

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 59
PROPOSED COMMITTEE SUBSTITUTE H59-PCS10554-BCf-49

Short Title: Modify Homestead Exclusions.

(Public)

Sponsors:

Referred to:

February 6, 2025

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE INCOME ELIGIBILITY LIMIT FOR THE ELDERLY OR
DISABLED PROPERTY TAX HOMESTEAD EXCLUSION FOR MARRIED COUPLES,
TO ELIMINATE THE DEFERRED TAX LIABILITY UNDER THE PROPERTY TAX
HOMESTEAD CIRCUIT BREAKER, AND TO EXPAND THE PROPERTY TAX
HOMESTEAD CIRCUIT BREAKER BY PROVIDING AN ALTERNATE MEANS TO
QUALIFY BASED ON AREA MEDIAN INCOME.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-277.1 is amended by adding a new subsection to read:

"(a3) Spousal Income Limitation. – Married applicants residing with their spouses may qualify for the property tax homestead exclusion provided in this section if their income does not exceed one hundred fifteen percent (115%) of the income eligibility limit determined under subsection (a2) of this section."

SECTION 1.(b) G.S. 105-277.1B reads as rewritten:

"§ 105-277.1B. Property tax homestead circuit breaker.

(a) Classification. – A permanent residence owned and occupied by a qualifying owner is designated a special class of property under Article V, Section 2(2) of the North Carolina Constitution and is taxable in accordance with this section.

(b) Definitions. – The definitions provided in G.S. 105-277.1 apply to this section.

(c) Income Eligibility Limit. – The income eligibility limit provided in G.S. 105-277.1(a2) applies to this section.

(c1) AMI Limit. – Seventy percent (70%) of the area median income for a household of two persons in the county in which the property is located, as determined by the most recent figure reported by the United States Department of Housing and Urban Development as of January 1 preceding the taxable year for which the benefit is claimed.

(d) Qualifying Owner. – For the purpose of qualifying for the property tax homestead circuit breaker under this section, a qualifying owner is an owner who meets all of the following requirements as of January 1 preceding the taxable year for which the benefit is claimed:

(1) The owner has an income for the preceding calendar year of not more than ~~one hundred fifty percent (150%) of the income eligibility limit specified~~ maximum amount authorized in subsection (e) subsection (f) or (f1) of this section. ~~section.~~ section, as applicable.

(2) The owner has owned and occupied the property as a permanent residence for ~~at least five consecutive years and has occupied the property as a permanent residence for at least five years.~~ the required amount of time under subsection (f) or (f1) of this section, as applicable.



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1 (3) The owner is at least 65 years of age or totally and permanently disabled.

2 (4) The owner is a North Carolina resident.

3 (e) Multiple Owners. – A permanent residence owned and occupied by husband and wife
4 is entitled to the full benefit of the property tax homestead circuit breaker notwithstanding that
5 only one of them meets the length of occupancy and ownership requirements and the age or
6 disability requirement of this section. When a permanent residence is owned and occupied by
7 two or more persons other than husband and wife, no property tax homestead circuit breaker is
8 allowed unless all of the owners qualify and elect to defer taxes under this section.

9 (f) General Tax Limitation. – A qualifying owner ~~may defer that has owned the property~~
10 as a permanent residence for at least five consecutive years and has occupied the property as a
11 permanent residence for at least five years is relieved of the portion of the principal amount of
12 tax that is imposed for the current tax year on his or her permanent residence and exceeds the
13 percentage of the qualifying owner's income set out in the table in this subsection. If a permanent
14 residence is subject to tax by more than one taxing unit and the total tax liability exceeds the tax
15 limit imposed by this section, then both the taxes due under this section and the taxes deferred
16 under this section must be apportioned among the taxing units based upon the ratio each taxing
17 unit's tax rate bears to the total tax rate of all units.

Income Over	Income Up To	Percentage
-0-	Income Eligibility Limit	4.0%
Income Eligibility Limit	150% of Income Eligibility Limit	5.0%

21 (f1) Alternate Tax Limitation. – A qualifying owner that has owned the property as a
22 permanent residence for at least 10 consecutive years and has occupied the property as a
23 permanent residence for at least 10 years is relieved of the portion of the principal amount of tax
24 that is imposed for the current tax year on his or her permanent residence and exceeds the
25 percentage of the qualifying owner's income set out in the table in this subsection. If a permanent
26 residence is subject to tax by more than one taxing unit and the total tax liability exceeds the tax
27 limit imposed by this section, then the taxes due under this section must be apportioned among
28 the taxing units based upon the ratio each taxing unit's tax rate bears to the total tax rate of all
29 units. If the AMI Limit is less than or equal to one hundred fifty percent (150%) of the Income
30 Eligibility Limit, a qualifying owner shall receive the benefit under subsection (f) of this section.

Income Over	Income Up To	Percentage
150% of Income Eligibility Limit	AMI Limit	6.0%

33 (g) Temporary Absence. – An otherwise qualifying owner does not lose the benefit of
34 this circuit breaker because of a temporary absence from his or her permanent residence for
35 reasons of health, or because of an extended absence while confined to a rest home or nursing
36 home, so long as the residence is unoccupied or occupied by the owner's spouse or other
37 dependent.

