

1 H.316

2 Introduced by Representative Yantachka of Charlotte

3 Referred to Committee on

4 Date:

5 Subject: Taxation; education property tax; homestead declaration; extension of
6 time to file

7 Statement of purpose: This bill proposes to extend the time for filing a
8 homestead declaration and a claim for a property tax income sensitivity
9 adjustment claim if the taxpayer has received an extension to file his or her
10 individual income tax return.

11 An act relating to extending the deadline for filing a homestead declaration
12 and income sensitivity adjustment for taxpayers who have received an
13 extension of time to file their income tax returns

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

15 Sec. 1. 32 V.S.A. § 5410 is amended to read:

16 § 5410. DECLARATION OF HOMESTEAD

17 * * *

18 (b)(1) Annually on or before the due date for filing the Vermont income tax
19 return, ~~without extension~~, each homestead owner shall, on a form prescribed
20 by the commissioner, which shall be verified under the pains and penalties of
21 perjury, declare his or her homestead, if any, as of, or expected to be as of,

1 April 1 of the year in which the declaration is made for property that was
2 acquired by the declarant or was made the declarant's homestead after April 1
3 of the previous year. If the declarant receives an extension of time to file his or
4 her individual income tax return, he or she shall have an extension of time to
5 declare his or her homestead until his or her income tax return is due, or
6 October 15, whichever is earlier. The declaration of homestead shall remain in
7 effect until the earlier of:

8 (A) the transfer of title of all or any portion of the homestead; or

9 (B) that time that the property or any portion of the property ceases to
10 qualify as a homestead.

11 (2) Within 30 days of the transfer of title of all or any portion of the
12 homestead, or upon any portion of the property ceasing to be a homestead, the
13 declarant shall provide notice to the commissioner on a form to be prescribed
14 by the commissioner.

15 * * *

16 (h) The filing of a new or corrected declaration or rescission of an
17 erroneous declaration, on or before September 1 of the property tax year, or in
18 the case of a taxpayer who has received an extension to file his or her income
19 tax return, on or before October 15, that is not reflected in the first education
20 fund payment under 16 V.S.A. § 4028 for that fiscal year or in a municipality's
21 first payment to the education fund under subsection 5402(c) of this title for

1 that fiscal year, shall be reflected in the final net payment to or from the
2 education fund for that fiscal year. The municipality may retain 0.225 of one
3 percent of the tax collected. Any reduction in tax paid to a municipality due to
4 a new, revised, or rescinded declaration shall be paid by the municipality to the
5 taxpayer no later than May 15 of the fiscal year. No later than June 1, each
6 municipality shall provide to the state treasurer a list of taxpayers who filed
7 late or corrected declarations or rescinded declarations, the amount of the
8 change in education tax, and the amount of any interest and penalty billed the
9 taxpayer.

10 (i) An owner filing a new or corrected declaration, or rescinding an
11 erroneous declaration, after September 1, or in the case of a taxpayer who has
12 received an extension to file his or her income tax return, on or before
13 October 15, shall not be entitled to a refund resulting from the correct property
14 classification; and any additional property tax and interest which would result
15 from the correct classification shall not be assessed as tax and interest, but
16 shall instead constitute an additional penalty, to be assessed and collected in
17 the same manner as penalties under subsection (g) of this section. Any change
18 in property classification under this subsection shall not be entered on the
19 grand list.

20 * * *

1 Sec. 2. 32 V.S.A. § 6068 is amended to read:

2 § 6068. APPLICATION AND TIME FOR FILING

3 (a) A tax adjustment claim or request for allocation of an income tax refund
4 to homestead property tax payment shall be filed with the commissioner on or
5 before the due date for filing the Vermont income tax return, ~~without~~
6 ~~extension~~, and shall describe the school district in which the homestead
7 property is located and shall particularly describe the homestead property for
8 which the adjustment or allocation is sought, including the school parcel
9 account number prescribed in subsection 5404(b) of this title. If the taxpayer
10 receives an extension of time to file his or her individual income tax return, he
11 or she shall have an extension of time to file a tax adjustment claim or request
12 for allocation of an income tax refund to a homestead property tax payment
13 until his or her income tax return is due, or October 15, whichever is earlier.

14 (b) Late-filing penalties. If the claimant fails to file a timely claim, the
15 amount of the property tax adjustment under this chapter shall be reduced by
16 \$15.00, but not below \$0.00, which shall be paid to the municipality for the
17 cost of issuing an adjusted homestead property tax bill. No benefit shall be
18 allowed in the calendar year unless the claim is filed with the commissioner on
19 or before September 1, or on or before October 15 if the taxpayer receives an
20 extension of time to file his or her individual income tax return.

1 (c) No request for allocation of an income tax refund may be made after
2 September 1, or on or before October 15 if the taxpayer receives an extension
3 of time to file his or her individual income tax return.

4 Sec. 3. EFFECTIVE DATE

5 This act shall apply to taxable year 2012 and after.