

\$50.00 to \$500.00 Property tax credit for Veterans

VETERANS' TAX CREDIT EXPLAINED

Applications are available at the Selectmen's office. Or online at:

http://www2.new-boston.nh.us/Pages/NewBostonNH_Assessing/pa_29.pdf

Filing Deadline is: April 15th

Per RSA 72:28, the qualifications for receiving the Veterans' Property Tax Credit in NH are as follows:

Who qualifies for the credit? There are three possibilities.

- a. Every resident (of one year) of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section (see Roman Numeral V (a-g) below) and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;
 - Important NOTE: ***(This is the only NH credit or exemption where the individual who qualifies for the credit need not show evidence of ownership either by being named as an owner in the deed or by granting equitable title or beneficial interest for life which are options provided in RSA 72:29, VI. This is because it gives the spouse or surviving spouse the right to make application. It does, however, require that it be the principle place of abode (residence) of the qualifying veteran)***
- b. Every resident of this state who was terminated from the armed forces because of service connected disability; or the surviving spouse of such resident; *(In this scenario if the service-connected disability is also total and permanent, the qualifying veteran may also apply for and receive **RSA 72:35 Tax Credit for Service-Connected Total Disability** with proper documentation from the US Office of Veterans' Affairs. The disability **need not** be sustained in **combat** and is not tied directly to service in any qualifying war or armed conflict nor do any specific medals need to be earned for a service-connected disability. The veteran only **has to be in the service when the disability is sustained**. The disability discharge still needs to be an honorable discharge.); and*
- c. The surviving spouse of any resident who suffered a service connected death. *(The surviving spouse of any person who was killed or who died while on active duty in the service may receive this credit on any and all property residential or not but only in the same municipality where the surviving spouse lives. This is **RSA 72:29-a, Surviving Spouse**)*

What periods of service qualify a veteran for the credit ?

"World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

- a. "World War II" between December 7, 1941 and December 31, 1946;
 - b. "Korean Conflict" between June 25, 1950 and January 31, 1955;
 - c. "Vietnam Conflict" between December 22, 1961 and May 7, 1975;
- (e) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal;
- f. "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law; and

- g. Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

Summary:

An applicant for the Veterans' Tax Credit who is applying as a regular veteran and not as a disabled veteran as explained above will need to satisfy the selectmen or assessors that the applicant has served a minimum of 90 days of active duty totally within a period listed in section V (a-g) and was honorably discharged from service.

A quick breakdown of qualifying wars and armed conflicts is as follows:

- a. World War I veteran 90 days within date limits specified, no medals required.
- b. World War II veteran 90 days within date limits specified, no medals required.
- c. Korean Conflict veteran 90 days within date limits specified, no medals required.
- d. Vietnam Conflict veteran 90 days within date limits specified, no medals required.
- e. Vietnam Conflict veteran 90 days within date limits specified, applicant must have earned the Vietnam Service Medal or the armed forces expeditionary medal. This is because there was no active combat during this time.
- f. Persian Gulf War veteran 90 days within date limits specified, no medals required.
- g. Any other war or armed conflict that has occurred since May 8, 1975 requires an armed forces expeditionary medal or theater of operations medal.

The same scenario as for (g) above would apply to service dates falling between those for WWI, WWII, and Korea. In all cases, an applicant must have been honorably discharged.

The Form DD 214 the "Member Four" copy is the preferred document that will list all this qualifying information. House Bill 410 amended **RSA 72:34** effective June 3, 2006 now requires that all documents submitted as evidence in support of an exemption or credit be returned to the applicant once a decision has been made. The Department will provide a worksheet to municipalities that may be saved by the town for the purpose of documenting that a review of credits has been done for your five-year Assessment Review. There is a list of other discharge forms that may be acceptable in qualifying an applicant for this credit. There is also a list of medals that show evidence of combat service and are acceptable under the law during periods of service where an applicant had to earn specific medals, basically e and g.

RSA 72:29, Definitions was amended effective June 2004 to add a section VII which better defined what was meant by qualifying medals and gave authority to the Director of the NH State Veterans' Council with written notification to DRA to determine which medals are evidence of combat service. This produced the current list of qualifying medals and also the list of forms acceptable in determining eligibility.

House Bill 192 amended this statute, **72:28**, during the 2005 legislative session. This revised the statute by eliminating some older wars prior to WWI for which there are no veterans still alive and **added provision (f) for the Persian Gulf War veterans but made no other changes to the statutory requirements. This provision is effective April 1, 2006. So veterans serving active duty during the Persian Gulf War time frame regardless of location may now qualify for the credit where before they may not have. It's been estimated this could add as many as 8,000 more veterans throughout the state.**

THE LAW:

Property Taxes

Section 72:28

72:28 Standard and Optional Veterans' Tax Credit. –

- I. The standard veterans' tax credit shall be \$50.
- II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$500. The optional veterans' tax credit shall replace the standard veterans' tax

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident;

(b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and

(c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

(a) ""World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;

(b) ""World War II" between December 7, 1941 and December 31, 1946;

(c) ""Korean Conflict" between June 25, 1950 and January 31, 1955;

(d) ""Vietnam Conflict" between December 22, 1961 and May 7, 1975;

(e) ""Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal;

(f) ""Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law; and

(g) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

Additional Q&A at:

<http://www.nhlgc.org/LGCWebSite/InfoForOfficials/legalqamasterpage.asp?offset=40&LegalQAID=28>