

TAX DEFERRAL FOR ELDERLY AND DISABLED
(RSA 72:38-a)

NHTCA Spring Workshop 2019

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A recent national study suggests that New Hampshire is in the top 5 of US states for imposing real estate taxes. As a result, and in an effort to mitigate that burden on certain population groups, the State has various tax credits and exemptions (veterans; blind; deaf; disabled; elderly). These various options provide for the reduction of the tax burden.

However, even with options available, the burden of assessed taxes can pose problems for certain elderly and disabled citizens. Consequently, the State has enacted provisions which allow the "deferral" of assessed taxes. This is allowed under RSA 72:38-a, the "Tax Deferral for Elderly and Disabled".

The text of this statute is set forth in full below. The first section of the statute sets forth the qualifications for Tax Deferral. An applicant must be either:

- (i) 65 years old or older, or
- (ii) eligible for Social Security Disability benefits.

There are also residency requirements (the applicant must be living in the property) and they must have "owned" the property for at least: (i) five (5) years for an elderly applicant, or (ii) one (1) year for a disabled applicant. RSA 72:38-a (I) (a). When considering if a person "owns" property, assessing officials must be mindful that State law allows persons who hold a "life interest" or hold title in a grantor/revocable trust to be considered an "owner". RSA 72:29 (VI).

The filing procedure for elderly/disabled deferral is different from most exemption filings. Under RSA 72:33, most eligibility for exemptions or credits require filing "by April 15 preceding the setting of the tax rate". RSA 72:33 (I). Under RSA 72:38-a (II-a), the tax deferral request must be filed by "March 1 following the date of notice of tax". Therefore, an application can be filed after a tax bill has been issued. The "form" of the application is developed and distributed by the DRA. The current application form is a PA-30.

While the statute suggests that an applicant may file a "permanent" application, making them eligible for "a deferral on an annual basis", municipalities may require an annual application. RSA 72:38-a (II-a).

By statute, the assessing officials "may" grant a deferral if, in their opinion, the tax liability causes a taxpayer undue hardship or possible loss of the property. The word "may" is important. As opposed to "shall", "may" implies the decision is discretionary in the opinion of the assessing officials. This means any given set of municipal assessing officials could establish a "no deferral" policy. The deferral can be for "all or a part" of the assessed taxes. There are two (2) specific limitations which are related to the approval of a deferral:

- (i) If the property is subject to a mortgage, the mortgage holder must sign reflecting their approval of the deferral.
- (ii) The statute contains a formula for the assessing officials to use in determining the "maximum" amount of taxes a taxpayer can "defer". The cap is eighty-five (85%) percent of the "equity value" of the property. RSA 72:38-a (I). The "equity" represents the "equalized assessed value" less priority liens.

The language related to "priority liens" is important. Unlike a "tax lien" which represents a first lien on the property (RSA 80:19), any taxes which are placed "on deferral" are subject to prior liens. This means taxes are "at risk" if there is a prior first mortgage (or other priority) and that mortgage (or lien) is later foreclosed. This can prompt some communities to not grant deferrals when there is a prior mortgage lien.

If a deferral is granted, notice of the deferral must be recorded in the Registry of Deeds. RSA 72:38-a (V). There is an appeal process on denial of an application (RSA 72:38-a (VI)), although given the discretionary nature of the grant, it is hard to see what grounds for appeal would be (maybe discriminatory application process).

If a deferral is granted after the tax warrant is issued, but before the bill is paid, it will be necessary for the Selectmen to issue an "abatement" to the Collector to remove the deferred taxes from the committed warrant. If the deferral is for the full amount, a complete abatement will be issued. If only a portion of the taxes are deferred, only a portion will be abated, and the Collector should proceed to collect the non-deferred balance. Those taxes which are "deferred" shall accrue interest at five (5%) percent. RSA 72:38-a (I) (a).

The statute contemplates that the "deferral" shall be paid by one (1) of two (2) deadlines:

- (i) Nine (9) months of the death of the property owner - Payment is required from the heirs, devisees or assignees of the decedent. RSA 72:38-a (IV).
- (ii) Nine (9) months after the conveyance of the property by the owner - Payment is required from the owner or grantee. RSA 72:38-a (IV-a).

