

CITY OF NEWPORT NEWS
Commissioner of the Revenue

REAL ESTATE TAX DEFERRAL FOR THE ELDERLY AND DISABLED
Fiscal Year July 1, 2012 – June 30, 2013

IMPORTANT! CHANGES FOR 2012

According to City of Newport News Ordinance 6786-11, which was adopted May 10, 2011 and shall be in effect on and after July 1, 2012, the following changes have been made:

- Real estate tax **deferral** is provided for property owners who are eligible according to the requirements listed below. There is no longer a provision for exemption of tax. **Deferral** means that the tax is **postponed** for eligible property owners and is **paid at a later time**. Newport News Code Section 40-52 now states:

The accumulated amount of taxes deferred shall be paid, without penalty or interest, to the treasurer of the city by the vendor immediately upon the sale or transfer of title of the dwelling or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral under the provisions of this division. Such deferred real estate taxes shall constitute a lien upon the real estate as if they had been assessed without regard to the deferral permitted by this division.

- The total combined income of the household will include the income received from all sources during the preceding calendar year by the owners of the dwelling, by the owners' relatives who live in the dwelling, and by non-relatives who live in the dwelling. (NN §40-49)
- An application for real estate tax deferral may be submitted after the August 31, 2012 filing deadline, but **only until October 31, 2012**, in certain hardship cases or in the case of a first-time applicant. (NN § 40-50)

General Information

- You must file an application for tax deferral every year.
- Your application must be filed between January 1 and August 31, 2012. Any application filed after August 31, 2012 will not be processed, with the exception of certain hardship situations or first-time applicants.
- The application for tax deferral you are currently completing is for the fiscal year beginning July 1, 2012 and ending June 30, 2013. If you qualify for deferral, it will apply to real estate tax bills due on December 5, 2012 and June 5, 2013.

Eligibility Requirements

- The qualifying owner must be at least 65 years of age or be permanently and totally disabled by December 31, 2011. Disability verification is discussed below.
- The total combined income of the applicant, spouse, and all relatives and non-relatives who live in the dwelling shall not exceed \$50,000.

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- The combined assets of the applicant and spouse shall not exceed \$200,000, excluding the residence and up to one acre of land upon which it is situated.
- The applicant must own the home as of July 1 of the qualifying tax year with name on the deed and must reside in the home. Eligible applicants may reside in a nursing home, mental institution, or institution for physical and/or mental care as long as the applicant continues to own the home and so long as the home is not used by or leased to others for consideration.

• **IMPORTANT!** To be eligible, ALL owners listed on the deed must reside in the dwelling, and meet the age or disability requirement. In addition, the income and assets of all owners must be reported and included in the grand total of the combined gross household income and assets.

Verification of Disability

- Pursuant to Newport News Code Section 40-46, “A person is permanently and totally disabled if such person is so certified...to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person’s life.”
- If the applicant, or spouse, is under age 65 and claiming disability, certification of disability from either the social security administration, veterans’ administration, or the railroad retirement board must be submitted. If the person claiming disability is not eligible for any of these certifications, refer to the instructions that follow.

• **IMPORTANT!** A social security disability certification letter must be obtained and provided with the application each year. The certification letter must show a current-year date and must state the onset date of the disability and the entitlement date that disability benefits began.

- If the applicant, or spouse, is under age 65 and claiming disability and is not eligible for certification by any of these agencies, sworn affidavits by two (2) medical doctors licensed to practice medicine in the Commonwealth of Virginia, to the effect that the individual is totally and permanently disabled as defined in Code Section 40-46 above must be submitted. The affidavit of at least one (1) of such doctors shall be based upon physical examination of such person by such doctor. The affidavit of one (1) such doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in Code Section 40-46 above. Medical affidavit forms are available from our office upon request.

SOLID WASTE FEE RELIEF PROGRAM

The application you are now completing for real estate tax deferral will automatically be used to determine your eligibility for the solid waste fee relief.

The solid waste fee is charged to pay for all services provided by the Department of Public Works, Division of Solid Waste. The solid waste fee relief program is intended to assist individuals who are unable to pay for this fee and who meet the eligibility income and resources guidelines.

The real estate tax deferral program and the solid waste fee relief program have different income eligibility guidelines. Therefore, you may be eligible for the real estate tax deferral and ineligible for the solid waste fee relief.