

Sec. 18. Section 135D.24, subsection 4, Code Supplement 1987, is amended to read as follows:

4. The tax is a lien on the vehicle senior to any other lien upon it except a judgment obtained in an action to dispose of an abandoned mobile home under section 562C.8. The mobile home bearing a current registration issued by any other state and remaining within this state for an accumulated period not to exceed ninety days in any twelve-month period is not subject to Iowa tax. However, when one or more persons occupying a mobile home bearing a foreign registration are employed in this state, there is no exemption from the Iowa tax. This tax is in lieu of all other taxes general or local on a mobile home.

Approved May 2, 1988

## CHAPTER 1139

### PROPERTY TAX CREDITS, RENT REIMBURSEMENTS, AND MOBILE HOME TAXES FOR ELDERLY AND DISABLED

*S.F. 2188*

**AN ACT** relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates.

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

Section 1. Section 135D.22, subsection 2, Code Supplement 1987, is amended to read as follows:

2. If the owner of the mobile home is an Iowa resident, was totally disabled, as defined in section 425.17, subsection 6 on or before December 31 of the base year, is a surviving spouse having attained the age of fifty-five years on or before December 31 of the base year, 1988 or has attained the age of sixty-five years on or before December 31 of the base year and has an income when included with that of a spouse which is less than five thousand dollars per year, no annual tax shall be imposed on the mobile home. If the income is five thousand dollars or more but less than twelve thousand dollars, the annual tax shall be computed as follows:

If the Household Income is:	Annual Tax Per Square Foot:
\$ 5,000 — 5,999.99	6.0 cents
	<u>3.0</u>
6,000 — 6,999.99	10.0
	6.0
7,000 — 7,999.99	12.0
	9.0
8,000 — <del>8,999.99</del>	14.0
9,999.99	12.0
<del>9,000</del>	
10,000 — 11,999.99	15.0

For purposes of this subsection "income" means income as defined in section 425.17, subsection 1, 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 425.17, subsections 5 and 9, Code 1987, 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 of the base year or who is a surviving spouse having attained the age of fifty-five years on or before December 31 of the base year, 1988, or who is totally disabled and was totally disabled on or before December 31 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 or at the time of the person's death in the case of a claim filed by the executor or administrator of the claimant's estate. "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. If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, 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 and finance not later than October 31 of each year and the director's decision shall be final.

9. "Property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which will actually be paid by the claimant. However, if the claimant is a person whose property taxes have been suspended under sections 427.8 and 427.9, "property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which would have to be paid by the claimant if the payment of the taxes have not been suspended pursuant to sections 427.8 and 427.9. "Property taxes 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 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 due" is that part of property taxes due on the homestead which equals the ownership percentage of the claimant and the claimant's 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 was fifty-five years of age on or before December 31, 1988, the person may be eligible for the credit allowed under this division. If a homestead is an integral part of a farm, the claimant may use the total property taxes due for the larger unit. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes 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.

Sec. 3. Section 425.17, subsection 7, Code 1987, is amended to read as follows:

7. "Rent constituting property taxes paid" means ~~twenty-five~~ twenty-seven and one-half percent of the gross rent actually paid in cash or its equivalent during the base year by the claimant or the claimant's household solely for the right of occupancy of their homestead in the base year, and which rent constitutes the basis, in the succeeding year, of a claim for reimbursement under this division by the claimant.

Sec. 4. Section 425.23, subsection 1, Code 1987, is amended to read as follows:

1. The tentative credit or reimbursement shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
\$ 0 — 4,999.99 .....	100%
5,000 — 5,999.99 .....	70 85
6,000 — 6,999.99 .....	50 70
7,000 — 7,999.99 .....	40 55
8,000 — 8,999.99 9,999.99 .....	30 40
9,000 10,000 — 11,999.99 .....	25

Sec. 5. Section 1 of this Act is effective January 1, 1989, for mobile home tax claims filed on or after that date.

Sec. 6. Section 2 of this Act is effective January 1, 1989.

Sec. 7. Section 3 of this Act is effective January 1, 1990.

Sec. 8. Section 4 of this Act is effective January 1, 1989, for property tax claims filed on or after that date. Section 4 of this Act is applicable to rent reimbursement claims filed on or after January 1, 1990.

Approved May 2, 1988

**CHAPTER 1140**

TAX REFUND CLAIMS TO THE COUNTY

*H.F. 2461*

**AN ACT** relating to tax refunds paid by the county treasurer.

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

Section 1. Section 445.60, Code 1987, is amended to read as follows:

**445.60 REFUNDING ERRONEOUS TAX.**

The board of supervisors shall direct the treasurer to refund to the taxpayer any tax or portion thereof of any tax found to have been erroneously or illegally exacted or paid, with all interest and costs actually paid thereon. A refund shall not be ordered or made unless a claim for refund is presented to the board within one year of the date the tax was due or if appealed to the board of review, the state board of tax review, or district court within one year of the final decision.

Approved May 2, 1988