

Disabled War Veteran or Surviving Spouse Property Tax Exemption



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www.oregon.gov/DOR

[Oregon Revised Statute (ORS) 307.250 - 307.283]

If you are a disabled war veteran or the surviving spouse or registered domestic partner (partner)* of a war veteran, you may be entitled to exempt \$16,391 or \$19,669 of your homestead property's assessed value from property taxes. The exemption amount increases by 3 percent each year. The exemption is first applied to your home and then to your taxable personal property. If you are an Oregon resident and a qualifying veteran or that veteran's surviving spouse/partner and live in your home, you may file a claim and receive the exemption.

How do I qualify for a \$16,391 exemption?

First, you must meet **one** of these requirements:

- Be a war veteran who is officially certified by the U.S. Department of Veterans Affairs or any branch of the United States Armed Forces as having disabilities of 40 percent or more; or
- Be a war veteran who served with the United States Armed Forces and is certified each year by a licensed physician as being 40 percent or more disabled. However, there is an income limit. In the year prior to the exemption year, your total gross income cannot be more than 185 percent of the annual Federal Poverty Level Guidelines.

Total gross income includes pensions, disability compensation, and retirement pay received for your military service. The U.S. Department of Health and Human Services publishes new Federal Poverty Level Guidelines every February. The updated current year guideline is used for that exemption year. You can see these guidelines online at www.cms.hhs.gov/MedicaidEligibility/downloads/POV06ALL.pdf; or

- Be a war veteran's surviving spouse/partner who has not entered into a new marriage or registered domestic partnership (partnership). You may file a claim for the exemption even though your spouse/partner was not disabled or never filed a claim for the exemption if disabled. (See the definition under "Who is a war veteran?" to determine your eligibility as the surviving spouse/partner.)

Second, you must own and live on your homestead property. Buyers with recorded contracts of purchase and life estate holders are considered owners for the purposes of this exemption. Temporary absences due to vacation, travel or illness do not disqualify you from the program.

* "Partner" means the surviving registered domestic partner of a war veteran. HB 2007, passed by the 2007 Legislature, provides that domestic partners who have registered as provided in HB 2007 are to have the same privileges as spouses. For that reason, a surviving registered domestic partner of a war veteran is also eligible for this exemption.

How do I qualify for a \$19,669 exemption?

First, you must meet **one** of these requirements:

- Be a war veteran who is officially certified by the U.S. Department of Veterans Affairs or any branch of the United States Armed Forces as having service-connected disabilities of 40 percent or more; or
- Be a war veteran's surviving spouse/partner who has not entered into a new marriage or partnership and the war veteran died due to service-connected injury or illness, or the war veteran received at least one year of the maximum exemption. (See the definition under "Who is a war veteran?" to determine your eligibility as the surviving spouse/partner.)

Second, you must own and live on your homestead property. Buyers with recorded contracts of purchase and life estate holders are considered owners for the purposes of this exemption. Temporary absences due to vacation, travel or illness do not disqualify you from the program.

Who is a war veteran?

To qualify for the exemption, you must be a U.S. citizen who has been a member of the United States Armed Forces and you were discharged or released under honorable conditions. At least one of these requirements must also be met:

- Served at least 90 consecutive days during any of the following periods:
 - Between April 6, 1917 and November 11, 1918.
 - Between November 12, 1918 and April 1, 1920, if you served with the U.S. military in Russia.
 - Between November 12, 1918 and July 2, 1921, if you served at least one day between April 6, 1917 and November 11, 1918.
 - Between September 15, 1940 and December 31, 1946.
 - Between December 7, 1941 and December 31, 1946, if you were a U.S. Merchant Marine in ocean-going service to the U.S. Armed Forces.
 - Between June 25, 1950 and midnight January 31, 1955.
- Served in the U.S. Armed Forces for at least 210 consecutive days. Some of this 210-day active service period must have been served after January 31, 1955.
- Discharged or released under honorable conditions due to a service-connected injury or illness before completing the minimum service period described above.

Attendance at a school under military orders before active enlistment or regular tour of duty is not considered active service. Normal military training for duty as a reservist or member of a National Guard unit is not considered active service for this exemption.

