

Amend Revenue and Taxation Code Section 276.2 of the Property Tax Law to extend the time a claimant may file for the disabled veterans' exemption upon a property's eligibility after the lien date. (Housekeeping)

Source: Property and Special Taxes Department

Existing Law

Current law provides for the disabled veterans' exemption to be granted on a property that becomes eligible after the lien date provided a timely and appropriate claim is filed. Section 276.2(a) currently states that a claim must be filed on or before the lien date in the calendar year next following the calendar year in which the property became eligible. Thus an eligible disabled veteran who purchases a property on December 28, 2010 must file a claim by January 1, 2011, which is only four days after the property became eligible. This may not be enough time to gather, complete, and submit the paperwork with the county assessor. In practice, some counties may already allow the extra time to file, but this amendment would clarify the procedure.

This Proposal

This proposal amends Section 276.2 to extend the time a disabled veteran has to file a claim to receive the full amount of the disabled veterans' exemption on a newly eligible property. It would give disabled veterans who purchase a property late in the calendar year more time (up to 90 days) to file for the property tax exemption. A disabled veteran who buys a property in early January has nearly a full year to file the required claim and receive the full benefit of the exemption. Conversely, a disabled veteran who buys a home on December 31 only has 1 day to file the claim to receive the full amount of the exemption, otherwise the exemption defaults to a partial exemption.

Section 276.2 of the Revenue and Taxation Code is amended to read:

276.2. (a) If property becomes eligible for the disabled veterans' exemption as described in Section 205.5 after the lien date, and an appropriate application for that exemption is filed the later of 90 days after the property became eligible or on or before the next following lien date in the calendar year next following the calendar year in which the property became eligible, there shall be canceled or refunded the amount of any taxes, including any interest and penalties thereon, levied on that portion of the assessed value of the property that would have been exempt under a timely and appropriate application.

(b) The entire amount of the exemption applies to any property tax assessment, including a supplemental and escape assessment, that was made and that served as a lien against the property. The exemption amount shall be appropriately prorated from the date the property became eligible for the exemption.