

ORDINANCE AMENDING AND RE-ENACTING SECTION 4-2-23

OF THE

HARRISONBURG CITY CODE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA:**

That Section 4-2-23 be amended and re-enacted as follows:

Section 4-2-23. Requirements enumerated.

The exemption shall be granted, subject to the following provisions:

- (1) The title to the property for which the exemption is claimed is held or partially held on July 1 of the taxable year by an eligible person claiming the exemption.
- (2) The eligible person occupying the property as his or her sole dwelling and owning title, or partial title, thereto, is sixty-five (65) years old or older on December 31 of the year immediately preceding the taxable year, or is permanently and totally disabled, as defined in section 58-1-3217 of the Code of Virginia, 1950, as amended. For the purposes of this section, "eligible person" means a person who is at least age 65 or permanently and totally disabled. Real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his or her spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his or her spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his or her spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.
- (3) The gross combined income of the owner or owners during the year immediately preceding the taxable year shall be determined by the commissioner of the revenue to be an amount not to exceed thirty thousand dollars (\$30,000.00). Gross combined income shall include all income from all sources of (i) the owners of the dwelling who use it as their sole residence, (ii) the owner's relatives living in the dwelling for which the exemption is claimed, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, and (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, whether

compensated or not. Determination of gross combined income is further subject to subdivision 1 b of section 58.1-3211 of the Code of Virginia, 1950, as amended.

- (4) The owner's net financial worth, including the present value of all equitable interest, as of December 31 of the immediately preceding calendar year, excluding the value of the principal residence and the land, not exceeding one (1) acre, upon which it is situated, shall not exceed seventy-five thousand dollars (75,000.00).

This ordinance shall be effective on the ____ day of November, 2014.

ADOPTED AND APPROVED this _____ day of November, 2014.

MAYOR

ATTEST:

CITY CLERK

