

22 bona fide purchaser, and any amount so erroneously paid shall be col-
 23 lected by the county treasurer in the same manner as other taxes and
 24 such collections shall be returned to the department of revenue and
 25 credited to the military service tax credit fund. The director of revenue
 26 shall also have the authority to institute legal proceedings against a
 27 military service tax exemption claimant for the collection of all pay-
 28 ments made on such disallowed exemptions.

Approved April 16, 1975

CHAPTER 213

REIMBURSEMENT FOR PROPERTY TAXES

S. F. 571

AN ACT relating to the reimbursement for property taxes paid and rent constituting property taxes paid by claimants.

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

1 SECTION 1. Section four hundred twenty-five point seventeen
 2 (425.17), subsections one (1), four (4), five (5), six (6), eight (8), and ten
 3 (10), Code 1975, are amended to read as follows:

4 1. "Income" means the sum of Iowa net income as defined in section
 5 422.7, plus all of the following to the extent not already included in
 6 Iowa net income: Capital gains, alimony, child support money, cash
 7 public assistance and relief, except property tax relief granted under
 8 this division, the gross amount of any pension or annuity, including
 9 but not limited to railroad retirement benefits, all payments received
 10 under the federal social security Act, and all military retirement and
 11 veterans' disability pensions, interest received from the state or federal
 12 government or any of its instrumentalities, workmen's compensation,
 13 and the gross amount of disability income or "loss of time" insurance;
 14 and that part of net worth considered as income under subsection 2.
 15 "Income" does not include gifts from nongovernmental sources, or sur-
 16 plus foods or other relief in kind supplied by a governmental agency.

17 4. "Household income" means all income of ~~all persons of the~~
 18 *claimant and the claimant's spouse in a household and actual mon-*
 19 *etary contributions received from any other household member dur-*
 20 *ing their respective twelve-month income tax accounting periods*
 21 *ending with or during the base year.*

22 5. "Homestead" means the dwelling *owned or rented and* actually
 23 used as a home by the claimant during all or part of the base year,
 24 ~~whether owned or rented,~~ and so much of the land surrounding it, not
 25 exceeding one acre, as is reasonably necessary for use of the dwelling
 26 as a home, and may consist of a part of a multidwelling or multipur-
 27 pose building and a part of the land upon which it is built. It does not
 28 include personal property except that a mobile home may be a home-
 29 stead. Any dwelling or a part of a multidwelling or multipurpose
 30 building which is exempt from taxation shall not qualify as a home-
 31 stead under the provisions of this division. A homestead must be locat-
 32 ed in this state.

33 6. "Claimant" means a person filing a claim for reimbursement un-
 34 der this division who has attained the age of sixty-five years on or be-
 35 fore December 31 of the base year, *or who is a surviving spouse*

36 *having attained the age of fifty-five years on or before December*
37 *thirty-first of the base year, or who is totally disabled and was totally*
38 *disabled on or before December 31 of the base year, and was domiciled*
39 *in this state during the entire base year and is domiciled in this state*
40 *at the time the claim is filed. "Claimant" includes a vendee in posses-*
41 *sion under a contract for deed and may include one or more joint ten-*
42 *ants or tenants in common. In the case of a claim for rent constituting*
43 *property taxes paid, the claimant shall have rented the property dur-*
44 *ing any part of the base year. When two persons of a household are*
45 *able to meet the qualifications for a claimant, they may determine be-*
46 *tween them who will be the claimant. If they are unable to agree, the*
47 *matter shall be referred to the director of revenue not later than July*
48 *31 of each year and his decision shall be final. If a homestead is occu-*
49 *pled by two or more persons, and more than one person is able to qual-*
50 *ify as a claimant, and some or all of the qualified persons are not*
51 *related, the persons may determine among them who will be the claim-*
52 *ant. If they are unable to agree, the matter shall be referred to the di-*
53 *rector of revenue not later than July 31 of each year and his decision*
54 *shall be final.*

55 8. "Rent constituting property taxes paid" means ~~twenty~~ *twenty-*
56 *five percent of the gross rent actually paid in cash or its equivalent*
57 *during the base year by the claimant or ~~his~~ the claimant's household*
58 *solely for the right of occupancy of their homestead in the base year,*
59 *and which rent constitutes the basis, in the succeeding year, of a claim*
60 *for reimbursement under this division by the claimant.*

