PROPERTY TAX EXEMPTION FOR QUALIFYING DISABLED VETERANS
OVERVIEW

In 2006, Colorado voters approved Referendum E, amending section 3.5 of article X of the Colorado Constitution. The amendment and subsequent legislation expanded the senior property tax exemption to include "qualifying disabled veterans."

For disabled veterans who qualify, 50 percent of the first $200,000 of actual value of the veteran's primary residence is exempted. The state will reimburse the county treasurer for the lost revenue. Owners of multiple residences may only designate one property as their primary residence.

ELIGIBILITY REQUIREMENTS:

A "qualifying disabled veteran" is a person who meets each of the following requirements - § 39-3-202(3.5), C.R.S.

- The veteran sustained a service-connected disability while serving on active duty in the Armed Forces of the United States. This includes members of the National Guard and Reserves who sustained their injury during a period in which they were called to active duty.
- The veteran was honorably discharged.
- The United States Department of Veterans Affairs has rated the veteran's service-connected disability as one hundred percent permanent and total.

Property Requirements - §§ 39-3-202(2) and (3) and 203(1.5) to (5), C.R.S:

- Ownership – The veteran must own the property and must have been an owner of record since January 1 of the current year. The veteran's ownership can be limited to a fractional, joint, or life estate interest.

  Exceptions:

  If the veteran's spouse is an owner and the veteran is not, the veteran can meet the ownership requirement if the couple was married on or before January 1 and both have occupied the property as their primary residence since January 1.

  If the property is owned by a trust, corporate partnership, or other legal entity, the veteran will meet the ownership requirement if each of the following items is true: 1) the veteran or spouse is a maker of the trust or a principal of the corporate partnership or legal entity, 2) the property was transferred solely for estate planning purposes, and 3) the veteran or spouse would otherwise be the owner of record.

- Occupancy – The veteran must occupy the property as his or her primary residence and must have done so since January 1. A primary residence is the place at which a person's habitation is fixed and to which that person, when absent, has the intention of returning. A person can have only one primary residence at any time.

  If the veteran is registered to vote, the address used for voter registration is considered the veteran's primary residence. If the veteran is not registered to vote, the address listed on automobile registrations, income tax returns, or other legal documents may be considered as evidence of the veteran's place of primary residency.

  If the veteran is confined to a hospital, nursing home or assisted living facility, the property can be considered the veteran's primary residence if it is occupied by a spouse or a financial dependent or if the property is unoccupied.

- Residential Property – The property must be classified by the county assessor as residential.
- Multiple Dwelling Units – If the veteran owns a multiple dwelling unit property, the exemption will only be granted to the unit occupied by the veteran as his or her primary residence.

MAKING APPLICATION:

Complete the attached application and mail or deliver it to the Colorado Department of Military and Veterans Affairs, Division of Veterans Affairs, at the address listed in the Application Instructions. Completed applications must be postmarked or delivered no later than **July 1** of the year for which the exemption is requested. To ensure that the application is timely filed, all of the information requested on the application, including a copy of your VA award letter, must be submitted by July 1.

The Division of Veterans Affairs will make a determination on your status as a "qualifying disabled veteran" and mail you a determination. If approved, the Division will forward your approved application to your county assessor for further review.

The county assessor will make a determination on whether the property requirements are met. If they are, the assessor will place the exemption on your property, and it will remain in place for future years until a change in the status of your property requires that the exemption be removed.

If one or more of the property requirements are not met, the assessor will mail you a letter explaining the reason(s) for denial, and provide you with instructions for appealing the assessor's decision to the county board of equalization. Denials issued by the Division of Veterans Affairs on an applicant's status as a "qualifying disabled veteran" cannot be appealed to the county board of equalization.

Under no circumstances shall an exemption be allowed for property taxes assessed during any tax year prior to the year in which the veteran first files an exemption application. No more than one exemption per tax year shall be allowed for a residential property, even if one or more of the owner-occupiers qualify for both the senior exemption and the disabled veteran exemption.

If an individual or married couple applies for either or both the senior and disabled veteran exemptions on more than one property, the exemptions will be denied on each property.

