

# **PROPERTY TAX EXEMPTION FOR GOLD STAR SPOUSES**

## **OVERVIEW**

In 2022, Colorado voters approved Amendment E to section 3.5 of article X of the Colorado Constitution. The amendment and subsequent legislation expanded the senior citizen and disabled veteran property tax exemption to include "Gold Star Spouses."

For Gold Star Spouses who qualify 50 % of the first \$200,000 of actual value of their 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:**

Amendment E expands the current homestead exemption to reduce the property taxes paid by a homeowner who is the surviving spouse of either a military service member who died in the line of duty or a veteran whose death resulted from a service-related injury or disease.

The surviving spouse must be qualified under Federal Law and by the state Department of Military and Veteran affairs.

The surviving spouse must provide a complete packet with the Gold Star Spouse Application, documentation that the service members' death was the result of service-related injury or disease, and documentation that the death occurred on active duty or following separation from the military. Documentation can be the VA Benefits Summary letter or a letter from the Department of Defense.

The surviving spouse must not have remarried in order to be eligible.

### **OWNERSHIP AND OCCUPANCY REQUIREMENTS**

#### **Ownership**

The Gold Star Spouse must own the property and must have been an owner of record since January 1 of the application year. The ownership can be limited to an individual, joint, or life estate interest.

#### **Occupancy**

The Gold Star Spouse must occupy the property as his or her primary residence and must have done so since January 1 – of the application year. 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 Gold Star Spouse is registered to vote, the address used for voter registration is considered the Gold Star Spouse's primary residence. If the Gold Star Spouse 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 Gold Star Spouse's place of primary residency.

#### **Exceptions to the Occupancy and Ownership Requirements.**

1) Ownership was transferred to or purchased by a trust, corporate partnership or other entity solely for estate planning purposes; 2) the qualifying applicant was or is confined to a nursing home, hospital or assisted living facility; 3) the prior residence was condemned in an eminent domain proceeding by a governmental entity; or 4) the prior residence was destroyed or otherwise rendered uninhabitable by a natural disaster.

### **PROPERTY REQUIREMENTS**

#### **Residential Property**

The property must be classified by the county assessor as residential.

#### **Multiple Dwelling Units**

If the Gold Star Spouse owns a multiple dwelling unit property, exemption will only be granted to the unit occupied by the Gold Star Spouse as his or her primary residence.

### **MAKING APPLICATION:**

Complete the attached application and mail or deliver it to the county assessor at the address listed on the application. 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 information requested on the application (including a copy of your "VA Benefit Summary Letter" or your letter from the Department of Defense), must be submitted by **July 1**.

The county assessor will determine whether the 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 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.

**Under no circumstances shall an exemption be allowed for property taxes assessed during any tax year prior to the year in which the Gold Star Spouse 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.

Applications can be obtained from your county assessor's office,

Or from the web site of the Colorado Division of Property Taxation at: <https://dpt.colorado.gov/property-tax-exemption-for-senior-citizens-and-veterans-with-a-disability>

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## APPLICATION INSTRUCTIONS

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1. **IDENTIFICATION:** Identify the Gold Star Spouse and the property in this section.
  - o The applicant's Social Security number is required. For an explanation, please review 5 below,
  - o Life of 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. **GOLD STAR SPOUSE STATUS:** To qualify, both questions must be true and you must attach a copy of your VA Benefit Summary Letter dated with the same year of the application, or the letter from the Department of Defense. A copy of the Veteran's Benefit Summary letter can be found on EBenefits, at the local VA Office, or by calling the VA at 800-827-1000.
3. **OWNERSHIP REQUIREMENT:** To qualify, either statement 3A or 3B must be true. If 3B is true, complete section 7, 8, 9, or 10 as applicable on the back of this form. The ownership requirements are discussed under "Ownership and Occupancy Requirements" in the Overview.
  - o 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 veteran with a disability 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, complete section 6, 7, or 8 on the back of this form. (The occupancy requirements are discussed under "Ownership and Occupancy 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. 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 - Other Individuals:
  - o List all other individuals, including children, who occupy the property as their primary residence.
  - o If more than three people occupy the property, attach an additional sheet listing the names and Social Security numbers for each.
6. **CONFINEMENT TO A HEALTH CARE FACILITY:**
  - 6A - Provide the name of the person confined.
  - 6B - Provide the location of confinement.
  - 6C - Provide the timeframe of confinement.
  - 6D - To qualify for the exemption, the statement must be true.
7. **PROPERTY CONDEMNED BY EMINENT DOMAIN:**
  - 7A - Provide the street address of the condemned property.
  - 7B - Provide the dates of ownership of the condemned property.
  - 7C - Provide the dates the condemned property was occupied as the primary residence.
  - 7D - Provide the date the property was condemned.
  - 7E - You do not qualify for the exemption if you owned and occupied another property between the date of condemnation and the date you owned and occupied your current residence.
  - 7F - To qualify for the exemption, this statement must be true.
    - (You must attach documentation of the transfer including the sales contract, condemnation order and correspondence from the governmental entity.)
8. **PROPERTY DESTROYED OR OTHERWISE RENDERED UNINHABITABLE BY NATURAL DISASTER:**
  - 8A - Provide the street address of the destroyed property.
  - 8B - Provide the dates of ownership of the destroyed property.
  - 8C - Provide the dates the destroyed property was occupied as the primary residence.
  - 8D - Provide the date the property was destroyed.
  - 8E - To qualify for the exemption, the statement must be true.
9. **PROPERTY OWNED BY A TRUST:**
  - 9A - Provide the name of the trust.
  - 9B - Provide the name of the maker or makers of the trust. The maker(s) is the person who established the trust. To qualify, the maker must be the qualifying senior and/or spouse.
  - 9C - Provide the name of the trustee.
  - 9D - Provide the name of each beneficiary of the trust.
  - 9E - To qualify for the exemption, the statement must be true.
10. **PROPERTY OWNED BY A CORPORATE PARTNERSHIP OR OTHER LEGAL ENTITY:**
  - 10A - Provide the name of the corporate partnership or legal entity.
  - 10B - Provide the name of each principal of the corporate partnership or legal entity. To qualify, the qualifying senior or spouse must be a principal of the corporate partnership or entity.
  - 10C - To qualify for the exemption, this statement must be true.
11. **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 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 that person.

Submit your application no later than July 1, to the county assessor's office in which the property is located. If you have questions about your status as a "Gold Star Spouse," please contact Department of Military and Veteran Affairs. If you have any other questions about this program, please contact the county tax assessor's office or the Colorado Division of Property Taxation at 303-864-7777

Boulder County Assessor  
PO Box 471  
Boulder, CO 80306-0471  
P: 303-441-3530 F: 303-441-4996