

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 869

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Miguel P. Garcia

AN ACT

**RELATING TO PROPERTY TAXATION; APPLYING THE CAP ON INCREASES
IN VALUE FOR PROPERTY TAXATION PURPOSES TO SINGLE-FAMILY
DWELLINGS OCCUPIED BY LOW-INCOME DISABLED PERSONS; APPLYING AN
ANNUAL INFLATION ADJUSTMENT TO THE MAXIMUM INCOME ELIGIBILITY
LEVEL; AMENDING A SECTION OF THE PROPERTY TAX CODE.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 7-36-21.3 NMSA 1978 (being Laws 2000,
Chapter 21, Section 1) is amended to read:**

**"7-36-21.3. LIMITATION ON INCREASE IN VALUE FOR SINGLE-
FAMILY DWELLINGS OCCUPIED BY OWNER SIXTY-FIVE YEARS OF AGE OR
OLDER. --**

**A. For the 2001 and subsequent tax years the
valuation for property taxation purposes of a single-family
dwelling owned and occupied by a person who is sixty-five**

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 years of age or older or who is disabled and whose modified
2 gross income, as defined in the Income Tax Act, for the prior
3 taxable year did not exceed the greater of eighteen thousand
4 dollars (\$18,000) or the amount calculated pursuant to
5 Subsection C of this section shall not be greater than the
6 valuation of the property for property taxation purposes in
7 the:

8 (1) 2001 tax year; ~~[or]~~

9 (2) ~~[the]~~ year in which the owner has his
10 sixty-fifth birthday, if that is after 2001; or

11 (3) tax year following the tax year in which
12 an owner who turns sixty-five or is sixty-five years of age or
13 older first owns and occupies the property, if that is after
14 2001.

15 B. The limitation of value specified in Subsection
16 A of this section shall be applied in a tax year in which the
17 owner claiming entitlement files with the county assessor an
18 application for the limitation on a form furnished to him by
19 the assessor ~~[at the time notices of valuation are sent out by~~
20 ~~the assessor pursuant to Section 7-38-20 NMSA 1978]~~. The
21 application form shall be designed by the department and shall
22 provide for proof of age, occupancy and income eligibility for
23 the tax year for which application is made.

24 C. For the 2002 tax year and each subsequent tax
25 year the maximum amount of modified gross income in Subsection

underscored material = new
[bracketed material] = delete

1 A of this section shall be adjusted to account for inflation.
2 The department shall make the adjustment by multiplying the
3 maximum amount for tax year 2000 by a fraction, the numerator
4 of which is the consumer price index ending during the prior
5 tax year and the denominator of which is the consumer price
6 index ending in tax year 2000. The result of the
7 multiplication shall be rounded down to the nearest one
8 hundred dollars (\$100) except that if the result would be an
9 amount less than the corresponding amount for the preceding
10 tax year, then no adjustment shall be made. For purposes of
11 this subsection, "consumer price index" means the average of
12 the consumer price index for all urban consumers published by
13 the United States department of labor for the four quarterly
14 periods ending September 30 of the tax year. The department
15 shall publish annually the amount determined by the
16 calculation and distribute it to each county assessor no later
17 than December 1 of each tax year.

18 D. The limitation of value specified in Subsection
19 A of this section does not apply to:

20 (1) a change in valuation resulting from any
21 physical improvements made to the property during the year
22 immediately prior to the tax year or a change in the permitted
23 use or zoning of the property during the year immediately
24 prior to the tax year; or

25 (2) a residential property in the first tax

1 year that is valued for property taxation purposes.

2 E. As used in this section, "disabled" means a
3 person who has been determined to be disabled or blind
4 pursuant to 42 USCA 421 for purposes of the federal Social
5 Security Act or is determined to have a permanent total
6 disability pursuant to the Workers' Compensation Act."

7 Section 2. APPLICABILITY. -- The provisions of this act
8 apply to property tax year 2001 and subsequent property tax
9 years.

10 - 4 -

underscored material = new
[bracketed material] = delete