

January 1, 2023

To: Property Owners
65 years-of-age or older *or* Disabled

From: Los Alamos County Assessor's Office

Re: 2023 Property Valuation Limitation Application - Eligibility Requirements

If you are 65 years-of-age or older, or 100% disabled and your income is \$40,400 or less, you may qualify for a property valuation freeze pursuant to 7-36-21.3, NMSA. If you believe you qualify, please complete the attached application and submit the required information listed below. A copy of **modified gross income** as defined pursuant to the New Mexico Income Tax Act (Section 7-2-2 L) is attached for your convenience. Income received from **all residents** occupying the property must be included in the application. **Application must be completely filled out.**

Required Documents to be included with application:

If you are 65 years-of-age or older and your income is \$40,400 or less,

1. Copy of your photo ID showing date of birth.
2. Copy of the **2022 Social Security Benefit Statement** (1099)
3. Copy of the **New Mexico State Tax Return** and if filed, a copy of the **2022 NM PIT-RC** (NM Rebate & Credit Schedule)
4. Copies of **1099's** for any items under Part II, **Modified Gross Income** of the application, including but not limited to, interest, dividends, annuities, and pensions.
5. Copy of the **2022 Federal 1040 Tax Return** including all schedules. (If filed).

or

If you are 100% disabled and your income is \$40,400 or less,

1. Copy of the **Notice of Award Letter from Social Security** or any other document from Social Security stating that on a particular date you were awarded disability benefits or a document from Social Security showing "DI" in the upper right corner of a document (indicating "disabled individual") **and** a copy of the **2022 Social Security Benefit Statement** (1099) that shows the amount you received in 2022.
2. Copy of the **Workers' Compensation Award Letter** and amount received for 2022.

Please note, the application is for the current tax year only and based on previous year's income and must be filled out and submitted to the County Assessor's Office. An owner who has claimed and been allowed the limitation of value for three consecutive tax years need not claim the limitation for subsequent tax years if there is no change in eligibility.

If you have any questions or require additional information, please contact the Los Alamos County Assessor's Office at 505-662-8030.

STATE OF NEW MEXICO - 2023 TAX YEAR

Application Form
Revised 11/07/22

**APPLICATION-LIMITATION ON INCREASE IN
VALUE FOR SINGLE FAMILY DWELLINGS
OCCUPIED BY LOW INCOME OWNERS 65
YEARS OF AGE OR OLDER OR DISABLED**

Pursuant to 7-36-21.3 NMSA
as Amended in 2020

**INSTRUCTIONS ON REVERSE SIDE
PLEASE READ CAREFULLY**

County Name	County Assessor's Phone Number	Tax Year
Applicant's First Name	Middle Initial	Last Name
Present Mailing Address (Number & Street, P. O. Box or Rural Route)		
City & State	Zip Code	Phone Number
Driver's License or Personal ID Certificate (Number & State)		Date of Birth

PART I	Physical Address / Legal Description of Property	Uniform Property Code (UPC)
<p>A Is the property the applicant's primary residence? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>B Is the property occupied by the applicant and is he or she the current owner? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>C Will the applicant be age 65 or over during the current tax year? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>D Is the applicant disabled? YES <input type="checkbox"/> NO <input type="checkbox"/></p>		

PART II	Enter "Modified Gross Income", all income received by the applicant, applicant's spouse and dependents. Please see section 7-2-2 (L) of the Income Tax Act.	(Round to nearest whole dollar amount.) Gross Annual Income
		.00
1	Compensation	.00
2	Net profit derived from business	.00
3	Gains derived from dealings in property	.00
4	Interest	.00
5	Net rents	.00
6	Royalties	.00
7	Dividends	.00
8	Alimony and separate maintenance payments	.00
9	Annuities	.00
10	Income from life insurance and endowment contracts	.00
11	Pensions	.00
12	Discharge of indebtedness	.00
13	Distributive share of partnership	.00
14	Income in respect of a decedent	.00
15	Income from an interest in an estate or trust	.00
16	Social Security benefits	.00
17	Unemployment compensation	.00
18	Workers' compensation benefits	.00
19	Public assistance and welfare benefits	.00
20	Cost-of living allowances	.00
21	Gifts	.00
Total Modified Gross Income (Add lines 1 thru 21.)		.00