This "payment" would be made, not through the Tax Collector's office, but directly to the Town Treasurer through the office of Selectmen/Municipal Administration. This is because, at that moment, there would be no warranted taxes for the Collector to collect. The Selectmen/assessing officials are responsible to release the deferral lien (in the same fashion as releasing a "welfare lien"). There is no specific form to do so.

If the deferred taxes are not paid within the nine (9) month deadlines provided, the municipality "may" (remember "may" is permissive, so it is not automatic) "commit the accrued amount of the deferral to the Collector of taxes with a warrant signed by the assessing officials...." The "accrued amount" would assumedly include the deferred taxes plus the five (5%) percent interest up to the date of the warrant. At this point, the amount becomes a legal obligation of the Collector to collect and account for.

Once the deferral is "warranted" to the Collector, the statute provides the Collector with specific collection powers, including reference to RSA 75:13 and RSA Chapter 80. The "interest" you may charge is specifically governed by RSA 76:13-b which states that:

Notwithstanding any provisions in RSA 76:13....

- I. *Interest on tax deferrals for the elderly and disabled granted pursuant to RSA 72:38-a will accrue at 5 percent beginning 30 days after the date of the final tax bill."*

Id.

Therefore, there is at least a thirty (30) day "hiatus" on the interest between the date the warrant is submitted to you, and the date thirty (30) days after the bill remains unpaid. Once the bill goes unpaid, interest accrues at five (5%) percent (rather than the "new" eight (8%) percent). This would continue up until a "tax lien" is imposed, which ostensibly would then accrue interest at fourteen (14%) percent.

If the bill goes unpaid, you can proceed to collect it using the tax lien process. However, there is a trap for the unwary. There is a specific statutory 30-day notice which must be sent before executing a tax lien. This should be read as a separate notice, apart from the intent to lien notice required under RSA Chapter 80:60. This is particularly true because this "advance notice" must be given to mortgage holders (if any) which consented to the deferral when it was given. Therefore, "best practice" is to maintain and send "separate notice" in all deferrals, in addition to the 30-day notice required under RSA Chapter 80 and any post-lien notices to mortgagees.

Attached hereto are the following documents related to the tax deferral process:

- 1) RSA 72:38-a
- 2) DRA Rules related to Tax Deferral
- 3) DRA Form PA 30 - Elderly and Disabled Deferral Application
- 4) DRA Form PA 35- Assessing Officials' Response (Notice of Decision)

CHAPTER 72

PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

Section 72:38-a

72:38-a Tax Deferral for Elderly and Disabled. –

I. Any resident property owner may apply for a tax deferral if the person:

- (a) Is either at least 65 years old or eligible under Title II or Title XVI of the federal Social Security Act for benefits for the disabled; and
- (b) Has owned the homestead for at least 5 consecutive years if the person qualifies as an elderly applicant, or has owned the homestead for at least one year if the person qualifies as a disabled applicant; and
- (c) Is living in the home.

The assessing officials may annually grant a person qualified under this paragraph a tax deferral for all or part of the taxes due, plus annual interest at 5 percent, if in their opinion the tax liability causes the taxpayer an undue hardship or possible loss of the property. The total of tax deferrals on a particular property shall not be more than 85 percent of its equity value. The total of tax deferrals shall be determined by the following formula:

Assessed Value = Equalized Assessed Value

Equalization Ratio

Equalized Assessed Value - Total of Priority Liens = Equity Value

Equity Value X .85 = Total Amount Which May be Deferred

At any time during the tax deferral process, the governing body may consider an abatement pursuant to RSA 76:16.

II. A tax deferral shall be subject to any prior liens on the property and shall be treated as such in any foreclosure proceeding.

