seven (425.27) of the Code. The director of revenue shall send a notice of disallowance of the claim.

Sec. 15. Section four hundred twenty-five point thirty-two (425.32), Code 1979, is amended to read as follows:

425.32 DISALLOWANCE OF CERTAIN CLAIMS. A claim for ~~reimbursement~~ credit shall be disallowed if the department finds that the claimant or a person of ~~his~~ the claimant's household received title to ~~his~~ the homestead primarily for the purpose of receiving benefits under this division.

Sec. 16. Section four hundred twenty-five point thirty-nine (425.39), Code 1979, is amended to read as follows:

425.39 FUND CREATED--APPROPRIATION. There is appropriated annually from the general fund of the state to the department of revenue to be credited to the extraordinary property tax credit and reimbursement fund, which fund is hereby created, from funds not otherwise appropriated, an amount sufficient to carry out the provisions of this division.

Sec. 17. Chapter four hundred twenty-five (425), Code 1979, is amended by adding the following new section to the division on property tax relief for the elderly and disabled:

NEW SECTION. In the case of a special charter city which levies and collects its own taxes, the appropriate city official shall be responsible for carrying out the duties and responsibilities imposed under this division upon the county treasurer.

Sec. 18. Section four hundred twenty-five point thirty-eight (425.38), Code 1979, is repealed.

Sec. 19. Notwithstanding any provision of this Act, the right to file a claim for reimbursement for property taxes paid in the fiscal year ending in the 1979 calendar year under sections four hundred twenty-five point sixteen (425.16) to four hundred twenty-five point thirty-nine (425.39) of the Code is not abridged and the procedures for filing the claim for reimbursement, the verification of the claim, the determination of the amount of the claim and the payment of the claim shall be as specified under sections four hundred twenty-five point sixteen (425.16) to four hundred twenty-five point thirty-nine (425.39) of the Code before the effective date of this Act. A person filing a claim for reimbursement for property taxes paid in the fiscal year ending in the 1979 calendar year is not precluded from filing a claim for credit for property taxes due under the provisions of this Act.

Sec. 20. This Act is effective July 31, 1979.

Approved June 4, 1979