38 (h) ~~Deferred Taxes.~~ – ~~The difference between the taxes due under this section and the~~
39 ~~taxes that would have been payable in the absence of this section are a lien on the real property~~
40 ~~of the taxpayer as provided in G.S. 105-355(a). The difference in taxes must be carried forward~~
41 ~~in the records of each taxing unit as deferred taxes. The deferred taxes for the preceding three~~
42 ~~fiscal years are due and payable in accordance with G.S. 105-277.1F when the property loses its~~
43 ~~eligibility for deferral as a result of a disqualifying event described in subsection (i) of this~~
44 ~~section. On or before September 1 of each year, the collector must send to the mailing address of~~
45 ~~a residence on which taxes have been deferred a notice stating the amount of deferred taxes and~~
46 ~~interest that would be due and payable upon the occurrence of a disqualifying event.~~

47 (i) Disqualifying Events. – A property receiving the benefit under this section loses its
48 eligibility for the benefit as a result of a disqualifying event. The tax for the fiscal year that begins
49 in the calendar year in which the disqualifying event occurs is computed as if the property had
50 not been classified for the property tax benefit under this section for that year. Each of the
51 following constitutes a disqualifying event:

1 (1) The owner transfers the residence. Transfer of the residence is not a
2 disqualifying event if (i) the owner transfers the residence to a co-owner of
3 the residence or, as part of a divorce proceeding, to his or her spouse and (ii)
4 that individual occupies or continues to occupy the property as his or her
5 permanent residence.

6 (2) The owner dies. Death of the owner is not a disqualifying event if (i) the
7 owner's share passes to a co-owner of the residence or to his or her spouse and
8 (ii) that individual occupies or continues to occupy the property as his or her
9 permanent residence.

10 (3) The owner ceases to use the property as a permanent residence.

11 ~~(j) Gap in Deferral. — If an owner of a residence on which taxes have been deferred under
12 this section is not eligible for continued deferral for a tax year, the deferred taxes are carried
13 forward and are not due and payable until a disqualifying event occurs. If the owner of the
14 residence qualifies for deferral after one or more years in which he or she did not qualify for
15 deferral and a disqualifying event occurs, the years in which the owner did not qualify are
16 disregarded in determining the preceding three years for which the deferred taxes are due and
17 payable.~~

18 (k) Repealed by Session Laws 2008-35, s. 1.2, effective July 1, 2008.

19 ~~(l) Creditor Limitations. — A mortgagee or trustee that elects to pay any tax deferred by
20 the owner of a residence subject to a mortgage or deed of trust does not acquire a right to foreclose
21 as a result of the election. Except for requirements dictated by federal law or regulation, any
22 provision in a mortgage, deed of trust, or other agreement that prohibits the owner from deferring
23 taxes on property under this section is void.~~

24 (m) Construction. — This section does not affect the attachment of a lien for personal
25 property taxes against a tax deferred residence.

26 (n) Application. — An application for property tax relief provided by this section should
27 be filed during the regular listing period, but may be filed and must be accepted at any time up
28 to and through June 1 preceding the tax year for which the relief is claimed. Persons may apply
29 for this property tax relief by entering the appropriate information on a form made available by
30 the assessor under G.S. 105-282.1."

31 **SECTION 1.(c)** G.S. 105-282.1(a) is amended by adding a new subdivision to read:

32 "(3) Triennial application required. — An owner of a property eligible for the
33 property tax homestead circuit breaker under G.S. 105-277.1B must file an
34 application for the benefit to receive it. Once the application has been
35 approved, the owner is entitled to the benefit for the current tax year and the
36 two subsequent tax years thereafter unless the property loses its eligibility for
37 the benefit as a result of a disqualifying event under G.S. 105-277.1B(i)."

38 **SECTION 1.(d)** G.S. 105-277.1F(a)(2) is repealed.

39 **SECTION 1.(e)** G.S. 105-365.1(a)(3) is repealed.

40 **SECTION 1.(f)** G.S. 153A-148.1 reads as rewritten:

41 "**§ 153A-148.1. Disclosure of certain information prohibited.**

42 (a) Disclosure Prohibited. — Notwithstanding Chapter 132 of the General Statutes or any
43 other law regarding access to public records, local tax records that contain information about a
44 taxpayer's income or receipts are not public records. A current or former officer, employee, or
45 agent of a county who in the course of service to or employment by the county has access to
46 information about the amount of a taxpayer's income or receipts may not disclose the information
47 to any other person unless the disclosure is made for one of the following purposes:

48 ...

49 (6) To include on a property tax receipt the amount of property taxes due ~~and the~~
50 ~~amount of property taxes deferred~~ on a residence classified under
51 G.S. 105-277.1B, the property tax homestead circuit breaker.

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SECTION 1.(g) G.S. 160A-208.1 reads as rewritten:

"§ 160A-208.1. Disclosure of certain information prohibited.

(a) Disclosure Prohibited. – Notwithstanding Chapter 132 of the General Statutes or any other law regarding access to public records, local tax records that contain information about a taxpayer's income or receipts are not public records. A current or former officer, employee, or agent of a city who in the course of service to or employment by the city has access to information about the amount of a taxpayer's income or receipts may not disclose the information to any other person unless the disclosure is made for one of the following purposes:

...

(4) To include on a property tax receipt the amount of property taxes due ~~and the amount of property taxes deferred~~ on a residence classified under G.S. 105-277.1B, the property tax homestead circuit breaker.

...."

SECTION 2. Notwithstanding G.S. 105-380 and G.S. 105-381, the governing body of a taxing unit shall release the unpaid deferred taxes under G.S. 105-277.1B on any property for which a disqualifying event has not occurred. Any lien under G.S. 105-355(a) corresponding to the released deferred taxes is also extinguished.

SECTION 3. Section 1 of this act is effective for taxable years beginning on or after July 1, 2026. The remainder of this act is effective July 1, 2026.