II-a. No person shall be entitled to the deferral under this section unless the person has filed with the selectmen or assessors, by March 1 following the date of notice of tax under RSA 72:1-d, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the deferral is claimed and that the applicant is duly qualified at the time of application. Any person who changes residence after filing such a permanent application shall file an amended permanent application on or before December 1 immediately following the change of residence. The filing of the permanent application shall be sufficient for said persons to receive a deferral on an annual basis so long as the applicant does not change residence; provided, however, that towns and cities may require an annual application for the tax deferral authorized for the elderly and disabled by this section. The form shall include the following and such other information deemed necessary by the commissioner:

- (a) Instructions on completing and filing the form, including an explanation of the grounds for requesting a deferral.
- (b) Sections for information concerning the applicant, the property for which the relief is sought, and other properties owned by the person applying.
- (c) A section explaining the appeal procedure and stating the appeal deadline in the event the

municipality denies the tax relief request in whole or in part.

(d) A place for the applicant's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

III. If the property is subject to a mortgage, the owner must have the mortgage holder's approval of the tax deferral. Such approval does not grant the town a preferential lien.

IV. When the owner of a property subject to a tax deferral dies, the heirs, heirs-at-law, assignee, or devisee shall have first priority to redeem the estate by paying in full the deferred taxes plus any interest due. If the heirs, heirs-at-law, assignees, or devisees do not redeem the property within 9 months of the date of death of the property owner, the municipality may commit the accrued amount of the deferral to the collector of taxes with a warrant signed by the assessing officials requiring him or her to collect it; and the collector of taxes shall have the same rights and remedies in relation thereto as provided in RSA 76:13 and RSA 80. Prior to holding a tax sale or executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to such tax sale or tax lien execution, send notice by certified or registered mail, to the last known post office address of the current owner, if known, or to the last known address of the deceased taxpayer, and to all mortgagees from whom permission has been sought pursuant to paragraph III of this section. Any person with a legal interest in the property may redeem it, either prior to the tax sale or tax lien execution, or subsequently as set forth in RSA 80:32 or RSA 80:69.

IV-a. When the owner of a property subject to a tax deferral sells or otherwise conveys the property, the owner or grantee shall pay in full the deferred taxes plus any interest due and the municipality shall provide recorded written release or satisfaction of the notice of tax deferral. If the owner or grantee, who shall be deemed to have notice of and shall take title to the property subject to the notice of tax deferral, does not pay the accrued amount on the property within 9 months of the date of sale or conveyance of the property, the municipality may commit the accrued amount of the deferral to the collector of taxes with a warrant signed by the assessing officials requiring him or her to collect it; and the collector of taxes shall have the same rights and remedies in relation thereto as provided in RSA 76:13 and RSA 80. Prior to holding a tax sale or executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to such tax sale or tax lien execution, send notice by certified or registered mail, to the last known post office address of the current owner, if known, or to the last known address of the taxpayer who received the deferral, and to all mortgagees from whom permission has been sought pursuant to paragraph III of this section. Any person with a legal interest in the property may redeem it, either prior to the tax sale or tax lien execution, or subsequently as set forth in RSA 80:32 or RSA 80:69.

V. The assessing officials shall file notice of each tax deferral granted, within 30 days, with the registry of deeds of the county in which the property is located to perfect it.

VI. When a taxpayer appeals the denial of a deferral application to the superior court or board of tax and land appeals, the court or board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court or board is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.

Source. 1973, 452:1. 1975, 214:1. 1977, 54:1; 591:1-3. 1981, 374:1. 1983, 155:3. 1994, 390:1. 1995, 265:7. 1997, 37:1. 2003, 299:12, eff. April 1, 2003; 299:13, eff. April 1, 2005. 2013, 141:1, eff. Jan. 1, 2014.

PART Rev 417 TAX DEFERRAL FOR ELDERLY AND DISABLED

Rev 417.01 Tax Deferral for Elderly and Disabled.

(a) The municipal assessing officials may annually grant an eligible applicant a property tax deferral if:

- (1) In their opinion, the property taxes due on the applicant's homestead causes the applicant:
 - a. An undue hardship; or
 - b. Possible loss of the applicant's homestead; and
- (2) The total of property tax deferrals on the applicant's homestead is not more than 85% of the equity value in the applicant's homestead.

(b) A property tax deferral is granted:

- (1) Only at the discretion of the municipal assessing officials; and
- (2) For all or part of the property taxes due on the applicant's homestead.

