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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **205**

01/17/2019 Authored by Dettmer; Ecklund; Xiong, J.; Huot; Brand and others
The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division
03/07/2019 Adoption of Report: Re-referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to taxation; property; modifying the spousal benefit for disabled veterans
1.3 homestead exclusion; amending Minnesota Statutes 2018, section 273.13,
1.4 subdivision 34.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 273.13, subdivision 34, is amended to read:

1.7 Subd. 34. **Homestead of disabled veteran or family caregiver.** (a) All or a portion of
1.8 the market value of property owned by a veteran and serving as the veteran's homestead
1.9 under this section is excluded in determining the property's taxable market value if the
1.10 veteran has a service-connected disability of 70 percent or more as certified by the United
1.11 States Department of Veterans Affairs. To qualify for exclusion under this subdivision, the
1.12 veteran must have been honorably discharged from the United States armed forces, as
1.13 indicated by United States Government Form DD214 or other official military discharge
1.14 papers.

1.15 (b)(1) For a disability rating of 70 percent or more, \$150,000 of market value is excluded,
1.16 except as provided in clause (2); and

1.17 (2) for a total (100 percent) and permanent disability, \$300,000 of market value is
1.18 excluded.

1.19 (c) If a disabled veteran qualifying for a valuation exclusion under paragraph (b), clause
1.20 (2), predeceases the veteran's spouse, and if upon the death of the veteran the spouse holds
1.21 the legal or beneficial title to the homestead and permanently resides there, the exclusion
1.22 shall carry over to the benefit of the veteran's spouse for the current taxes payable year and
1.23 for eight additional taxes payable years or until such time as the spouse remarries, or sells,

transfers, or otherwise disposes of the property, whichever comes first, except as otherwise provided in paragraph (n). Qualification under this paragraph requires an application under paragraph (h), and a spouse must notify the assessor if there is a change in the spouse's marital status, ownership of the property, or use of the property as a permanent residence.

(d) If the spouse of a member of any branch or unit of the United States armed forces who dies due to a service-connected cause while serving honorably in active service, as indicated on United States Government Form DD1300 or DD2064, holds the legal or beneficial title to a homestead and permanently resides there, the spouse is entitled to the benefit described in paragraph (b), clause (2), for eight tax payable years, or until such time as the spouse remarries or sells, transfers, or otherwise disposes of the property, whichever comes first, except as otherwise provided in paragraph (n).

(e) If a veteran meets the disability criteria of paragraph (a) but does not own property classified as homestead in the state of Minnesota, then the homestead of the veteran's primary family caregiver, if any, is eligible for the exclusion that the veteran would otherwise qualify for under paragraph (b).

(f) In the case of an agricultural homestead, only the portion of the property consisting of the house and garage and immediately surrounding one acre of land qualifies for the valuation exclusion under this subdivision.

(g) A property qualifying for a valuation exclusion under this subdivision is not eligible for the market value exclusion under subdivision 35, or classification under subdivision 22, paragraph (b).

(h) To qualify for a valuation exclusion under this subdivision a property owner must apply to the assessor by ~~July 1~~ December 15 of the first assessment year for which the exclusion is sought. For an application received after ~~July 1~~ December 15, the exclusion shall become effective for the following assessment year. Except as provided in paragraph (c), the owner of a property that has been accepted for a valuation exclusion must notify the assessor if there is a change in ownership of the property or in the use of the property as a homestead. When a property qualifying for a market value exclusion under this subdivision is sold or transferred, the exclusion must be removed for the current assessment year, provided that the new owner may file a claim for an exclusion if eligible.

(i) A first-time application by a qualifying spouse for the market value exclusion under paragraph (d) must be made any time within two years of the death of the service member.

(j) For purposes of this subdivision:

3.1 (1) "active service" has the meaning given in section 190.05;

3.2 (2) "own" means that the person's name is present as an owner on the property deed;

3.3 (3) "primary family caregiver" means a person who is approved by the secretary of the
3.4 United States Department of Veterans Affairs for assistance as the primary provider of
3.5 personal care services for an eligible veteran under the Program of Comprehensive Assistance
3.6 for Family Caregivers, codified as United States Code, title 38, section 1720G; and

3.7 (4) "veteran" has the meaning given the term in section 197.447.

3.8 (k) If a veteran dying after December 31, 2011, did not apply for or receive the exclusion
3.9 under paragraph (b), clause (2), before dying, the veteran's spouse is entitled to the benefit
3.10 under paragraph (b), clause (2), for eight taxes payable years or until the spouse remarries
3.11 or sells, transfers, or otherwise disposes of the property, except as otherwise provided in
3.12 paragraph (n), if:

3.13 (1) the spouse files a first-time application within two years of the death of the service
3.14 member or by June 1, 2019, whichever is later;

3.15 (2) upon the death of the veteran, the spouse holds the legal or beneficial title to the
3.16 homestead and permanently resides there;

3.17 (3) the veteran met the honorable discharge requirements of paragraph (a); and

3.18 (4) the United States Department of Veterans Affairs certifies that:

3.19 (i) the veteran met the total (100 percent) and permanent disability requirement under
3.20 paragraph (b), clause (2); or

3.21 (ii) the spouse has been awarded dependency and indemnity compensation.

3.22 (l) The purpose of this provision of law providing a level of homestead property tax
3.23 relief for gravely disabled veterans, their primary family caregivers, and their surviving
3.24 spouses is to help ease the burdens of war for those among our state's citizens who bear
3.25 those burdens most heavily.

3.26 (m) By July 1, the county veterans service officer must certify the disability rating and
3.27 permanent address of each veteran receiving the benefit under paragraph (b) to the assessor.

3.28 (n) A spouse who received the benefit in paragraph (c), (d), or (k) but no longer holds
3.29 the legal or beneficial title to the property may continue to receive the exclusion for a
3.30 property other than the property for which the exclusion was initially granted until the spouse
3.31 remarries or sells, transfers, or otherwise disposes of the property, provided that:

4.1 (1) the spouse applies under paragraph (h) for the continuation of the exclusion allowed
4.2 under this paragraph;

4.3 (2) the spouse holds the legal or beneficial title to the property for which the continuation
4.4 of the exclusion is sought under this paragraph, and permanently resides there;

4.5 (3) the estimated market value of the property for which the exclusion is sought under
4.6 this paragraph is less than or equal to the estimated market value of the property that first
4.7 received the exclusion, based on the value of each property on the date of the sale of the
4.8 property that first received the exclusion; and

4.9 (4) the spouse has not previously received the benefit under this paragraph for a property
4.10 other than the property for which the exclusion is sought.

4.11 The exclusion for a spouse under this paragraph and paragraph (c), (d), or (k) may not
4.12 exceed a total of eight taxes payable years.

4.13 **EFFECTIVE DATE.** This section is effective beginning with assessments in 2019, for
4.14 taxes payable in 2020.