PART III	CERTIFICATION BY PROPERTY OWNER - (To be signed by Applicant) I certify that I am the legal owner of this property, I am living on this property and the income, age or disability statements made are true and accurate. I understand that false statements made intentionally on this application may be penalized as provided for in 7-38-92 and 7-38-93 of the Property Tax Code. Amended income tax returns shall be reported within 30 days of filing. Applicant Signature: _____ Date: _____
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PART IV	VALUATION LIMITATION (To be completed by the County Assessor)	Qualifies?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
The records of _____ County indicate the property value is \$ _____ as of the Tax Year _____ Notice of Value				
Valuation Limitation Determined by: _____			Date: _____	

STATE OF NEW MEXICO - 2023 TAX YEAR

Eligibility Requirements:

GENERAL – This application is for the current tax year only and is based on the previous year's income. An owner who has claimed and been allowed the limitation of value for the three previous consecutive tax years need not claim the limitation for subsequent tax years if there is no change in eligibility.

(1) AGE: The applicant must be age 65 years or older, or disabled during the year in which the application is made.

The applicant should be prepared to provide evidence that he/she fulfills the age requirement by presenting a photo ID showing his/her date of birth.

(2) OCCUPANCY: Applicant must be the owner and occupant of the property for which the application is being submitted. The property listed on this application is eligible only if it is the *primary residence* of the applicant and does not apply to other properties owned by the applicant.

- (a) The applicant must be able to provide certified copies of relevant documents.
- (b) The property must be the primary residence of the applicant.

(3) DISABLED: Means a person who has been determined to be blind or permanently disabled with medical improvements not expected pursuant to 42 USCA 421 for purposes of federal Social Security Act [42 USC § 301 et seq.] or is determined to have a permanent total disability pursuant to the Workers' Compensation Act [Chapter 52, Article 1 NMSA 1978].

(Part I) IDENTIFICATION OF REAL PROPERTY: One of the following should be provided to the assessor to identify the property for which the application is submitted.

- (a) Physical address of the property
- (b) Legal description
- (c) Uniform Property Code (UPC)
- (d) Other property tax identification numbers or codes

(Part II) INCOME: The previous year's modified gross income must be \$37,300 per year or less (below). The New Mexico Income Tax Act (Section 7-2-2, L.) states modified gross income means all income, undiminished by losses from whatever source derived. This applies to the total combined income of the taxpayer and his/her spouse and dependents.

The applicant shall submit copies of state and federal income tax forms for the year prior to application or any other documents that will provide evidence to the Assessor that the applicant fulfills the income requirements. Amended tax returns should be reported to the assessor within 30 days of the reporting to the IRS or New Mexico Taxation & Revenue Department. **Amended returns may affect your eligibility.**

(Part III) CERTIFICATION BY PROEPRTY OWNER: (To be completed by Applicant)

(Part IV) VALUATION LIMITATION: (To be completed by the County Assessor)

7-36-21.3. Limitation on increase in value for single-family dwellings occupied by low-income owners who are sixty-five years of age or older or disabled; requirements; penalties.

A. The valuation for property taxation purposes of a single-family dwelling owned and occupied by a person who is sixty-five years of age or older or disabled and whose modified gross income for the prior taxable year did not exceed the greater of thirty-five thousand dollars (\$35,000) or the amount calculated pursuant to Subsection F of this section shall not be greater than the valuation of the property for property taxation purposes:

- (1) for a person sixty-five years of age or older in the tax year in which the owner qualifies and files an application; or
- (2) for a person who is disabled in the tax year in which the owner qualified and files an application for the limitation provided by this section.

****If not qualified:** - Upon determination that the applicant does not qualify, the Assessor will immediately notify the applicant in written form.

“Modified Gross Income” defined, for the purpose of the Income Tax Act [7-2-1 NMSA 1978] in Section 7-2-2. Definitions. In Subsection . L, and Regulation 3.3.1.10;

Section 7-2-2. Definitions, Subsection . L

L. "modified gross income" means all income of the taxpayer and, if any, the taxpayer's spouse and dependents, undiminished by losses and from whatever source, including:

- (1) compensation;
- (2) net profit from business;
- (3) gains from dealings in property;
- (4) interest;
- (5) net rents;
- (6) royalties;
- (7) dividends;
- (8) alimony and separate maintenance payments;
- (9) annuities;
- (10) income from life insurance and endowment contracts;
- (11) pensions;
- (12) discharge of indebtedness;
- (13) distributive share of partnership income;
- (14) income in respect of a decedent;
- (15) income from an interest in an estate or a trust;
- (16) social security benefits;
- (17) unemployment compensation benefits;
- (18) workers' compensation benefits;
- (19) public assistance and welfare benefits;
- (20) cost-of-living allowances; and
- (21) gifts;