Source. #12027, eff 10-28-16

Rev 417.02 Eligibility Requirements. An applicant shall not be eligible for a property tax deferral unless the applicant:

(a) Is either:

- (1) At least 65 years old; or
- (2) Eligible under Title II or Title XVI of the federal Social Security Act for benefits for the disabled;

(b) Has owned a homestead for at least:

- (1) Five consecutive years if the applicant is at least 65 years old; or
- (2) One year if the applicant is eligible under Title II or Title XVI of the federal Social Security Act for benefits for the disabled; and

(c) Resides at the applicant's homestead.

Source. #12027, eff 10-28-16

PART Rev 418 APPLICATIONS FOR PROPERTY TAX CREDITS, EXEMPTIONS, AND DEFERRALS

Rev 418.01 Applying for a Property Tax Credit or Exemption.

(a) An applicant for any property tax credit or exemption shall complete and file Form PA-29, "Permanent Application for Property Tax Credits/Exemptions," with the municipal assessing officials in

the municipality in which the property tax credit or exemption is claimed by April 15 preceding the setting of the municipality's property tax rate.

(b) If the municipal assessing officials are satisfied that the applicant for a property tax credit or exemption was prevented from timely filing by accident, mistake, or misfortune, the municipal assessing officials shall accept Form PA-29 after April 15 in the tax year in which the property tax credit or exemption is claimed, but not after the municipality's property tax rate has been approved for that tax year.

(c) If an applicant for a property tax credit or exemption owns residential real estate or other property, if applicable, as a tenant in common, the applicant shall complete and file Form PA-29 whether or not the other tenants in common also complete and file Form PA-29.

(d) An entitled applicant for a property tax credit or exemption shall receive the property tax credit or exemption on an annual basis after filing Form PA-29, unless:

(1) The entitled applicant changes residential real estate; or

(2) The entitled applicant no longer meets all the eligibility requirements of the property tax credit or exemption.

(e) An applicant for a property tax credit or exemption who changes residential real estate in the same municipality after filing Form PA-29 shall file an amended application within 10 calendar days following the change of residential real estate, but not after December 1 in the tax year in which the property tax credit or exemption is claimed.

(f) The municipal assessing officials may periodically require an entitled applicant for a property tax credit or exemption to file information as needed to verify eligibility, but no more frequently than annually.

(g) An entitled applicant for a property tax credit or exemption who fails to periodically file information pursuant to (f) above may lose the property tax credit or exemption for that tax year, at the discretion of the municipal assessing officials.

Source. #12027, eff 10-28-16

Rev 418.02 Applying for a Property Tax Deferral.

(a) An applicant for a property tax deferral shall complete and file Form PA-30, "Tax Deferral Application for Elderly or Disabled," with the municipal assessing officials in the municipality in which the property tax deferral is claimed by March 1 following the date of notice of tax, on an annual basis.

(b) If there is a mortgage against the property, the mortgage holder shall indicate approval for the property tax deferral by dated signature prior to Form PA-30 being filed with the municipal assessing officials.

Source. #12027, eff 10-28-16

Rev 418.03 Other Application Requirements. An applicant shall also complete and file Form PA-33, "Statement of Qualification for Property Tax Credit, Exemption or Tax Deferral under RSA 72:33, V," if the person has:

(a) Placed property in a grantor/revocable trust;

(b) Equitable title in property; or

(c) A life estate in property.

Source. #12027, eff 10-28-16

FORM
PA-30

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
ELDERLY AND DISABLED TAX DEFERRAL APPLICATION
DUE MARCH 1 FOLLOWING THE NOTICE OF TAX