Application forms can be obtained from the web site of the Colorado Division of Veterans Affairs at: http://www.colorado.gov/vets and from the web site of the Colorado Division of Property Taxation at: http://dola.colorado.gov/dpt.

APPLICATION INSTRUCTIONS

1. **IDENTIFICATION:** Identify the disabled veteran and the property in this section.
   - The applicant's Social Security number is required. For an explanation, please review #5 below.
   - Life estate – It is permissible for ownership to be held in a life estate. If ownership is held in a life estate, checking the life estate box will assist the assessor's office in processing your application.
2. **DISABLED VETERAN STATUS:** To qualify, both questions must be true, and you must attach a copy of your VA award letter verifying that you have been given a permanent and total disability rating by the VA.
3. **OWNERSHIP REQUIREMENT:** To qualify, either statement #3A or #3B must be true. If #3B is true, you must complete either section #6 or #7 on the back of the form. The ownership requirement is discussed under ELIGIBILITY REQUIREMENTS in the Overview.
   - Two individuals who are legally married, but who own more than one residential property, shall be deemed to occupy the same primary residence and may claim no more than one exemption. If you and/or your spouse qualify for both the disabled veterans exemption and the senior citizen property tax exemption, you may apply for and claim only one of the exemptions.
4. **OCCUPANCY REQUIREMENT:** To qualify, either statement #4A or #4B must be true. If #4B is true, you must complete section #8 on the back of the application form. (The occupancy requirement is discussed under ELIGIBILITY REQUIREMENTS in the Overview.
5. **NAME AND SOCIAL SECURITY NUMBER OF EACH ADDITIONAL OCCUPANT:** Pursuant to § 39-3-205(2)(a)(III), C.R.S., the name and Social Security number of each individual who occupies the property must be listed on the application form. The information is needed to ensure that no one receives the exemption on more than one property. The statute requires that the information be kept confidential.

   5A – The Spouse's Name:
   - If your spouse occupies the property with you, provide his/her name and 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 all other occupants, and check the box marked "No."

   5B – Other Individuals:
   - List all other individuals, including children, who occupy the property as their primary residence.
   - If more than three people occupy the property, attach an additional sheet listing the names and Social Security numbers for each.
6. **PROPERTY OWNED BY A TRUST:** If question #3B is true, you must complete either this section or section #7.

   6A – Provide the name of the trust.
   6B – Provide the name of the maker of the trust. The maker is the person who created the trust.
   6C – Provide the name of the trustee.
   6D – Provide the name of each beneficiary of the trust. Attach an additional sheet if necessary.
   6E – To qualify for the exemption, the statement must be true.
7. **PROPERTY OWNED BY A CORPORATE PARTNERSHIP OR OTHER LEGAL ENTITY:** If question #3B is true, you must complete either this section or section #6.

   7A – Provide the name of the corporate partnership or legal entity.
   7B – Provide the name of each principal of the corporate partnership or legal entity. Attach an additional sheet if necessary.
   7C – To qualify for the exemption, the statement must be true.
8. **CONFINEMENT TO A HEALTH CARE FACILITY:** Complete this section only if question #4B is true.

   8A – Provide the name of the qualified disabled veteran.
   8B – State the location and dates of confinement.
   8C – To qualify for the exemption, the statement must be true.

   NOTE:
   If ownership is held in your **spouse's name**, and your spouse is confined to a health care facility, complete section #8 for your spouse.
9. **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 1**, to the Colorado Department of Military and Veterans Affairs, Division of Veterans Affairs at the address listed below. If you have questions about your status as a "qualifying disabled veteran," please contact the Division of Veterans Affairs. If you have any other questions about this program, please contact the Colorado Division of Property Taxation at 303-866-2371.*

Colorado Department of Military and Veterans Affairs
Division of Veterans Affairs
1355 S. Colorado Blvd., Bldg. C, Suite 113
Denver, Colorado 80222

Telephone: 303-284-6077 Fax: 303-284-3163

http://www.colorado.gov/vets