

ORDINANCE NO. 4242

AN ORDINANCE to amend and reordain Section 3-2-163 (EXEMPTION OR DEFERRAL<sub>B</sub>ELIGIBILITY, RESTRICTIONS GENERALLY) and Section 3-2-166 (EXEMPTION OR DEFERRAL<sub>B</sub>CALCULATION OF AMOUNT; LIMITATION) 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 3-2-163 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<sub>B</sub>eligibility, restrictions generally.

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

(1)     The total combined income for the calendar year immediately preceding the taxable year of an applicant for an exemption may not exceed \$35,000. Such income of an applicant for a deferral may not exceed \$62,000.

(2)     The net combined financial worth of an applicant may not exceed \$195,000.

(3)     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.

(4)     An applicant shall file the affidavit or written statement, or annual certification, required by section 3-2-165 no later than April 10 of the taxable year.

(5)     Interest on any taxes deferred under this article shall accrue at the rate of five percent 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 2. 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        SameBcalculation of amount; limitation.

(a)    The exemption from or deferral of real estate taxes granted under this article for any taxable year shall be calculated as follows:

(1)    when the total combined income of the applicant does not exceed \$12,800, the applicant shall be exempt from the taxes owed for the year;

(2)    when the total combined income of the applicant exceeds \$12,800 but does not exceed \$25,600, the applicant shall be exempt from the taxes owed for the year, in an amount equal to the taxes on the average residential property, as defined in section 3-2-161(9) (but in no event greater than the taxes owed for the year), and may defer all or part of the amount of such taxes in excess of the amount exempted; and

(3)    when the total combined income of the applicant exceeds \$25,600 but does not exceed \$30,000, the applicant shall be exempt from the taxes owed for the year, in an amount equal to seventy-five percent (75%) of the taxes on the average residential property, as defined in section 3-2-161(9) (but in no event greater than the taxes owed for the year), and may defer all or part of the amount of such taxes in excess of the amount exempted; and

(4)    when the total combined income of the applicant exceeds \$30,000 but does not exceed \$35,000, the applicant shall be exempt from the taxes owed for the year, in an amount equal to fifty percent (50%) of the taxes on the average residential property, as defined in section 3-2-161(9) (but in no event greater than the taxes owed for the year), and may defer all or part of the amount of such taxes in excess of the amount exempted; and

(5)    when the total combined income of the applicant exceeds \$35,000 but does not exceed \$62,000, the applicant may defer all or part of the taxes owed for the year.

(b)    Notwithstanding the provisions of subsection (a) above, if the real estate identified in the affidavit or written statement 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 an amount equal to taxes on the average residential property, as defined in section 3-2-161(9), whichever is less.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY

Mayor

Introduction:	03/12/02
First Reading:	03/12/02
Publication:	03/14/02
Public Hearing:	03/16/02
Second Reading:	03/16/02
Final Passage:	03/16/02