OWNER AND APPLICANT INFORMATION													
STEP 1 OWNER AND APPLICANT NAME AND ADDRESS	OWNER If required, is a PA-33 on file? <input type="radio"/> YES <input type="radio"/> NO												
	<table style="width:100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">APPLICANT'S LAST NAME</td> <td style="width: 30%; border-bottom: 1px solid black;">APPLICANT'S FIRST NAME</td> <td style="width: 20%; border-bottom: 1px solid black;">MI</td> </tr> <tr> <td style="border-bottom: 1px solid black;">APPLICANT'S LAST NAME</td> <td style="border-bottom: 1px solid black;">APPLICANT'S FIRST NAME</td> <td style="border-bottom: 1px solid black;">MI</td> </tr> </table>	APPLICANT'S LAST NAME	APPLICANT'S FIRST NAME	MI	APPLICANT'S LAST NAME	APPLICANT'S FIRST NAME	MI						
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PROPERTY LOCATION													
STEP 2 PROPERTY LOCATION	STREET												
	CITY/TOWN COUNTY												
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STEP 3 TO BE COMPLETED BY PROPERTY OWNER	(a) Tax year for which the deferral is requested <input style="width: 50px;" type="text"/>												
	(b) Amount of requested tax deferral <input style="width: 50px;" type="text"/>												
	(c) Amount of tax bill <input style="width: 50px;" type="text"/>												
	(d) Is the applicant:												
	<table style="width:100%; border: none;"> <tr> <td style="width: 60%;">65 or older and has owned homestead for five (5) consecutive years; or</td> <td style="width: 5%; text-align: center;">YES</td> <td style="width: 5%; text-align: center;">NO</td> <td style="width: 25%;"></td> </tr> <tr> <td>Receives benefits under Title II or Title XVI of the Federal Social Security Act and has owned homestead for one year; and</td> <td style="text-align: center;"><input type="radio"/></td> <td style="text-align: center;"><input type="radio"/></td> <td></td> </tr> <tr> <td>Living in the home?</td> <td style="text-align: center;"><input type="radio"/></td> <td style="text-align: center;"><input type="radio"/></td> <td></td> </tr> </table>	65 or older and has owned homestead for five (5) consecutive years; or	YES	NO		Receives benefits under Title II or Title XVI of the Federal Social Security Act and has owned homestead for one year; and	<input type="radio"/>	<input type="radio"/>		Living in the home?	<input type="radio"/>	<input type="radio"/>	
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Living in the home?	<input type="radio"/>	<input type="radio"/>											
STEP 4 OWNER SIGNATURES	I understand that upon approval of this application by the municipal assessing officials, a lien shall be created against the above described property, pursuant to RSA 72:38-a. My signature below indicates my agreement with the obligation incurred against the property described in Step 2 above. Under penalties of perjury, I declare that I have examined this document and to the best of my belief the information herein is true, correct and complete.												
	<table style="width:100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">TYPE OR PRINT NAME</td> <td style="width: 30%; border-bottom: 1px solid black;">SIGNATURE (IN INK)</td> <td style="width: 20%; border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">TYPE OR PRINT NAME</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK)</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">TYPE OR PRINT NAME</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK)</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">TYPE OR PRINT NAME</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK)</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> </table>	TYPE OR PRINT NAME	SIGNATURE (IN INK)	DATE	TYPE OR PRINT NAME	SIGNATURE (IN INK)	DATE	TYPE OR PRINT NAME	SIGNATURE (IN INK)	DATE	TYPE OR PRINT NAME	SIGNATURE (IN INK)	DATE
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NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
ELDERLY AND DISABLED TAX DEFERRAL APPLICATION

STEP 5 APPROVAL BY THE MORTGAGEE	By signing below, the mortgagee signifies that they do approve and are duly notified that upon approval of this application by the municipal assessing officials, a lien shall be created against the above described property, pursuant to RSA 72:38-a, III.
	NAME OF MORTGAGE HOLDER _____
	SIGNATURE OF OFFICER OR AGENT FOR MORTGAGEE _____ TITLE _____ DATE _____