Surviving spouse of Civil War or Spanish War veterans

If you are the surviving spouse of an honorably discharged veteran of the Civil War or the Spanish War, and you have not entered into a new marriage or partnership, you are entitled to an additional exemption of \$2,000 provided you currently receive a pension and actually live on your homestead property.

How do I file?

This property tax exemption is not “automatic” and does not transfer from one property to another property. The disabled war veteran or surviving spouse/partner must file an exemption claim by the due date with the county assessor where the property is located. You don’t have to file a claim every year. However, you must file a new claim by April 1 if there are changes in ownership or use of your homestead property. You can get the claim form from the county assessor’s office or online at www.oregon.gov/DOR/PTD/docs/303-086.pdf.

Standard filing: File your claim, with attached documentation, on or before April 1 of the year for which you’re claiming the exemption.

If you acquire property after March 1 and before July 1, file your claim, with attached documentation, within 30 days after the date of acquisition.

Late filing: If you are a qualified war veteran who is certified disabled by a licensed physician, file your claim, with attached documentation, no later than May 1 if you received an exemption in the previous year and you are notified by the county assessor that you did not file a new claim for the current year. You **must** include a \$10 fee for filing late.

Late certification: On occasion, war veterans receive their qualifying disability certification years after the U.S. Department of Veterans Affairs or a branch of the U.S. Armed Forces examined the veteran for the disability rating. If this happened, you may qualify for a prior year’s veteran’s exemption. You need to meet the following requirements:

- Receive for the first time a notice of disability certification that indicates you have disabilities of 40 percent or more as of a prior date shown on the certification; and
- File a claim for exemption with your county assessor within six months of the date the federal government notifies you of the qualifying certified disability.

You may not claim an exemption for a tax year that is more than three tax years prior to the tax year during which you file your claim.

Property held in trust: To receive an exemption on property held in a trust, the trust must be clearly identified as **revocable** for the specific property you are claiming for exemption.

Surviving spouse/partner: If you are a surviving spouse/partner and filing for the first time because your spouse/partner is recently deceased, then you may file a claim for exemption at any time during the tax year if:

- The war veteran died during the prior tax year; or
- The homestead property was acquired after March 1, but prior to July 1, and the veteran died within 30 days of the date the property was acquired.

What documentation do I attach to my claim?

Disabled war veteran:

- DD-214 or other military-issued documentation that shows you were discharged or released from the military under honorable conditions and shows your period of active service.
- Certificate issued by the U.S. Department of Veterans Affairs, a branch of the U.S. Armed Forces, or a licensed physician showing you have disabilities of 40 percent or more.
 - The disability rating certificate from the U.S. Department of Veterans Affairs or from a branch of the U.S. Armed Forces must be dated within three years prior to the date of your claim for exemption.
 - The disability rating certificate from a licensed physician must be updated every year.

If you have filed the required disability rating certificate, you do not have to continue attaching it to your claim if you filed it after reaching the age of 65 or are certified as permanently disabled.

Surviving spouse/partner:

- DD-214 or other military-issued documentation that shows the war veteran was discharged or released from the military under honorable conditions and shows their period of active service.
- Your marriage certificate or certificate of registered domestic partnership. You must have been legally married to or in a partnership with the war veteran at the time of his or her death and you have not entered into a new marriage or partnership.
- The war veteran’s death certificate. If the veteran died as a result of service-connected injury or illness, then you may qualify for the greater exemption amount.

To access this publication online, visit www.oregon.gov/DOR/PTD/docs/310-676.pdf or call your county assessor’s office.

Taxpayer assistance

General tax information www.oregon.gov/DOR

Salem..... 503-378-4988

Toll-free from Oregon prefix.....1-800-356-4222

Asistencia en español:

Salem..... 503-945-8618

Gratis de prefijo de Oregon1-800-356-4222

TTY (hearing or speech impaired; machine only):

Salem..... 503-945-8617

Toll-free from Oregon prefix.....1-800-886-7204

Americans with Disabilities Act (ADA): Call one of the help numbers for information in alternative formats.