**South Carolina General Assembly**

121st Session, 2015-2016

**H. 5115**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Horne

Document Path: l:\council\bills\bbm\9463dg16.docx

Companion/Similar bill(s): 932

Introduced in the House on March 16, 2016

Currently residing in the House Committee on **Judiciary**

Summary: Property tax assessment ratios

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/16/2016 House Introduced and read first time ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\03-16-16.docx))

3/16/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\03-16-16.docx))

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**VERSIONS OF THIS BILL**

[3/16/2016](file:///p:\pprever\2015-16\5115_20160316.docx)

**A** **BILL**

TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO REVISE AN APPLICATION DEADLINE FOR CERTAIN PROPERTY OWNED BY CERTAIN MEMBERS OF THE ARMED FORCES, AND TO PROVIDE THAT A DEPLOYMENT TO AN AREA THAT ENTITLES THE SERVICE MEMBER TO RECEIVE THE FEDERAL COMBAT ZONE TAX EXCLUSION MEETS CERTAIN ELIGIBILITY REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. Section 12‑43‑220(c)(2)(v)(C) of the 1976 Code, as added by Act 133 of 2014, is amended to read:

“(C)(1) Notwithstanding any other provision of law, an active duty member of the Armed Forces of the United States meeting all the other requirements of this subsection who receives orders for a permanent change of station or a temporary duty assignment for at least one year, or a deployment to an area that entitles the service member to receive the federal Combat Zone Tax Exclusion, may claim the four percent assessment ratio and applicable exemptions for two residential properties located in the State so long as the owner attempts to sell the first acquired residence within thirty days of acquiring the second residence. The taxpayer must continue to attempt to sell the first acquired residence in any year in which the four percent assessment ratio is claimed.

(2) The four percent assessment ratio may not be claimed on both residences for more than two property tax years.

(3) This subsubitem does not apply unless the owner of the properties or the owner’s agent applies for the four percent assessment ratio on both residences before the first penalty date for the payment of taxes for the tax year for which the owner first claims eligibility for this assessment ratio. The burden of proof for eligibility for the four percent assessment ratio on both residences is on the taxpayer. The taxpayer must provide the proof the assessor requires, including, but not limited to, a copy of the owner’s most recently filed South Carolina individual income tax return and copies of South Carolina motor vehicle registrations for all motor vehicles registered in the name of the owner. The taxpayer must apply to the county assessor by ~~May fifteenth of each year~~ the first penalty date for the payment of taxes for the tax year in which the taxes are due to utilize the provisions of subsubitems (B) and (C). Along with the application, the applicant must submit a Leave and Earnings Statement (LES) from the current calendar year. Any information contained in the LES that is not related to the active duty status of the member may be redacted.”

B. Notwithstanding any other provision of law, if a taxpayer qualified for the special assessment rate for tax year 2014 or 2015 pursuant to Section 12‑43‑220(c)(2)(v)(B) or (C), except that the taxpayer applied after the May fifteenth deadline, then the taxpayer must be refunded the appropriate amount so long as the taxpayer makes application for either or both years by January 15, 2017.

SECTION 2. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2013.

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