TO BE COMPLETED BY MUNICIPAL ASSESSING OFFICIALS

STEP 6 AMOUNT OF TAXES DEFERRED	(a) Amount of tax deferred in prior years <input style="width:100px; height:20px;" type="text"/>																					
	(b) Amount of tax deferred in current year <input style="width:100px; height:20px;" type="text"/>																					
	(c) Total amount of taxes deferred [6(a) + 6(b)] <input style="width:100px; height:20px;" type="text"/>																					
STEP 7 PERCENT OF EQUITY VALUE ENCUMBERED	(a) Enter the percentage of total equity value of the property encumbered in prior years <input style="width:60px; height:20px;" type="text"/>																					
	(b) Enter the percentage of total equity value of the property encumbered in current year <input style="width:60px; height:20px;" type="text"/>																					
	(c) Percentage of total equity value the property encumbered for: All Years [7(a) + 7(b)] <input style="width:60px; height:20px;" type="text"/>																					
STEP 8 MUNICIPAL DECISION	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;"></th> <th style="width:10%; text-align: center;">GRANTED</th> <th style="width:10%; text-align: center;">DENIED</th> <th style="width:15%; text-align: center;">AMOUNT</th> <th style="width:15%; text-align: center;">DATE</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Elderly Tax Deferral</td> <td align="center"><input type="radio"/></td> <td align="center"><input type="radio"/></td> <td align="center"><input style="width:80px; height:20px;" type="text"/></td> <td align="center"><input style="width:60px; height:20px;" type="text"/></td> </tr> <tr> <td><input type="checkbox"/> Disabled Tax Deferral</td> <td align="center"><input type="radio"/></td> <td align="center"><input type="radio"/></td> <td align="center"><input style="width:80px; height:20px;" type="text"/></td> <td align="center"><input style="width:60px; height:20px;" type="text"/></td> </tr> </tbody> </table> <p>For Deferrals: This page must be returned to the property owner after approval or denial, on or before July 1, following the date of Notice of Tax as defined in RSA 72:1-d, by first class mail. (RSA 72:34, IV)</p> <p>Reason for Denial <input style="width:700px; height:40px;" type="text"/></p>		GRANTED	DENIED	AMOUNT	DATE	<input type="checkbox"/> Elderly Tax Deferral	<input type="radio"/>	<input type="radio"/>	<input style="width:80px; height:20px;" type="text"/>	<input style="width:60px; height:20px;" type="text"/>	<input type="checkbox"/> Disabled Tax Deferral	<input type="radio"/>	<input type="radio"/>	<input style="width:80px; height:20px;" type="text"/>	<input style="width:60px; height:20px;" type="text"/>						
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STEP 9 APPROVAL OF A MAJORITY OF SELECTMEN / MUNICIPAL ASSESSING OFFICIALS	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="width:30%; border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="width:20%; border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> <tr> <td style="border-bottom: 1px solid black;">PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL</td> <td style="border-bottom: 1px solid black;">DATE</td> </tr> </table>	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE	PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE
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NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
ELDERLY AND DISABLED TAX DEFERRAL APPLICATION

WHO MAY FILE	Under the provisions of RSA 72:38-a, I, any resident property owner may apply for a tax deferral if they: <ul style="list-style-type: none"> • Are either at least 65 years of age or eligible under Title II or Title XVI of the Federal Social Security Act for benefits for the disabled; • Have owned the homestead for at least five consecutive years if elderly or at least one year if disabled; and • Are living in the home.
WHEN TO FILE	The completed Form PA-30 shall be filed by March 1 following the date of notice of tax. Example: If you are applying for a tax deferral from your 2014 property taxes, which are due no earlier than December 1, 2014, then you have until March 1, 2015 to file this form.
WHERE TO FILE	Once completed and signed in ink, this form shall be filed as follows: Original: Register of Deeds Copy: To the Selectmen / Municipal Assessing Officials of the municipality of your primary residence Copy: Property Owner
TAX DEFERRAL PROVISIONS	The municipal assessing officials may annually grant a person qualified under this paragraph a tax deferral for all or part of the taxes due, plus annual interest at five percent, if in their opinion the tax liability causes the taxpayer an undue hardship or possible loss of the property. The total of tax deferrals on a particular property shall not be more than 85 percent of its equity value. A tax deferral shall be subject to any prior liens on the property and shall be treated as such in any foreclosure proceedings. If the property is subject to a mortgage, the owner must have the mortgage holder's approval of the tax deferral. Such approval does not grant the town a preferential lien.
APPEALS	The municipal assessing officials shall send written notice advising the taxpayer of their decision to grant or deny the request for exemption by July 1. Failure of the municipal assessing officials to respond shall constitute a denial of the application. If an application for a property tax deferral is denied, an applicant may appeal in writing on or before September 1 following the date of notice of tax under RSA 72:1-d, to the New Hampshire Board of Tax and Land Appeals (BTLA) or the County Superior Court in the county where the property is located. Example: If you were denied a deferral from your 2014 property taxes, you have until September 1, 2015 to appeal. Forms for appealing to the Board of Tax and Land Appeals may be obtained from the New Hampshire Board of Tax and Land Appeals, 107 Pleasant Street, Concord, NH 03301, by calling (603) 271-2578 or by visiting their website at www.nh.gov/btla . Be sure to specify that you are appealing the Elderly or Disabled Tax Deferral application denial.
ADA COMPLIANCE	Individuals who need auxiliary aids for effective communication in programs and services of the New Hampshire Department of Revenue Administration are invited to make their needs and preferences known. Individuals with hearing or speech impairments may call TDD Access: Relay NH 1-800-735-2964.
NEED HELP	Contact your local municipality or the Municipal and Property Division at (603) 230-5950; or visit the department's website at www.revenue.nh.gov/forms .

