

November 4, 2016

New Mexico County Assessors – **Order No. 16-21**

**RE: Limitation on increase in value for single-family dwellings occupied by low-income owners sixty-five years of age or older or disabled [7-36-21.3 NMSA 1978, (2013)]**

Dear County Assessor:

Enclosed is an order for the year 2017 implementation of NMSA § 7-36-21.3 (2013), the statutory limitation on valuation for property taxation for purposes of single-family dwellings that are owned and occupied by a person who is sixty-five years of age or older or disabled and whose modified gross income does not exceed:

- A. For applicants who qualify under Subsection 7-36-21.3(A), \$25,000
- B. For applicants who qualify under Subsection 7-36-21.3(B), \$32,000
- C. For applicants who qualify under Subsection 7-36-21.3(C), \$25,000

Also included is an application form to be used for persons who are sixty-five or older with low income and persons who are disabled with low income.

It is the Property Tax Division's responsibility to post this order in a newspaper of general circulation and to pay for the publication of this order. The County Assessor is not required to publish this order. Any county wishing to publish this order in a local newspaper may do so, but must pay the publication costs from county funds.

If you have any questions, please feel free to contact me at 505-827-0876.

Sincerely,



Michael O'Melia, Deputy Director  
Property Tax Division

MKO/jh

**LIMITATION ON INCREASE IN VALUE FOR SINGLE-FAMILY DWELLINGS OCCUPIED BY LOW-INCOME OWNERS SIXTY-FIVE YEARS OF AGE OR OLDER OR DISABLED FOR TAX YEAR 2017.**

Pursuant to NMSA § 7-36-21.3 (2013), the State of New Mexico, Taxation and Revenue Department, Property Tax Division, hereby informs Assessors that:

- A For the 2017 tax year, the valuation for property taxation purposes of a single family dwelling owned and occupied by a person who is sixty-five years of age or older and whose modified gross income, as defined in the Income Tax Act [7-2-1 NMSA 1978], for the prior taxable year did not exceed twenty-five thousand, (\$25,000), shall not be greater than the valuation of the property for property taxation purposes in the:
  - (1) 2001 tax year;
  - (2) year in which the owner's sixty-fifth birthday occurs, if that is after 2001; or
  - (3) tax year following the tax year in which an owner who turns sixty-five or is sixty-five years of age or older first owns and occupies the property, if that is after 2001.
  
- B For the 2017 tax year, the valuation for property taxation purposes of a single family dwelling owned and occupied by a person who is sixty-five years of age or older or disabled and whose modified gross income, as defined in the Income Tax Act, for the prior taxable year did not exceed thirty-two thousand dollars (\$32,000), shall not be greater than the valuation of the property for property taxation purposes in:
  - (1) the 2009 tax year, if the person owns and occupies the property in the 2009 tax year;
  - (2) the tax year in which the owner's sixty-fifth birthday occurs, if that is after 2009; or
  - (3) the tax year following the tax year in which an owner who is sixty-five years of age or older first owns and occupies the property, if that is after 2009.
  
- C For the 2017 tax year, the valuation for property taxation purposes of a single-family dwelling owned and occupied by a person who is disabled and whose modified gross income, as defined in the Income Tax Act, for the prior taxable year did not exceed twenty-five thousand, (\$25,000), shall not be greater than the valuation of the property for property taxation purposes in the:
  - (1) 2003 tax year;
  - (2) year in which the owner is determined to be disabled, if that is after 2003; or
  - (3) tax year following the tax year in which an owner who is disabled or who is determined in that year to be disabled first owns and occupies the property, if that is after 2003.

“Disabled” is defined as a person who has been determined to be blind or permanently disabled with medical improvements not expected pursuant to 42 USCA 421 for purposes of the federal Social Security Act [42 USC § 301 et seq.] or is determined to have a permanent total disability pursuant to the Workers Compensation Act [52-1-1 NMSA 1978].

Done this 4<sup>th</sup> day of November 2016.



Michael O'Melia, Deputy Director  
Property Tax Division

**STATE OF NEW MEXICO - 2017 TAX YEAR**

**Application Form  
Revised 11/2016**

**APPLICATION-LIMITATION ON INCREASE  
IN VALUE FOR SINGLE FAMILY  
DWELLINGS OCCUPIED BY LOW INCOME  
OWNERS 65 YEARS OF AGE OR OLDER OR  
DISABLED**

**Pursuant to 7-36-21.3 NMSA 2000  
as Amended in 2013**

**INSTRUCTIONS ON REVERSE SIDE  
PLEASE READ CAREFULLY**

County Name	County Assessor's Phone Number	Tax Year
Applicant's First Name	Middle Initial	Last Name
Present Mailing Address ( Number & Street, P. O. Box or Rural Route )		
City & State	Zip Code	Phone Number
Driver's License or Personal ID Certificate ( Number & State )		Date of Birth

<b>PART I</b>	Physical Address / Legal Description of Property	Uniform Property Code (UPC)

