

HB 1387 - AS INTRODUCED

2022 SESSION

22-2548

05/10

HOUSE BILL **1387**

AN ACT enabling municipalities to adopt a property tax homestead exemption.

SPONSORS: Rep. Read, Rock. 17; Rep. Spillane, Rock. 2; Rep. Nunez, Hills. 37

COMMITTEE: Municipal and County Government

ANALYSIS

This bill enables municipalities to adopt a property tax homestead exemption against the assessment on a person's principal place of residence.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT enabling municipalities to adopt a property tax homestead exemption.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Homestead Exemption. Amend RSA 72 by inserting after section 39-b the
2 following new section:

3 72:39-c Homestead Exemption.

4 I. A municipality may adopt or modify the homestead exemption granted under this section
5 by the procedure in RSA 72:27-a.

6 II. Each person owning residential property in the municipality as his or her principal place
7 of residence shall be granted an exemption against the assessed value of the person's residence in an
8 amount equal to one half of the typical assessed value of residential property in the municipality, as
9 determined by the local governing body.

10 III. To qualify for the exemption:

11 (a) The assessed value of the residence shall be equal to or lower than the typical
12 assessed value of residential property in the municipality, as determined by the local governing
13 body;

14 (b) The residence shall be the only real property owned by the resident; and

15 (c) The resident's household income shall be equal to or less than the typical household
16 income for residents of the municipality, as determined by the local governing body.

17 IV. For purposes of this section:

18 (a) "Residence" means the housing unit, and related structures such as an unattached
19 garage or woodshed, which is the person's principal home, and which the person in good faith
20 regards as home to the exclusion of any other places where the person may temporarily live.
21 "Residence" shall exclude attached dwelling units and unattached structures used or intended for
22 commercial or other nonresidential purposes.

23 (b) Ownership requirements for a homestead exemption shall be that the property is:

24 (1) Owned by the resident;

25 (2) Owned by a resident jointly or in common with the resident's spouse, either of
26 whom meets the requirement for the exemption;

27 (3) Owned by a resident jointly or in common with a person not the resident's
28 spouse, if the resident meets the requirement for the exemption; or

29 (4) Owned by a resident, or the resident's spouse, when they have been married to
30 each other for at least 5 consecutive years.

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V. Procedures for application, investigation of applications, and appeals shall be as provided in RSA 72:33, RSA 72:34, and RSA 72:34-a.

2 Adoption Procedure; Property Tax Homestead Exemption; Reference Added. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, **~~RSA 39-c~~**, RSA 72:62, RSA 72:66, RSA 72:70, RSA 72:76, RSA 72:82, or RSA 72:85 in the following manner:

3 Definitions; Reference Added. Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 28-b, 28-c, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, **~~39-c~~**, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner," "owned" or "own," shall include those who have placed their property in a grantor/revocable trust or who have equitable title or the beneficial interest for life in the subject property.

4 Property Taxation; Application Procedure; Reference Added. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 28-b, 28-c, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, **~~39-c~~**, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

5 Appeals; Reference Added. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 28-b, 28-c, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, **~~39-c~~**, 41, 42, 62, 66, or 70 the applicant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

6 Interpretation by Commissioner of Revenue Administration. Amend RSA 72:36, I to read as follows:

I. The commissioner's interpretation of RSA 72:28, 72:28-b, 72:28-c, 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, **~~72:39-c~~**, 72:41, 72:62, 72:66, 72:70; 72:85, and 72:87; and

7 Effective Date. This act shall take effect April 1, 2022.