2023 SESSION

23-0098
02/08

HOUSE BILL ***99-FN-LOCAL***

AN ACT requiring tax bills to provide information about a state tax rebate program for lower income homeowners.

SPONSORS: Rep. Fellows, Graf. 8; Rep. Rhodes, Ches. 17; Rep. Aron, Sull. 4; Rep. Cannon, Straf. 12; Rep. Baldwin, Graf. 4; Rep. Schuett, Merr. 12; Rep. Seibert, Hills. 21

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires tax bills to provide information about the current low and moderate income homeowners property tax relief program including qualifying household income limits, the deadline to apply and how to obtain an application. Additionally, it requires town clerks to mail applications to homeowners at no charge upon request, and renames the low and moderate income homeowners property tax relief to "state property tax rebate for lower income homeowners."

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 99-FN-LOCAL - AS INTRODUCED

23-0098
02/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring tax bills to provide information about a state tax rebate program for lower income homeowners.

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

1 Apportionment, Assessment and Abatement of Taxes; Information. Amend RSA 76:11-a, II to read as follows:

II. The tax bill shall also contain a statement informing the taxpayer of ***all*** the types of tax relief ***available from the municipality, the application deadlines, and how to obtain more information.*** [~~for which the taxpayer has the right to apply. The following statement shall be considered adequate:~~

~~"If you are elderly, disabled, blind, a veteran, or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement, or deferral. For details and application information, contact (insert title of local assessing officials or office to which application should be made)."~~]

The statement shall also include the household income limits to qualify for a tax rebate under RSA 198:57, the deadlines to apply, and instructions on how to obtain an application.

This statement shall be prominent and legible, and may either be printed on the tax bill itself, or on a separate sheet of paper enclosed with the tax bill. A municipality may in its discretion choose to include more detailed information about the eligibility criteria for different forms of tax relief, provided, however, that the information [~~in the above statement~~] ***included in this paragraph*** shall be considered a minimum.

2 New Paragraph; Assessment; Information; Town Clerk to Mail Application Upon Request. Amend RSA 76:11-a by inserting after paragraph III the following new paragraph:

IV. The town clerk shall, upon the request of a homeowner within the municipality, mail an application for the tax rebate under RSA 198:57 to the homeowner at no charge.

3 Purchase of Supplies; Exemptions. Amend RSA 21-I:18, I(l) to read as follows:

(l) Purchases of services from private contractors by the department of revenue administration with respect to the administration of [~~low and moderate income homeowners property tax relief~~] claims ***under the state property tax rebate program for lower income homeowners***.

4 Adequate Education; Education Trust Fund Created and Invested. Amend RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts and to approved charter schools pursuant to RSA 198:42, to provide [~~low and moderate income homeowners property tax relief~~] ***a state property tax rebate for low income homeowners*** under RSA 198:56-198:61, to distribute school building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b, to distribute tuition and transportation funds to school districts for students attending career and technical education programs pursuant to RSA 188-E:9, to distribute special education aid to school districts pursuant to RSA 186-C:18, to fund department of education operating costs for a state student data collection and reporting system, and to fund kindergarten programs as may be determined by the general court. The state treasurer shall deposit into this fund immediately upon receipt:

5 Education; School Money. Amend RSA 198:56 Subdivision Heading to read as follows:

[~~Low and Moderate Income Homeowners Property Tax Relief~~]

State Property Tax Rebate for Lower Income Homeowners

6 Definitions. Amend RSA 198:56, IV to read as follows:

IV. "Tax [~~relief~~] ***rebate***" means the [~~low and moderate income homeowners property tax relief~~] ***state property tax rebate for lower income homeowners*** provided in this subdivision.

7 State Property Tax Rebate for Lower Income Homeowners. Amend RSA 198:57 Section Heading to read as follows:

[~~Low and Moderate Income Homeowners Property Tax Relief~~]

State Property Tax Rebate for Lower Income Homeowners

8 Rulemaking; Forms; Notice. Amend RSA 198:58 to read as follows:

198:58 Rulemaking; Forms; Notice.

I. The commissioner shall adopt rules, under RSA 541-A, relative to the administration of the tax [~~relief~~] ***rebate*** provisions of this subdivision.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

(a) Instructions on completing and filing the form;

(b) Sections for information concerning the claimant, the claimant's household, the property for which ***the*** tax [~~relief~~] ***rebate*** is sought, and such other information as is reasonably necessary to determine the accuracy of the claim;

(c) Instructions on appeal procedure and time limits relative to such appeals; and

(d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the tax [~~relief~~] ***rebate*** provisions in a suitable manner.

9 Penalties; Assessment of Erroneous Claims. Amend RSA 198:59 to read as follows:

198:59 Penalties; Assessment of Erroneous Claims.

I. Any person who files a claim for ***a*** tax [~~relief~~] ***rebate*** under this subdivision with fraudulent intent and any person who assisted in the preparation or filing of the claim or supplied information upon which the claim was prepared shall be guilty of a misdemeanor.

I-a. The commissioner shall have the authority to audit any claim for [~~relief~~] ***a rebate*** filed under this subdivision to determine whether the claim has been granted erroneously. Any such audit shall commence within 3 years after the claim has been granted. Any assessment made by the commissioner shall be subject to appeal in accordance with RSA 198:60, I.

II. The commissioner may assess and collect the amount of any sums granted for property tax [~~relief~~] ***rebates*** relative to a fraudulent or erroneously paid claim for tax [~~relief~~] ***rebates*** including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or $1,000 for a fraudulent claim.

10 Appeals; Refusal to Grant Relief; Assessments Against Claimant. Amend RSA 198:60, I to read as follows:

I. Whenever the commissioner refuses to grant a claimant ***a*** tax [~~relief~~] ***rebate***, or after an audit, assesses an amount against the claimant for property tax [~~relief~~] ***rebates*** granted including interest and applicable penalties for an erroneously paid claim, the claimant may appeal in writing within 30 days of notice of such refusal or assessment to the board of tax and land appeals.

11 Refund of Tax Claims. Amend RSA 198:61 to read as follows:

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for ***any*** tax [~~relief~~] ***rebates*** filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days who shall pay such claims from funds in the education trust fund. Such sums are hereby appropriated and the governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of revenue administration shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the payment of valid claims. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

12 Effective Date. This act shall take effect April 1, 2024.

LBA
23-0098
12/5/22

HB 99-FN-LOCAL- FISCAL NOTE
AS INTRODUCED

AN ACT requiring tax bills to provide information about a state tax rebate program for lower income homeowners.

FISCAL IMPACT: [ ] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
LOCAL:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires municipalities to provide information about the current low and moderate income homeowners property tax relief program including qualifying household income limits, the deadline to apply and how to obtain an application on tax bills. Additionally, it requires tax collectors to mail applications to homeowners at no charge upon request, and renames the low and moderate income homeowners property tax relief to "state property tax rebate for lower income homeowners."

The New Hampshire Municipal Association states this bill may have an indeterminable increase on local expenditures starting in FY 2024 as it requires municipalities to update language on tax bills, which may increase software or printing costs. The bill also requires the town clerk to mail state property tax rebate for lower income homeowners applications to taxpayers by request at no cost to the taxpayers, which is a new requirement for them.

AGENCIES CONTACTED:

New Hampshire Municipal Association and Department of Revenue Administration