

BEFORE THE IDAHO BOARD OF TAX APPEALS

BLAINE COUNTY ASSESSOR,	)	
	)	
Appellant,	)	APPEAL NO. 17-A-1011
	)	
v.	)	FINAL DECISION
	)	AND ORDER
ERIC TOSHALIS & SARAH SENTILLES,	)	
	)	
Respondents.	)	
	)	
_____	)	

**HOMEOWNERS EXEMPTION APPEAL**

This appeal is taken from a decision of the Blaine County Board of Equalization granting a homeowners tax exemption on property described by Parcel No. RPH04640200110. The appeal concerns the 2017 tax year.

The matter came on for hearing October 5, 2017 in Hailey, Idaho before Hearing Officer Travis VanLith. Assessor Valdi Pace represented Appellant at hearing. Eric Toshalis appeared at hearing for Respondents.

Board Members David Kinghorn, Leland Heinrich and Kenneth Nuhn join in issuing this decision.

**The issue on appeal is whether the subject property qualifies for an exemption pursuant to Idaho Code § 63-602G, commonly referred to as the homeowners exemption.**

**The decision of the Blaine County Board of Equalization is reversed.**

FINDINGS OF FACT

The subject property’s market value is assessed at \$653,316. On appeal, there is no dispute regarding the market valuation. Instead, the appeal centers on the homeowners exemption granted by the Board of Equalization which reduces subject’s taxable value by \$100,000. Appellant-Blaine County Assessor contends the subject property does not qualify for the homeowners exemption.

Appellant explained that in order to qualify for the exemption, on an otherwise qualified property, an applicant must file an application with the assessor's office by April 15<sup>th</sup> in the year for which the exemption is sought. No application was received from Respondents for the 2017 tax year by this filing deadline. And a late application was denied on that basis. Respondents then appealed the assessor's office decision to the Board of Equalization. Appellant reported that the board allowed the exemption to be applied to subject for 2017 even though the Respondents had missed the statutory deadline to make application.

Appellant reported mailing Respondents a reminder notice to apply for the homeowners exemption. It was also noted Respondents received notice from the title company, when purchasing subject, to contact the county about the possible exemption.

Respondents acknowledged missing the April 15, 2017 deadline to file the form seeking exemption. It was asserted the county's two-part form was misleading in that it did not solely address the homeowners exemption, but also included a sales verification section. Further, it was argued the form did not specify when the document was due. For these reasons, and the simple reason of a mistake on their part, Respondents ask that the deadline be disregarded in this instance.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value, or as applicable exempt status. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code § 63-602G allows a partial tax exemption to certain qualifying property. The

exemption is commonly referred to as the Homeowners Exemption. Idaho Code § 63-602G(2)(c) specifically requires the property owner certify to the county assessor, by April 15, that “(I) He is making application for the exemption allowed by this section; (ii) The homestead is his primary dwelling place; and (iii) He has not made application in any other county for the exemption, and has not made application for the exemption on any other homestead in the county.”

In the current case, Respondents purchased subject in November 2016, however the application for the homeowners exemption was not filed until early June of 2017. Nonetheless Respondents contended the application should be approved where they were not made aware the application was required by a certain deadline.

While the Board understands Respondents’ position, and where subject’s ownership and use might otherwise have qualified for the exemption, the statute is clear that the application/certification must be filed with the county assessor by April 15 of the tax year for which the exemption is sought. The statute contains no waiver of the filing deadline, nor is this Board aware of any other authority to extend the filing deadline. We also note the well established legal rule that exemption statutes be narrowly construed. As such, the Board is unable to grant Respondents’ request, and must rule in favor of the Appellant’s position. Therefore the exemption decision of the Blaine County Board of Equalization, granting the subject property a homeowners exemption, will be reversed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the homeowners exemption decision of the Blaine County Board of Equalization, concerning the subject parcel

for 2017 be, and the same hereby is, REVERSED. For 2017, Respondents are not entitled to a homeowners exemption on the subject property.

DATED this 30<sup>th</sup> day of November, 2017.