

AMENDED IN SENATE MAY 4, 2016

**SENATE BILL**

**No. 1126**

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**Introduced by Senator Stone**

February 17, 2016

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An act to amend ~~Section 51~~ *Sections 51 and 5813* of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1126, as amended, Stone. Property taxation: inflation factor: senior citizens.

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value, as defined, of that property, and provides that the full cash value base may be adjusted each year by an inflationary rate not to exceed 2% for any given year. Existing property tax law implementing this constitutional authority provides that the taxable value of real property is the lesser of its base year value compounded annually by the inflation factor not to exceed 2%, as provided, or its full cash value. *Existing property tax law also provides that the taxable value of a manufactured home is the lesser of its base year value compounded annually by an inflation factor not to exceed 2% or its full cash value.*

This bill would provide that the inflation factor shall not apply to the principal place of residence of a "qualified taxpayer," defined by the bill to mean a ~~taxpayer~~ *person that owns a dwelling as his or her principal place of residence, or a person that owns a manufactured home as his or her principal place of residence*, who is 65 years of age or older *on the lien date* who meets specified requirements.

By changing the manner in which local tax officials calculate the taxable value of real property owned by senior citizens, this bill would impose a state-mandated local program.

Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 51 of the Revenue and Taxation Code is  
2     amended to read:  
3     51. (a) For purposes of subdivision (b) of Section 2 of Article  
4     XIII A of the California Constitution, for each lien date after the  
5     lien date in which the base year value is determined pursuant to  
6     Section 110.1, the taxable value of real property shall, except as  
7     otherwise provided in subdivision (b) or (c), be the lesser of:  
8     (1) Its base year value, compounded annually since the base  
9     year by an inflation factor, which shall be determined as follows:  
10    (A) For any assessment year commencing prior to January 1,  
11    1985, the inflation factor shall be the percentage change in the cost  
12    of living, as defined in Section 2212.  
13    (B) For any assessment year commencing after January 1, 1985,  
14    and prior to January 1, 1998, the inflation factor shall be the  
15    percentage change, rounded to the nearest one-thousandth of 1  
16    percent, from December of the prior fiscal year to December of

1 the current fiscal year in the California Consumer Price Index for  
2 all items, as determined by the California Department of Industrial  
3 Relations.

4 (C) For any assessment year commencing on or after January  
5 1, 1998, the inflation factor shall be the percentage change, rounded  
6 to the nearest one-thousandth of 1 percent, from October of the  
7 prior fiscal year to October of the current fiscal year in the  
8 California Consumer Price Index for all items, as determined by  
9 the California Department of Industrial Relations.

10 (D) The percentage increase for any assessment year determined  
11 pursuant to subparagraph (A), (B), or (C) shall not exceed 2 percent  
12 of the prior year's value.

13 (E) (i) Notwithstanding any other law, for any assessment year  
14 commencing on or after January 1, 2017, the percentage increase  
15 for an assessment year determined pursuant to subparagraph (A),  
16 (B), or (C) shall not apply to the principal place of residence of a  
17 qualified taxpayer.

18 (ii) For purposes of this subparagraph, ~~both~~ all of the following  
19 shall apply:

20 (I) "Qualified taxpayer" means a ~~taxpayer~~ *person that owns a*  
21 *dwelling as his or her principal place of residence* who is 65 years  
22 of age or older *on the lien date* and satisfies either of the following:

23 (ia) If the qualified taxpayer is single, his or her annual  
24 household ~~income~~ *income, as defined in Section 20504*, is  
25 twenty-five thousand dollars (\$25,000) or less.

26 (ib) If the qualified taxpayer is married, his or her combined  
27 annual household ~~income~~ *income, as defined in Section 20504*, is  
28 fifty thousand dollars (\$50,000) or less.

29 (II) A qualified taxpayer who is 65 years of age or older includes  
30 a married couple, one member of which is 65 years of age or ~~older~~.  
31 *older on the lien date.*

32 (III) *When claiming the benefit provided by this subparagraph,*  
33 *the claimant shall provide all information required by, and answer*  
34 *all questions contained in, an affidavit furnished by the assessor*  
35 *to determine that the claimant is a qualified taxpayer. The assessor*  
36 *may require additional proof of the information or answers*  
37 *provided in the affidavit before allowing the benefit provided by*  
38 *this subparagraph.*

39 (2) Its full cash value, as defined in Section 110, as of the lien  
40 date, taking into account reductions in value due to damage,

1 destruction, depreciation, obsolescence, removal of property, or  
2 other factors causing a decline in value.

3 (b) If the real property was damaged or destroyed by disaster,  
4 misfortune, or calamity and the board of supervisors of the county  
5 in which the real property is located has not adopted an ordinance  
6 pursuant to Section 170, or any portion of the real property has  
7 been removed by voluntary action by the taxpayer, the taxable  
8 value of the property shall be the sum of the following:

9 (1) The lesser of its base year value of land determined under  
10 paragraph (1) of subdivision (a) or full cash value of land  
11 determined pursuant to paragraph (2) of subdivision (a).