A	Is the property the applicant's primary residence?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
B	Is the property occupied by the applicant and is he or she the current owner?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
C	Will the applicant be age 65 or over during the current tax year?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
D	Is the applicant disabled?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

<b>PART II</b>		Enter "Modified Gross Income", all income received by the applicant, applicant's spouse and dependants. Please see section 7-2-2 (L) of the Income Tax Act.		( Round to nearest whole dollar amount.)	
				<b>Gross Annual Income</b>	
1	Compensation	1			.00
2	Net profit derived from business	2			.00
3	Gains derived from dealings in property	3			.00
4	Interest	4			.00
5	Net rents	5			.00
6	Royalties	6			.00
7	Dividends	7			.00
8	Alimony and separate maintenance payments	8			.00
9	Annuities	9			.00
10	Income from life insurance and endowment contracts	10			.00
11	Pensions	11			.00
12	Discharge of indebtedness	12			.00
13	Distributive share of partnership	13			.00
14	Income in respect of a decedent	14			.00
15	Income from an interest in an estate or trust	15			.00
16	Social Security benefits	16			.00
17	Unemployment compensation	17			.00
18	Workers' compensation benefits	18			.00
19	Public assistance and welfare benefits	19			.00
20	Cost-of living allowances	20			.00
21	Gifts	21			.00
Total Modified Gross Income (Add lines 1 thru 21.)					.00

**PART III CERTIFICATION BY PROPERTY OWNER - (To be signed by Applicant)**

I certify that I am the legal owner of this property, I am living on this property and the income and age statements made are true and accurate. I understand that false statements made intentionally on this application may be penalized as provided for in 7-38-92 and 7-38-93 of the Property Tax Code.

Amended income tax returns shall be reported within 30 days of filing.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PART IV VALUATION LIMITATION (To be completed by the County Assessor)**

Qualifies? YES  NO

The records of \_\_\_\_\_ County indicate the property value is \$ \_\_\_\_\_ as of the Tax Year \_\_\_\_\_ Notice of Value

Valuation Limitation Authorized by: \_\_\_\_\_ Date: \_\_\_\_\_

## STATE OF NEW MEXICO - 2017 TAX YEAR

### Eligibility Requirements:

**GENERAL** – This application is for the current tax year only and is based on the previous year's income. An owner who has claimed and been allowed the limitation of value for the three previous consecutive tax years need not claim the limitation for subsequent tax years if there is no change in eligibility.

**(1) AGE:** After the year 2001, the applicant must be age 65 years or older during the year in which the application is made.

The applicant should be prepared to provide evidence that he/she fulfills the age requirement by presenting a photo ID showing his/her date of birth.

**(2) OCCUPANCY:** Applicant must be the owner and occupant of the property for which the application is being submitted. The property listed on this application is eligible only if it is the *primary residence* of the applicant and does not apply to other properties owned by the applicant.

- (a) The applicant must be able to provide certified copies of relevant documents.
- (b) The property must be the primary residence of the applicant.

**(3) DISABLED:** Means a person who has been determined to be blind or permanently disabled with medical improvements not expected pursuant to 42 USCA 421 for purposes of federal Social Security Act [42 USC § 301 et seq.] or is determined to have a permanent total disability pursuant to the Workers' Compensation Act [Chapter 52, Article 1 NMSA 1978].

**(Part I) IDENTIFICATION OF REAL PROPERTY:** One of the following should be provided to the assessor to identify the property for which the application is submitted.

- (a) Physical address of the property
- (b) Legal description
- (c) Uniform Property Code (UPC)
- (d) Other property tax identification numbers or codes

**(Part II) INCOME:** The previous year's modified gross income must be \$25,000 or less for subsections A & C, and \$32,000 per year or less for subsection B. New Mexico Income Tax Act (Section 7-2-2, L.) states modified gross income means all income, undiminished by losses from whatever source derived. This applies to the total combined income of the taxpayer and his/her spouse and dependents.

The applicant should be prepared to present copies of state and federal income tax forms for the year prior to application or any other documents that will provide evidence that the applicant fulfills the income requirements. Amended tax returns should be reported to the assessor within 30 days of the reporting to the IRS or New Mexico Taxation & Revenue Department. **Amended returns may affect your eligibility.**

**(Part III) VALUATION LIMITATION: (To be completed by the County Assessor)**

- (a) **If qualified-65 years of age or older:** Amount calculated shall not be greater than the valuation of the property for property taxation purposes in the: (1) 2001 tax year. (2) year in which the owner has his 65<sup>th</sup> birthday, if that is after 2001 or; (3) tax year following the tax year in which an owner who turns 65 or is 65 years of age or older first owns and occupies the property, if that is after 2001.
- (b) **If qualified-Disabled:** Amount calculated shall not be greater than the valuation of the property for property taxation purposes in the (1) 2003 tax year; (2) year in which the owner is determined to be disabled, if that is after 2003; or (3) tax year following the tax year in which an owner who is disabled or who is determined, in that year, to be disabled first owns and occupies the property if that is after 2003.
- (c) **If not qualified:** - Upon determination that the applicant does not qualify, the assessor will immediately notify the applicant in written form.