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H.541

Introduced by Representatives Kornheiser of Brattleboro, Andrews of Westford, Arsenault of Williston, Brown of Richmond, Brownell of Pownal, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Christie of Hartford, Cole of Hartford, Dolan of Waitsfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Graning of Jericho, Holcombe of Norwich, James of Manchester, Long of Newfane, McCann of Montpelier, Mihaly of Calais, Mrowicki of Putney, Noyes of Wolcott, Ode of Burlington, Patt of Worcester, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Stebbins of Burlington, Stone of Burlington, Waters Evans of Charlotte, White of Bethel, and Williams of Barre City

Referred to Committee on

Date:

Subject: Taxation; statewide education property tax; abatements

Statement of purpose of bill as introduced: This bill proposes to reimburse a municipality for certain State education property tax payments if the municipality granted State education property tax abatements to property owners for damage caused by flooding. This bill also proposes to exclude

1 federal disaster relief payments from household income when calculating the
2 homestead property tax credit.

3 An act relating to State education property taxes and flood-related damage

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. REIMBURSEMENT TO MUNICIPALITIES OF STATE

6 EDUCATION PROPERTY TAXES THAT WERE ABATED DUE

7 TO FLOODING

8 (a)(1) The Commissioner of Taxes may approve an application by a
9 municipality for reimbursement of State education property tax payments owed
10 under 32 V.S.A. § 5402(c) and 16 V.S.A. § 426. To be eligible for
11 reimbursement under this section, prior to April 15, 2024, a municipality must
12 have abated, in proportion to the abated municipal tax, under 24 V.S.A. § 1535
13 the State education property taxes that were assessed on eligible property, after
14 application of any property tax credit allowed under 32 V.S.A. chapter 154.

15 (2) As used in this subsection, “eligible property” means property lost or
16 destroyed due directly or indirectly to severe storms and flooding in an area
17 that was declared a federal disaster between July 1, 2023 and October 15,
18 2023, provided the loss or destruction resulted in one or more of the following:

19 (A) a 50 percent or greater loss in value to the primary structure on
20 the property;

1 (B) loss of use by the property owner of the primary structure on the
2 property for 60 days or more;

3 (C) loss of access by the property owner to utilities for the primary
4 structure on the property for 60 days or more; or

5 (D) condemnation of the primary structure on the property under
6 federal, State, or municipal law, as applicable.

7 (b) If a municipality demonstrates that, due to disruption to tax collections
8 resulting from flooding in an area that was declared a federal disaster between
9 July 1, 2023 and October 15, 2023, the municipality incurred unanticipated
10 interest expenses on funds borrowed to make State education property tax
11 payments owed under 32 V.S.A. § 5402(c) and 16 V.S.A. § 426, the
12 municipality may be reimbursed by an amount equal to its reasonable interest
13 expenses under this subsection, provided the amount of reimbursed interest
14 expenses shall not exceed eight percent.

15 (c) The Commissioner shall adopt application and approval procedures for
16 reimbursements made to municipalities under this section.

17 (d) Notwithstanding any provision of law to the contrary, the Agency of
18 Education has the authority to make the reimbursements approved by the
19 Commissioner under this section by:

20 (1) reducing the amount of State education property tax payments that a
21 municipality owes under 32 V.S.A. § 5402(c) and 16 V.S.A. § 426; or

1 (2) reconciling the reimbursements with any State education property
2 tax payments that a municipality has already made under 32 V.S.A. § 5402(c)
3 and 16 V.S.A. § 426.

4 (e) A board of abatement may reconsider any decision it has made between
5 April 1, 2023 and the date of passage of this act. The General Assembly
6 recognizes the public service provided by boards of abatement and encourages
7 boards to create procedures to treat all claims for property tax abatements due
8 to the severe storms and flooding uniformly.

9 Sec. 2. HOMESTEAD PROPERTY TAX CREDIT; HOUSEHOLD INCOME
10 DEFINITION; EXCLUSION OF DISASTER RELIEF PAYMENTS;
11 TAXABLE YEARS 2023 AND 2024

12 Notwithstanding 32 V.S.A. § 6061(4)(A) and (5), the definition of
13 household income for purposes of the homestead property tax credit shall
14 exclude all disaster relief payments, as determined under 26 U.S.C. § 139,
15 received by a taxpayer in taxable years 2023 and 2024.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.