

**Senate File 52 - Introduced**

SENATE FILE 52

BY TAYLOR

**A BILL FOR**

1 An Act providing a property assessment adjustment and a  
2 property tax adjustment for certain property of persons  
3 who have attained the age of sixty-five, applying income  
4 limitations, providing a penalty, and including retroactive  
5 and other applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 425B.1 Homestead assessed value  
2 adjustment — purpose.

3 Persons who own their homesteads and who meet the  
4 qualifications provided in this chapter are eligible for  
5 an adjustment in the assessed value of their homesteads or  
6 an adjustment of the amount of taxes levied against their  
7 homestead, as provided in this chapter, to prevent an increase  
8 in such values or an increase in the amount of taxes levied.

9 Sec. 2. NEW SECTION. 425B.2 Definitions.

10 As used in this chapter, unless the context otherwise  
11 requires:

12 1. "*Assessed value*" means the actual value prior to any  
13 adjustment pursuant to section 441.21, subsection 4.

14 2. "*Base assessment year*" means the assessment year  
15 beginning in the base year.

16 3. "*Base year*" means the calendar year last ending before  
17 the claim is filed.

18 4. "*Claimant*" means a person filing a claim for adjustment  
19 under this chapter who has attained the age of sixty-five years  
20 on or before December 31 of the base year and is domiciled in  
21 this state at the time the claim is filed or at the time of the  
22 person's death in the case of a claim filed by the executor or  
23 administrator of the claimant's estate.

24 5. "*Earned income*" means the same as defined in section 32  
25 of the Internal Revenue Code.

26 6. "*Homestead*" means the dwelling owned and actually used  
27 as a home by the claimant during at least six months of the  
28 base year and so much of the land surrounding it, including one  
29 or more contiguous lots or tracts of land, as is reasonably  
30 necessary for use of the dwelling as a home, and may consist  
31 of a part of a multidwelling or multipurpose building and a  
32 part of the land upon which it is built. It does not include  
33 personal property except that a manufactured or mobile home  
34 may be a homestead. Any dwelling or a part of a multidwelling  
35 or multipurpose building which is exempt from taxation does

1 not qualify as a homestead under this chapter. A homestead  
2 must be located in this state. When a person is confined in a  
3 nursing home, extended-care facility, or hospital, the person  
4 shall be considered as occupying or living in the person's  
5 homestead if the person is the owner of the homestead and the  
6 person maintains the homestead and does not lease, rent, or  
7 otherwise receive profits from other persons for the use of the  
8 homestead.

9 7. "Owned" means owned by an owner as defined in section  
10 425.11.

11 Sec. 3. NEW SECTION. 425B.3 Right to file a claim.

12 The right to file a claim for an assessed value adjustment  
13 under this chapter may be exercised by the claimant or on  
14 behalf of a claimant by the claimant's legal guardian, spouse,  
15 or attorney, or by the executor or administrator of the  
16 claimant's estate. If a claimant dies after having filed a  
17 claim for adjustment, the amount of any adjustment shall be  
18 made as if the claimant had not died.

19 Sec. 4. NEW SECTION. 425B.4 Claim for adjustment.

20 1. Subject to the limitations provided in this chapter,  
21 a claimant may annually claim an adjustment of the assessed  
22 value of the claimant's homestead for the base assessment year.  
23 The adjustment claim shall be filed with the county assessor  
24 between January 1 and February 15 immediately following  
25 the close of the base assessment year. However, in case of  
26 sickness, absence, or other disability of the claimant, or  
27 if in the judgment of the county assessor good cause exists,  
28 the county assessor may extend the time for filing a claim for  
29 adjustment through June 30 of the same calendar year.

30 2. The county assessor shall notify the department of  
31 revenue by March 1 of the number of claimants receiving  
32 adjustments under this chapter and the total amount of the  
33 reduced assessed values for the base assessment year.

34 Sec. 5. NEW SECTION. 425B.5 Adjustment — maximum tax  
35 dollars levied.

1 1. If the earned income qualification specified in  
2 subsection 2 is met, the assessed value of the claimant's  
3 homestead in the base assessment year shall be adjusted, but  
4 not increased, to equal the assessed value, as such assessed  
5 value may have been adjusted pursuant to this chapter, in  
6 the assessment year preceding the base assessment year. If  
7 the amount of property taxes levied against the adjusted  
8 assessment exceeds the amount of property taxes levied against  
9 the property in the fiscal year for which taxes were first  
10 levied against an adjusted assessment under this chapter, the  
11 treasurer shall subtract the difference from the amount due.

12 2. A claimant is eligible for an adjustment to the assessed  
13 value of the claimant's homestead if the claimant's household  
14 earned income is less than eight thousand dollars in the base  
15 year.

16 Sec. 6. NEW SECTION. 425B.6 Administration.

17 The director of revenue shall make available suitable forms  
18 for claiming an assessed value adjustment with instructions  
19 for claimants. Each assessor and county treasurer shall make  
20 available the forms and instructions. The claim shall be in a  
21 form as the director may prescribe.