LINE-BY-LINE INSTRUCTIONS

STEP 1	Enter the complete name and address of the property owner(s) requesting a tax deferral under RSA 72:38-a.
STEP 2	Enter the location, street address, municipality, county, number of acres, tax map, block and lot numbers, and book and page numbers of the property for which the RSA 72:38-a, deferral is requested.
STEP 3	(a) Enter the tax year for which the deferral is requested. (b) Enter the amount of the requested tax deferral. (c) Enter the amount of the tax bill for the year of this application. (d) Check the appropriate boxes to indicate that all of the qualification requirements have been met.
STEP 4	ALL property owners of record must type or print their full name, sign and date in ink, acknowledging that they understand and agree to the obligation incurred against the property by electing a deferral of taxes under RSA 72:38-a. If there are more than four owners, submit a supplemental list of names and signatures.
STEP 5	Enter the name of the mortgage holder and obtain the signature of an authorized agent for the mortgage holder.
STEP 6	The municipal assessing officials shall complete this step. (a) Enter the amount of taxes deferred in prior years. (b) Enter the amount of tax requested for deferral in the current year. (c) The total amount of the tax deferral (Step 6(a) plus Step 6(b)).
STEP 7	The municipal assessing officials shall complete this step. (a) Enter the percentage of the total equity value encumbered under RSA 72:38-a in prior years. (b) Enter the percentage of the total equity value encumbered under RSA 72:38-a in the current year. (c) The percentage of the total equity value encumbered for all years combined (Step 7(a) plus Step 7(b)). If the result of Step 7(c) exceeds 85 percent, this application will be denied pursuant to RSA 72:38-a, I.
STEP 8	The municipal assessing officials shall complete this step. Check applicable box for type of tax deferral. Check whether tax deferral was granted or denied. If granted, enter dollar amount granted. Enter date tax deferral was granted.
STEP 9	Signatures of a majority of the local Selectmen or municipal assessing officials on the lines provided indicates approval.

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
**ASSESSING OFFICIALS' RESPONSE TO TAX CREDITS / EXEMPTIONS OR
TAX DEFERRAL APPLICATION**

STEP 1 OWNER AND APPLICANT INFORMATION

OWNER If required, is a PA-33 on file? YES NO

APPLICANT'S LAST NAME APPLICANT'S FIRST NAME MI

APPLICANT'S LAST NAME APPLICANT'S FIRST NAME MI

MAILING ADDRESS

CITY/TOWN STATE ZIPCODE

PROPERTY ADDRESS for which Tax Credit / Exemption / Deferral is claimed

TAX MAP BLOCK LOT

STEP 2 TAX CREDITS / EXEMPTIONS / TAX DEFERRAL

VETERANS' TAX CREDITS / EXEMPTION

	AMOUNT	GRANTED	DENIED	DATE
<input type="checkbox"/> Veterans' Tax Credit RSA 72:28 (Standard \$50; Optional \$51 up to \$500)	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> All Veterans' Tax Credit RSA 72:28-b (Standard \$50; Optional \$51 up to \$500)	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Tax Credit for Service-connected Total Disability (Standard \$700; Optional \$701 up to \$2,000)	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Surviving Spouse Tax Credit (Standard \$700; Optional \$701 up to \$2,000)	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Review Applicable Discharge Papers Form(s) <input type="text"/>				
<input type="checkbox"/> Other Information <input type="text"/>				
<input type="checkbox"/> Certain Disabled Veterans' Exemption Filing As the <input type="radio"/> Veteran <input type="radio"/> Surviving Spouse GRANTED <input type="radio"/> DENIED <input type="radio"/> <input type="text"/>				