12 (2) The lesser of its base year value of improvements determined  
13 pursuant to paragraph (1) of subdivision (a) or the full cash value  
14 of improvements determined pursuant to paragraph (2) of  
15 subdivision (a).

16 In applying this subdivision, the base year value of the subject  
17 real property does not include that portion of the previous base  
18 year value of that property that was attributable to any portion of  
19 the property that has been destroyed or removed. The sum  
20 determined under this subdivision shall then become the base year  
21 value of the real property until that property is restored, repaired,  
22 or reconstructed or other provisions of law require establishment  
23 of a new base year value.

24 (c) If the real property was damaged or destroyed by disaster,  
25 misfortune or calamity and the board of supervisors in the county  
26 in which the real property is located has adopted an ordinance  
27 pursuant to Section 170, the taxable value of the real property shall  
28 be its assessed value as computed pursuant to Section 170.

29 (d) For purposes of this section, “real property” means that  
30 appraisal unit that persons in the marketplace commonly buy and  
31 sell as a unit, or that is normally valued separately.

32 (e) Nothing in this section shall be construed to require the  
33 assessor to make an annual reappraisal of all assessable property.  
34 However, for each lien date after the first lien date for which the  
35 taxable value of property is reduced pursuant to paragraph (2) of  
36 subdivision (a), the value of that property shall be annually  
37 reappraised at its full cash value as defined in Section 110 until  
38 that value exceeds the value determined pursuant to paragraph (1)  
39 of subdivision (a). In no event shall the assessor condition the

1 implementation of the preceding sentence in any year upon the  
2 filing of an assessment appeal.

3 *SEC. 2. Section 5813 of the Revenue and Taxation Code is*  
4 *amended to read:*

5 5813. ~~For~~ (a) For each lien date after the lien date for which  
6 the base year value is determined, the taxable value of a  
7 manufactured home shall be the lesser of:

8 ~~(a)~~

9 (1) Its base year value, compounded annually since the base  
10 year by an inflation factor, which shall be the percentage change  
11 in the cost of living, as defined in Section 51, provided, that any  
12 percentage increase shall not exceed 2 percent of the prior year's  
13 value; or

14 ~~(b)~~

15 (2) Its full cash value, as defined in Section 5803, as of the lien  
16 date, taking into account reductions in value due to damage,  
17 destruction, depreciation, obsolescence, or other factors causing  
18 a decline in value; or

19 ~~(c)~~

20 (3) If the manufactured home is damaged or destroyed by  
21 disaster, misfortune, or calamity, its value determined pursuant to  
22 ~~(b)~~ paragraph (2) shall be its base year value until the  
23 manufactured home is restored, repaired or reconstructed or other  
24 provisions of law require establishment of a new base year value.

25 (b) (1) Notwithstanding any other law, for any assessment year  
26 commencing on or after January 1, 2017, the percentage increase  
27 for an assessment year determined pursuant to paragraph (1) of  
28 subdivision (a) shall not apply to the principal place of residence  
29 of a qualified taxpayer.

30 (2) For purposes of this subdivision, all of the following shall  
31 apply:

32 (A) "Qualified taxpayer" means a person that owns a  
33 manufactured home as his or her principal place of residence who  
34 is 65 years of age or older on the lien date and satisfies either of  
35 the following:

36 (i) If the qualified taxpayer is single, his or her annual household  
37 income, as defined in Section 20504, is twenty-five thousand dollars  
38 (\$25,000) or less.

1     (ii) *If the qualified taxpayer is married, his or her combined*  
2     *annual household income, as defined in Section 20504, is fifty*  
3     *thousand dollars (\$50,000) or less.*

4     (B) *A qualified taxpayer who is 65 years of age or older includes*  
5     *a married couple, one member of which is 65 years of age or older*  
6     *on the lien date.*

7     (C) *When claiming the benefit provided by this subdivision, the*  
8     *claimant shall provide all information required by, and answer*  
9     *all questions contained in, an affidavit furnished by the assessor*  
10    *to determine that the claimant is a qualified taxpayer. The assessor*  
11    *may require additional proof of the information or answers*  
12    *provided in the affidavit before allowing the benefit provided by*  
13    *this subdivision.*

14    ~~SEC. 2.~~

15    SEC. 3. Notwithstanding Section 2229 of the Revenue and  
16    Taxation Code, no appropriation is made by this act and the state  
17    shall not reimburse any local agency for any property tax revenues  
18    lost by it pursuant to this act.

19    ~~SEC. 3.~~

20    SEC. 4. If the Commission on State Mandates determines that  
21    this act contains costs mandated by the state, reimbursement to  
22    local agencies and school districts for those costs shall be made  
23    pursuant to Part 7 (commencing with Section 17500) of Division  
24    4 of Title 2 of the Government Code.

25    ~~SEC. 4.~~

26    SEC. 5. This act provides for a tax levy within the meaning of  
27    Article IV of the Constitution and shall go into immediate effect.