

## **Disaster Relief for Properties Receiving the Disabled Veteran's Exemption**

2008 legislation amended California Revenue and Taxation Code Section 279 to allow the disabled veterans exemption to remain in effect if a home is totally destroyed in a disaster for which the Governor proclaims a state of emergency. These provisions allow a disaster victim to continue to receive the disabled veteran's exemption on the property while in the process of rebuilding the home. Section 279 provides that once the disabled veterans' exemption is granted it remains in effect unless specific events occur

The amended code section addresses exemption eligibility in three situations as noted below.

### **Home Partially Damaged (any type of event)**

If a person receiving the disabled veteran's exemption is not occupying the dwelling on the lien date because the dwelling was damaged in a misfortune or calamity, the exemption will remain in effect provided the person intends to return to the home. This applies to any misfortune or calamity regardless of whether the event resulted in the Governor issuing a proclamation of a state of emergency.

### **Home Totally Destroyed (Non-Governor Declared Disasters)**

If a home that was receiving the disabled veteran's exemption is ***totally destroyed*** in a misfortune or calamity for which the Governor did not proclaim a disaster or state of emergency, the property ***is not eligible for the exemption because no dwelling exists*** as of the lien date.

However if the displaced person purchases and occupies another dwelling as his or her principal residence while the destroyed dwelling is under construction, that person can claim the disabled veteran's exemption for the interim dwelling. When the destroyed structure has been replaced and occupied, it will once again be eligible for the exemption. **These provisions do not apply in the case of an event for which the Governor has proclaimed a state of emergency.**

### **Home Totally Destroyed in Governor Declared Disaster or State of Emergency**

If a home is totally destroyed in a disaster for which the Governor issues a proclamation of a state of emergency, the exemption will remain in effect, provided the person:

- Continues to own the property
- Intends to rebuild a home on the property and intends to occupy the home as his or her principal place of residence.