22 Sec. 7. NEW SECTION. 425B.7 Proof of claim.

23 1. Every claimant shall give the department of revenue, in  
24 support of the claim, reasonable proof of:

- 25 a. Age.
- 26 b. Changes of homestead.
- 27 c. Size and nature of the property claimed as the homestead.
- 28 d. Household earned income.

29 2. The director of revenue may require any additional proof  
30 necessary to support a claim.

31 Sec. 8. NEW SECTION. 425B.8 Audit — denial.

32 If on the audit of a claim for adjustment under this  
33 chapter, the director of revenue determines the claim is not  
34 allowable, the director shall notify the claimant of the denial  
35 and the reasons for it. The director shall not deny a claim

1 after three years from October 31 of the year in which the  
2 claim was filed. The director shall give notification to the  
3 county assessor of the denial of the claim and the county  
4 assessor shall instruct the county treasurer to proceed to  
5 collect the tax that would have been levied on the applicable  
6 adjusted assessed value in the same manner as other property  
7 taxes due and payable are collected, if the property on which  
8 the adjustment was granted is still owned by the claimant.  
9 However, if the claim was incorrectly allowed due to a clerical  
10 error, error by a person other than the claimant, or an  
11 innocent misrepresentation by or on behalf of the claimant, the  
12 proceedings to collect the tax shall be limited to the taxes  
13 due and payable in the twelve months immediately preceding the  
14 disallowance.

15 Sec. 9. NEW SECTION. **425B.9 Waiver of confidentiality.**

16 1. A claimant shall expressly waive any right to  
17 confidentiality relating to all income tax information  
18 obtainable through the department of revenue including all  
19 information covered by sections 422.20 and 422.72. This waiver  
20 shall apply to information available to the county assessor who  
21 shall hold the information confidential except that it may be  
22 used as evidence to disallow the assessed value adjustment.

23 2. The department of revenue may release information  
24 pertaining to a person's eligibility or claim for or receipt of  
25 the assessed value adjustment to an employee of the department  
26 of inspections and appeals in the employee's official conduct  
27 of an audit or investigation.

28 Sec. 10. NEW SECTION. **425B.10 False claim — penalty.**

29 A person who makes a false affidavit for the purpose of  
30 obtaining an adjustment in assessed value provided for in  
31 this chapter or who knowingly receives the adjustment without  
32 being legally entitled to it or makes claim for the adjustment  
33 in more than one county in the state without being legally  
34 entitled to it is guilty of a fraudulent practice. The claim  
35 for adjustment shall be disallowed in full and property tax

1 shall be levied on the disallowed adjustment at the rate that  
2 would have been levied but for the adjustment. The director of  
3 revenue shall send a notice of disallowance of the claim.

4 Sec. 11. NEW SECTION. **425B.11 Notices.**

5 Section 423.39, subsection 1, shall apply to all notices  
6 under this chapter.

7 Sec. 12. NEW SECTION. **425B.12 Appeals.**

8 Any person aggrieved by an act or decision of the director  
9 of revenue or the department of revenue under this chapter  
10 shall have the same rights of appeal and review as provided in  
11 sections 421.1 and 423.38 and the rules of the department of  
12 revenue.

13 Sec. 13. NEW SECTION. **425B.13 Disallowance of certain**  
14 **claims.**

15 A claim for adjustment shall be disallowed if the department  
16 finds that the claimant or a person of the claimant's household  
17 received title to the homestead primarily for the purpose of  
18 receiving benefits under this chapter.

19 Sec. 14. NEW SECTION. **425B.14 Rules.**

20 The director of revenue shall adopt rules in accordance with  
21 chapter 17A for the interpretation and administration of this  
22 chapter, including rules to prevent and disallow duplication of  
23 benefits and to prevent any unreasonable hardship or advantage  
24 to any person.

25 Sec. 15. **APPLICABILITY.** This Act applies retroactively to  
26 January 1, 2015, for assessment years beginning on or after  
27 that date and to the filing of claims on or after January 1,  
28 2016, for adjustments of assessed values.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill provides for an adjustment in the assessed value of  
33 a homestead, as defined in the bill, if the owner is a person  
34 who is 65 or older and who has household earned income of less  
35 than \$8,000 per year. If the qualifications established in the

1 bill are met, the assessed value of the homestead upon which  
2 property taxes are levied in a fiscal year is the same assessed  
3 value as for the previous fiscal year. The bill specifies  
4 that assessed value is that value prior to any rollback being  
5 applied.

6 The bill further provides that if the amount of property  
7 taxes levied against the adjusted assessment exceeds the amount  
8 of property taxes levied against the property in the fiscal  
9 year for which taxes were first levied against an adjusted  
10 assessment under the bill, the county treasurer is required to  
11 subtract such difference from the amount due.

12 The bill provides that a person who makes a false affidavit  
13 for the purpose of obtaining an adjustment, knowingly receives  
14 the adjustment without being legally entitled to it, or makes  
15 claim for the adjustment in more than one county without being  
16 legally entitled to it is guilty of a fraudulent practice and  
17 is subject to a criminal penalty.

18 The bill applies retroactively to January 1, 2015, for  
19 assessment years beginning on or after that date and applies to  
20 claims filed on or after January 1, 2016, for the adjustments.