

ORDINANCE NO. 3327

AN ORDINANCE to amend and reordain Sections 3-2-161 (DEFINITIONS), 3-2-162 (EXEMPTION OR DEFERRAL--PROVIDED), 3-2-163 (SAME--ELIGIBILITY, RESTRICTIONS GENERALLY), 3-2-165 (SAME--PROCEDURE FOR CLAIM), 3-2-166 (SAME--CALCULATION OF AMOUNT; LIMITATION), 3-2-167 (CHANGE IN STATUS), and 3-2-168 (PENALTY FOR VIOLATION OF ARTICLE) of Article L (REAL ESTATE TAX EXEMPTION OR DEFERRAL FOR ELDERLY OR PERMANENTLY AND TOTALLY DISABLED PERSONS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-161 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-161 Definitions.

The following words and phrases shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) **Applicant.** Any person who claims an exemption or deferral under section 3-2-165.

(2) **City council.** The Council of the City of Alexandria, Virginia.

(3) **Deferral.** A deferral of the obligation to pay real estate taxes granted pursuant to the provisions of this article.

(4) **Dwelling.** The building, or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is part of the real estate for which an exemption from or deferral of taxes is sought pursuant to this article.

(5) **Exemption.** An exemption from the obligation to pay real estate taxes granted pursuant to the provisions of this article.

(6) **Net combined financial worth of applicant.** The value of all assets of an applicant, of an applicant's spouse and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of household furnishings in the dwelling and of up to one acre of the land on which the dwelling is situated shall be excluded.

(7) **Permanently and totally disabled persons.** An applicant certified as provided by section 3-2-165(c) and found by the city manager 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 applicant's life.

(8) **Relative.** Any person related by blood to an applicant who uses the applicant's dwelling as his or her principal residence.

(9) **Taxable year.** The calendar year for which an exemption or deferral is claimed.

(10) **Spouse.** The husband or wife of an applicant who resides in the applicant's dwelling.

(11) **Total combined income of applicant.** The annual gross income from all sources, calculated as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling; provided, that up to \$6,500 of the income of any such relative and up to \$7,500 of the income of any applicant, and any other owner residing in the dwelling, who is permanently disabled shall be excluded.

Section 2. That Section 3-2-162 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-162 Exemption or deferral--provided.

There is hereby provided to any person who is 65 years of age or older or is permanently and totally disabled, or is both, at such person's election, an exemption from or deferral of taxation on the real estate in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. There is also hereby provided to any person who is less than 65 years of age and is not disabled, at the election of such person and his or her spouse, an exemption from or deferral of taxation on the real estate in the city which such person owns jointly with his or her spouse and which they occupy as their sole dwelling, provided the spouse is 65 years of age or older or is permanently and totally disabled. The real estate tax exemption or deferral provided for in this section shall be subject to the restrictions, limitations and conditions prescribed by this article and sections 58.1-3210 through 58.1-3218 of the Code of Virginia (1950), as amended.

Section 3. That Section 3-2-163 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-163 Same--eligibility, restrictions generally.

Exemption from or deferral of real estate taxation in any taxable year shall be granted subject to the following restrictions and conditions:

(a) The total combined income for the calendar year immediately preceding the tax year of an applicant for an exemption may not exceed \$18,000. Such income of an applicant for a deferral may not exceed \$22,000.

(b) The net combined financial worth of an applicant may not exceed \$75,000.

(c) As of January 1 of the taxable year, the applicant must occupy the real estate for which the exemption or deferral is sought as his or her sole residence and must be expected to so occupy the real estate throughout the year; provided, that an applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(d) An applicant shall file the affidavit required by section 3-2-165 no later than January 31 of the taxable year.

(e) Interest on any taxes deferred under this article shall accrue at the rate of eight per centum (8%) per annum from the date by which such taxes were required to be paid to the date on which such taxes are paid in full. Any and all deferred taxes shall constitute a single lien upon the applicant's real estate as if no deferral had been granted and the taxes had been assessed but not paid. To the extent it exceeds, in the aggregate, 10 percent of the price for which such real estate is sold or, if not sold, 10 percent of its assessed value, any such lien shall be inferior to all other liens.

Section 4. That Section 3-2-165 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-165 Same--procedure for claim.

(a) Not later than January 31 of the taxable year, any applicant claiming an exemption or deferral of real estate taxes under this article shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit providing the following:

- (1) the name and age of the applicant;
- (2) a statement whether the applicant is permanently and totally disabled;
- (3) the address of the real estate for which the exemption or deferral is claimed;
- (4) the names of the applicant's spouse and of the relatives of the applicant and any other owners of the real estate who reside in the applicant's dwelling;
- (5) the total combined income of the applicant as defined in section 3-2-161(10);
- (6) the net combined financial worth of the applicant as defined in section 3-2-161(6);
- (7) the applicant's election of an exemption or deferral; and
- (8) the name and addresses of all owners of the real estate other than the owners who reside thereon.

(b) If, after audit and investigation, the city manager determines that the applicant is eligible for an exemption or deferral, the manager shall so certify to the director of finance, who shall deduct the amount of the exemption from the applicant's real estate tax liability or defer such tax liability as herein provided.

(c) Any provision of this article to the contrary notwithstanding, the city council may declare eligible to apply for an exemption or deferral any person filing the affidavit required by subsection (a) after January 31 but before June 30 of the taxable year, provided good cause is shown for the failure to file the affidavit before January 31 of the taxable year.

(d) Any applicant under 65 years of age claiming an exemption or deferral on the basis of a permanent and total disability shall attach to the affidavit required by subsection (a) a certification by the Social Security Administration or, if the person is not eligible for social security, an affidavit by two medical doctors licensed to practice medicine in the commonwealth to the effect that the person is 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 the person's life.

Section 5. That Section 3-2-166 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-166 Same--calculation of amount; limitation.

The exemption from or deferral of real estate taxes in any taxable year granted under this article shall be either the amount of such taxes owed for the year by the applicant (or, where the real estate is jointly owned by the applicant and his or her spouse who is not also an applicant, the taxes owed by the applicant and his or her spouse) or \$1,250, whichever is less. However, if the real estate identified in the affidavit filed under section 3-2-165 is not owned solely by the applicant and his or her spouse, the amount of the tax exemption or deferral shall be either the amount of the taxes on the real estate for the taxable year times the percentage ownership interest in the real estate held by the applicant, or by the applicant and his or her spouse, or \$1,250, whichever is less.

Section 6. That Section 3-2-167 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-167 Change in status.

Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and causing the any of the restrictions, limitations or conditions provided in this article to be exceeded or violated shall nullify any exemption or deferral for the then current taxable year and the taxable year immediately following. The transfer of ownership of the property from a qualifying spouse to a spouse who is less than 65 years of age and not permanently and totally disabled, when such transfer results solely from the death of the qualifying spouse, shall result in a prorated exemption or deferral for the then current taxable year. Such prorated exemption or deferral shall be determined by multiplying the amount of the exemption or deferral granted the qualifying spouse by a fraction in which the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number 12 is the denominator.

Section 7. That Section 3-2-168 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-168 Penalty for violation of article.

Any person wilfully making a false statement in claiming an exemption or deferral of real estate taxes under this article

shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

Section 8. This ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.  
Mayor

Final Passage: September 24, 1988