

SENIOR PROPERTY TAX EXEMPTION

The homestead exemption for senior citizens is available to qualifying seniors and the surviving spouses of seniors who previously qualified. The three basic requirements are: 1) the qualifying senior must be at least 65 years old on January 1 of the year in which he/she qualifies; 2) the qualifying senior must be the owner of record, and must have been the owner of record for at least ten consecutive years prior to January 1; 3) the qualifying senior must occupy the property as his/her primary residence, and must have done so for at least ten consecutive years prior to January 1.

In 2003, the Legislature temporarily suspended funding for the senior exemption program. Funding is scheduled to return for assessment year 2006, payable 2007. When it does, the exemption will reduce the actual value of your residential property by 50% up to a maximum reduction of \$100,000. The state pays the tax on the exempted value.

An applicant or married couple can apply for the exemption on **only one property**. That property must be his/her or their primary residence. Married couples and individuals who apply for the exemption on multiple properties will be denied the exemption on each property. For the purpose of the exemption, "**primary residence**" is synonymous with "residence" as defined for voter registration purposes in Title 1, Article 1, Section 104(43), of the Colorado Revised Statutes. The statute is quoted as follows: "*Residence* means the principal or primary home or place of abode of a person, as set forth in section 1-2-102." Pertinent sections of 1-2-102(1), C.R.S. include the following:

(a) (I) *The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile*

home. No vacant lot or business address shall be considered a residence.

(b) *In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, existence of any other residences and the amount of time spent at each residence, and motor vehicle registration.*

(c) *The residence given for voting purposes shall be the same as the residence given for motor vehicle registration and for state income tax purposes.*

The attached Long Form is one of two application forms created for the exemption. The Long Form is intended for individuals applying under the **surviving spouse** option and for applicants applying as the qualifying senior who fall within certain **exceptions** to the occupancy and ownership requirements. The exceptions are: 1) the ownership is in the spouse's name, who also occupies the property; 2) the ownership has been transferred to or purchased by a trust, corporate partnership or other legal entity solely for estate planning purposes; 3) the qualifying senior, spouse, or surviving spouse was or is confined to a nursing home, hospital or assisted living facility; or 4) the prior residence was condemned in an eminent domain proceeding by a governmental entity.

If you are applying as a surviving spouse or if any of the above exceptions is true, you must use the Long Form. **The completed form must be submitted to the county assessor's office no later than July 15.** Your county assessor has a brochure containing additional information about the exemption.

IN ORDER TO PROCESS THE APPLICATION, THE COUNTY ASSESSOR MAY REQUEST ADDITIONAL INFORMATION.

LONG FORM INSTRUCTIONS

Note: For questions #1 and #8 below, Colorado statute 39-3-205(2)(a)(I) and (III) C.R.S. requires that the name and **social security number** of each individual who occupies the property as his or her primary residence be listed on the application form. The names and social security numbers of the applicant and each occupant are used to ensure that no individual or married couple applies for the exemption on more than one property. The statute requires that the information be kept confidential.

1. Please provide your name, social security number and date of birth. (Your spouse should be identified in section 8, even if he or she also qualifies.)
2. List the property location (legal description) and its schedule or parcel number.
3. List the city or town and zip code of the property, and the telephone number where you can be reached during the daytime.
4. List your mailing address here if different than your property address. (If your mailing address is not located in the same community, please attach an explanation.)
5. Check the box if title is held in a life estate. The information helps the assessor process the application.
6. **AGE AND OCCUPANCY REQUIREMENTS:** #6A, #6B, or one of the two statements in #6C must be true to qualify.

6A – For Qualifying Seniors:

- If the statement is true, check the box marked "True," and proceed to section #7.

- If the statement is false, you may qualify if you fall within one of the two exceptions in #6C, the occupancy exceptions.

6B – For Surviving Spouse of Senior who Previously Qualified:

- If the statement is true, check the box marked "True," and proceed to section #7.
- If statement a), b), or f) is false, you do not qualify as "the surviving spouse of an individual who previously qualified."
- If statement c), d), or e) is false, you may qualify if you fall within one of the two exceptions in #6C, the occupancy exceptions.

6C – Exceptions to Occupancy Requirements: Colorado statutes 39-3-202(2)(b) and 39-3-203(6)(a) C.R.S. provide two exceptions to the 10-year occupancy requirement.

- The qualifying senior or surviving spouse is/was confined to a hospital, nursing home, or assisted living facility.
- The prior home was condemned in an eminent domain proceeding by a governmental entity, or the home was sold to the governmental entity due to a threat of an eminent domain proceeding.

If either statement #6A or #6B would be true if one of the above situations had not occurred, check the appropriate box in #6C.