61 10. "Property taxes paid" means property taxes, exclusive of special
62 assessments, delinquent interest, and charges for services, paid on a
63 claimant's homestead in this state, but includes only property taxes for
64 which the claimant ~~or a person of his household~~ was liable and which
65 were actually paid by the claimant ~~or a person of his household~~. If the
66 property taxes have actually been paid, they shall be deemed to have
67 been paid when due, regardless of the date of actual payment.
68 "Property taxes paid" shall be computed with no deduction for any
69 credit under this division or for any homestead credit allowed under
70 section 425.1. Claims for property tax reimbursement filed in 1974 shall
71 be based upon the property taxes paid in 1973. Claims for property tax
72 reimbursement filed in 1975 shall be limited to two-thirds of the prop-
73 erty taxes paid in 1974 and the first one-half of 1975. Each year there-
74 after, each claim shall be based upon the taxes paid during the base
75 year. If a homestead is owned by two or more persons as joint tenants
76 or tenants in common, and one or more persons are not a member of
77 claimant's household, "property taxes paid" is that part of property
78 taxes paid on the homestead which equals the ownership percentage of
79 the claimant and his household. The county treasurer shall include
80 with the tax receipt a statement that if the owner of the property is
81 sixty-five years of age or over or is totally disabled *or is a surviving*
82 *spouse of such person who is over the age of fifty-five years of age,*
83 *the person he may be eligible for the credit allowed under this divi-*
84 *sion. If a claimant changes his homestead, this shall not prevent him*
85 *from filing a claim based on property taxes for which the claimant ~~or a~~*
86 *person of his household was liable and which were actually paid by the*
87 *claimant ~~or a person of his household~~, but duplication of claims shall*
88 *not be allowed. If a homestead is an integral part of a farm, the claim-*
89 *ant may use the total property taxes paid for the larger unit, but not*
90 *exceeding forty acres of land. If a homestead is an integral part of a*
91 *multidwelling or multipurpose building the property taxes paid for the*
92 *purpose of this subsection shall be prorated to reflect the portion which*

93 the value of the property that the household occupies as its homestead
 94 is to the value of the entire structure. For purposes of this subsection,
 95 "unit" refers to that parcel of property covered by a single tax state-
 96 ment of which the homestead is a part.

1 SEC. 2. Section four hundred twenty-five point seventeen (425.17),
 2 Code 1975, is amended by striking subsection two (2).

1 SEC. 3. Section four hundred twenty-five point twenty-three
 2 (425.23), subsection one (1), Code 1975, is amended by striking para-
 3 graphs a and b and inserting in lieu thereof the following:

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

	Percent of property taxes paid or rent constituting property taxes paid allowed as a reimbursement:
8 If the household 9 income is:	
10 \$ 0 - 999.99	100%
11 1,000 - 1,999.99	90
12 2,000 - 2,999.99	80
13 3,000 - 3,999.99	65
14 4,000 - 4,999.99	50
15 5,000 - 5,999.99	40
16 6,000 - 6,999.99	30
17 7,000 - 7,999.99	25

18 b. If the claim is for property taxes paid and the household income
 19 of the claimant is less than four thousand dollars, the alternative ten-
 20 tative reimbursement shall be one hundred twenty-five dollars, but not
 21 to exceed the amount of property taxes paid during the base year.

1 SEC. 4. Section four hundred twenty-five point twenty-six (425.26),
 2 subsection six (6), Code 1975, is amended to read as follows:

3 6. Household income and a statement of the claimant's net worth
 4 above thirty-five thousand dollars;

1 SEC. 5. The provisions of this Act shall become effective January 1,
 2 1976 for all claims for property taxes paid and rent constituting proper-
 3 ty taxes paid filed on or after January 1, 1976.

Approved June 30, 1975

CHAPTER 214

PROPERTY TAXES OF ELDERLY OR DISABLED

S. F. 78

AN ACT relating to claims for the reimbursement for property taxes paid by persons sixty-five years of age and older or totally disabled.

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

1 SECTION 1. Section four hundred twenty-five point nineteen
 2 (425.19), Code 1975, is amended to read as follows:

3 **425.19 Claim and reimbursement.** Subject to the limitations
 4 provided in this division, a claimant may annually claim a reimburse-
 5 ment for property taxes paid or rent constituting property taxes paid