APPLICABLE ELDERLY, DISABLED AND DEAF EXEMPTION INCOME AND ASSET LIMITS

CONTACT YOUR MUNICIPALITY FOR INCOME AND ASSET LIMITS

Income Limits	Deaf Exemption	Disabled Exemption	Elderly Exemption	Elderly Exemption Per Age Category
Single	<input type="text"/>	<input type="text"/>	<input type="text"/>	65-74 years of age <input type="text"/>
Married	<input type="text"/>	<input type="text"/>	<input type="text"/>	75-79 years of age <input type="text"/>
Asset Limits				80+ years of age <input type="text"/>
Single	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Married	<input type="text"/>	<input type="text"/>	<input type="text"/>	

STANDARD and LOCAL OPTIONAL EXEMPTIONS (when previously adopted by the City/Town)

	AMOUNT	GRANTED	DENIED	DATE
<input type="checkbox"/> Elderly Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Improvements to Assist Persons with Disabilities	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Blind Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Deaf Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Disabled Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Solar Energy Systems Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Woodheating Energy Systems Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
<input type="checkbox"/> Wind-powered Energy Systems Exemption	<input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>

ELDERLY / DISABLED TAX DEFERRAL

Elderly & Disabled Tax Deferral GRANTED DENIED AMOUNT DATE

For Deferrals: This page must be returned to the property owner after approval or denial, on or before July 1, following the date of Notice of Tax as defined in RSA 72:1-d, by first class mail. (RSA 72:34, IV)

STEP 3 COMMENTS / NOTES

Municipal Notes

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
**ASSESSING OFFICIALS' RESPONSE TO TAX CREDITS / EXEMPTIONS OR
TAX DEFERRAL APPLICATION**

MUNICIPAL AUTHORIZATION

STEP 4 SIGNATURES

PRINT / TYPE NAME OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	SIGNATURE (IN INK) OF SELECTMEN / MUNICIPAL ASSESSING OFFICIAL	DATE
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APPEAL PROCEDURE

If an application for a property tax exemption or tax credit is denied, an applicant may appeal in writing on or before **September 1** following the date of notice of tax as defined in RSA 72:1-d, to the New Hampshire Board of Tax and Land Appeals (BTLA) or the Superior Court in the county where the property is located. **Example:** If you were denied an exemption from your 2014 property taxes, you have until September 1, 2015, to appeal. Forms for appealing to the BTLA may be obtained from the NH BTLA, 107 Pleasant Street, Concord, NH 03301; their website at www.nh.gov/btla; or by calling (603) 271-2578. Be sure to specify **EXEMPTION APPEAL**.

INSTRUCTIONS

STEP 1 PROPERTY OWNER'S INFORMATION

Please type or print the property owner(s) name and address in the spaces provided. Also enter the property address, tax map, block and lot numbers of the property for which the exemption, tax credit or tax deferral is claimed.

STEP 2 TAX CREDITS / EXEMPTIONS / TAX DEFERRAL

Check the Tax Credit(s) / Exemption(s) / Tax Deferral box(es) which apply to the property listed in Step 1.
Check the box(es) Granted or Denied which apply.
Place the amount of the Tax Credit / Exemption / Tax Deferral which was granted or denied.
Place the date the Tax Credit / Exemption / Tax Deferral was granted or denied.
For those exemptions having income or asset limitations, the municipal assessing officials may request true copies of any documents needed to verify eligibility.
All documents and copies of such documents submitted by the applicant shall be returned to the applicant after a decision is made on the application.

STEP 3 COMMENTS / NOTES

Optional space to place any notes or comments which the applicant should be made aware of.

STEP 4 SIGNATURES

Selectmen or Municipal Assessing Officials must print and sign their name in ink and date the form.