- Check #1 if you are 65 years of age and confined to a health care facility and/or your residence was lost due to eminent domain proceedings. You must also provide the information requested in section(s) #9 and/or #10.
- Check #2 if you are a surviving spouse and you or your spouse was confined to a health care facility, or your residence was lost due to eminent domain proceedings. You must also provide the information requested in section(s) #9 and/or #10.

7. OWNERSHIP REQUIREMENTS: Either #7A or #7B must be a true statement to qualify.

7A – Title to the Property Held in Qualifying Senior’s Name, or Spouse’s Name, or Both:

- The applicant or the applicant’s spouse must be the owner of record.
- For any period in which the spouse is or was the owner of record and the applicant was not the owner of record, the spouse and applicant must have been married, and the spouse must have occupied the property as his or her primary residence with the applicant.
- Title can be held individually, as joint tenants, or as tenants in common.
- A life estate is acceptable.
- If the statement in #7A is true, check the box marked “True” and proceed to section #8.

NOTE: Two individuals who are legally married, but who own more than one piece of residential real property, shall be deemed to occupy the same primary residence and may claim no more than one exemption. The full amount of the exemption shall be allowed even if any person who does not satisfy the requirements is also an owner of record.

7B – Title to Property Held in a Trust, Corporate Partnership or Other Legal Entity: Colorado statute 39-3-202(2)(a), C.R.S. provides an exception to the ownership requirement for individuals who have transferred ownership of their residence to a trust, or a corporate partnership or other legal entity solely for estate planning purposes.

- If the ownership has been transferred to or purchased by a trust, check the box marked “True,” and proceed to section #8. You must also provide the information requested in section #11. **To qualify, the maker of the trust must be the qualifying senior or spouse.**
- If the ownership has been transferred to or has been purchased by a corporate partnership or other legal entity, check the box marked “True,” and proceed to section #8. You must also provide the information requested in section #12. **To qualify, the qualifying senior or spouse must be a principal of the corporate partnership or legal entity.**

8. NAME AND SOCIAL SECURITY NUMBER OF EACH ADDITIONAL OCCUPANT: These are required items.

8A – The Spouse’s Name:

- If your spouse occupies the property with you, provide his/her name, social security number, and check the box marked “Yes.”
- If you do not have a spouse living with you, list the name and social security number of another occupant, and check the box marked “No.”

8B – Other Individuals:

- List all other individuals, including children, who occupy the property as their primary residence.
- If more than three additional people occupy the property, attach an additional sheet of paper listing the names and social security numbers.
- Proceed to section #13 unless question(s) 9-12 apply.

9. CONFINEMENT TO A HEALTH CARE FACILITY:

Information required from section #6C.

- 9A – Provide the name of the person confined.
- 9B – State the location of confinement.
- 9C – Provide the time-frame of confinement.
- 9D – To qualify for the exemption, the statement must be true.

10. CONDEMNATION BY EMINENT DOMAIN: Information required from section #6C.

- 10A – Provide the street address of the condemned property.
- 10B – Provide the dates of ownership of the condemned property.
- 10C – Provide the dates the condemned property was occupied as the primary residence
- 10D – Provide the date the property was condemned.
- 10E – You cannot have owned another property in between the condemnation and the ownership of your current property. If you did own another property, you do not qualify for the exemption.
- 10F – To qualify for the exemption, the statement must be true. *(You must attach documentation verifying the transfer. This may include the sales contract, condemnation order and correspondence from the governmental entity.)*

11. PROPERTY OWNED BY A TRUST: Information required from section #7B.

- 11A – Provide the name of the trust.
- 11B – Provide the name of the maker of the trust. The maker is the person who created the trust.
- 11C – Provide the name of the trustee.
- 11D – Provide the name of each beneficiary of the trust. Attach an additional sheet of paper if necessary.
- 11E – To qualify for the exemption, the statement must be true.

12. PROPERTY OWNED BY A CORPORATE PARTNERSHIP OR OTHER LEGAL ENTITY: Information required from section #7B.

- 12A – Provide the name of the corporate partnership or legal entity.
- 12B – Provide the name of each principal of the corporate partnership or legal entity. Attach an additional sheet of paper if necessary.
- 12C – To qualify for the exemption, the statement must be true.

13. AFFIDAVIT AND SIGNATURE: You must **sign and date** the form. If the form is signed on behalf of the applicant by a guardian, conservator, or attorney-in-fact, that person must provide documentation of his/her authority in the form of a court order or power of attorney. If there is a contact person other than the applicant, please provide the name and telephone number of the contact person.

Submit your application no later than July 15 to the County Assessor at the address listed below. If you have any questions, please contact the County Assessor.

Summit County Assessor’s Office
208 Lincoln St.
P.O. Box 276
Breckenridge, CO 80424
970-453-3480
fax 970-453-3481
assessor@co.summit.co.us