

Tax Deferral for the Elderly and Disabled

RSA 72:38-A



Tax Deferral for the Elderly and Disabled Cont'd

Any resident property owner may apply for a tax deferral if the person meets the following criteria:

- Is at least 65 years old or is eligible under Title II or Title XVI of the federal Social Security Act for benefits for the disabled
- 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
- Must live in the home



Tax Deferral for the Elderly and Disabled Cont'd

The assessing officials may annually grant a qualified applicant a tax deferral for all or part of the taxes due, plus annual interest at 5%, if in their opinion the tax liability causes the taxpayer an undue hardship or possible loss of the property.



Tax Deferral for the Elderly and Disabled Cont'd

A completed DRA form PA-30 must be filed with the selectmen or assessors by March 1st.

The town or city may accept a one time permanent application or may require an annual application.



Tax Deferral for the Elderly and Disabled Cont'd

If the property is subject to a mortgage, the owner must have the mortgage holder's approval for a tax deferral.

Once approved, the original form PA-30 is filed with the registry of deeds and a lien is created. Tax deferral liens do not have priority over pre-existing liens.



Tax Deferral for the Elderly and Disabled Cont'd

The total of tax deferrals on a particular property shall not be more than 85% of its equity value.



Tax Deferral for the Elderly and Disabled Cont'd

If 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 within 9 months of the date of death.

If not redeemed, the assessing officials may commit a warrant to the tax collector for the accrued amount of the deferral. The tax collector shall have the same rights and remedies to collect the outstanding debt as provided in RSA 76:13 and RSA 80.

Prior to executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to 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.

Tax Deferral for the Elderly and Disabled Cont'd

If 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 record the release with the Registry of Deeds.

If not redeemed, the assessing officials may commit a warrant to the tax collector for the accrued amount of the deferral. The tax collector shall have the same rights and remedies to collect the outstanding debt as provided in RSA 76:13 and RSA 80.

Prior to executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to 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.