M. "modified gross income" excludes:

- (1) payments for hospital, dental, medical or drug expenses to or on behalf of the taxpayer;
- (2) the value of room and board provided by federal, state or local governments or by private individuals or agencies based upon financial need and not as a form of compensation;
- (3) payments pursuant to a federal, state or local government program directly or indirectly to a third party on behalf of the taxpayer when identified to a particular use or invoice by the payer; or
- (4) payments for credits and rebates pursuant to the Income Tax Act and made for a credit pursuant to Section 7-3-9 NMSA 1978;

3.3.1.10. Modified gross income.

A. Modified gross income definitions.

- (1) The following definitions apply in determining the amount of modified gross income for each taxable year.
 - (a) "Social security benefits" means only cash payments made pursuant to Title II of the Social Security Act [26 U.S.C. § 401 et seq.] for old age, survivors and disability benefits, including any amount deducted for part B coverage.
 - (b) "Unemployment compensation benefits" means cash benefits paid through the employment security division of the New Mexico department of labor or any similar state agency of another state or any private income substitution program.
 - (c) "Workers' compensation benefits" means cash payments to the worker made by the employer or any insurance company providing workers' compensation coverage where such payments are based on the worker's average weekly wage, but does not include payments for medical or rehabilitative services, whether made directly to the provider or made to the worker for reimbursement of such expenses.
 - (d) "Public assistance and welfare benefits" means unrestricted cash payments made under the supplemental security income program, the aid to families with dependent children program, general assistance or similar programs. It does not include medical payments or reimbursements under medicaid,

- medicare, hospital indigency programs, department of vocational rehabilitation programs, V.A. medical assistance, CHAMPUS or other such programs. It does not include housing subsidies or payments.
- (e) "Cost of living allowances" or "gifts" do not include provision of free room and board to persons when that room is provided based on financial need or noncommercial considerations. "Costs of living allowances" does include provision of room or compensation for room made during an employer-employee relationship or other commercial situation.
 - (f) "Income from discharge of indebtedness" means income which becomes available because of the forgiveness of a debt. It does not include debts which are discharged by bankruptcy or when the discharge fails to result in the availability of cash resources.
 - (g) "Gains derived from dealings in property" means "gains derived from dealings in property" as defined in 26 C.F.R. (Internal Revenue Service Income Tax Regulation) 1.61-6 [26 C.F.R. § 1.61-6], as amended or renumbered.
 - (h) "Interest" means "interest" as defined in 26 C.F.R. (Internal Revenue Service Income Tax Regulation) 1.61-7 [26 C.F.R. § 1.61-7], as amended or renumbered.
 - (i) "Net rents" means cash income derived from the rental of real or personal property over and above all expenditures related to the rented property, including but not limited to mortgage payments, management expenses, housekeeping, property taxes, brokerage fees, special assessments and other operating charges.
 - (j) "Annuities" and "income from life insurance and endowment contracts" mean "annuities" and "certain proceeds of endowment and life insurance contracts" as defined in 26 U.S.C. § 72 (Internal Revenue Code of 1986), as amended or renumbered, and regulations promulgated thereunder.
- (2) Scholarships, grants, fellowships or similar payments, made either to the taxpayer or to an educational institution or to both, which do not have to be repaid are modified gross income.
- (3) Modified gross income does not include:
- (a) payments made for hospital, dental, medical or drug expenses, whether the payment is made directly to the insured/recipient or to a third party provider, and regardless of whether a premium is paid or not;
 - (b) the value of room and board provided by federal, state or local government or by private individuals or agencies when the assistance is based upon financial need or other noncommercial considerations, and not as a form of compensation;
 - (c) debts that have been discharged by a United States bankruptcy court;
 - (d) gifts or gratuities which are not cash or which have no market value or only negligible market value;
 - (e) any additional benefits or payments made pursuant to a government program made directly or indirectly to a third party, when identified to a particular use or invoice, such as housing rehabilitation grants for low income housing, housing subsidies or payments, weatherization payments and energy crisis intervention payments pursuant to the Home Energy Assistance Act of 1980 (Title III of Public Law 96-223) [repealed, now see 42 U.S.C. § 8621];
 - (f) payments made to New Mexico residents pursuant to the foster grandparent program under the National Older American Volunteer Act (42 U.S.C. § 5011);
 - (g) the value of food stamp coupons under the Food Stamp Act, 7 U.S.C. § 2016c;
 - (h) monies received during the taxable year as comprehensive low-income, food, medical, low-income food and medical or property tax rebates;
 - (i) proceeds from loans which the taxpayer is legally obligated to repay.