

LEGAL RESIDENCE NEWSLETTER



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What is Legal Residence?

SC Code of Laws §12-43-220 set forth by Legislation concerning Legal Residence. Individuals must apply for the special assessment ratio of 4% in order to be considered for the exemption. All property is taxed at a 6% ratio, however, individuals who own and occupy their property may be eligible for the 4% ratio which also exempts them from the school operations tax.

The school operations tax makes up approximately 2/3 of the tax bill. Taxes are calculated based on the Taxable Value of the property. To receive the Assessment amount, multiply the Taxable Value by the ratio. The Assessment is then multiplied by the millage rate which is established by the County Auditor and County Council in September of each year.

Who is Eligible to Receive Legal Residence?

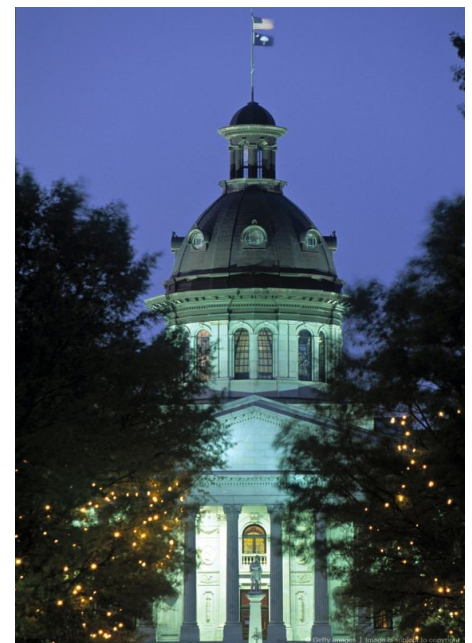
Owner Occupants of the primary residence with US Citizenship or noncitizens with proper documentation. Active Duty Military who have been ordered to another station, state or country. (Please see Active Duty Military Section, page 5) To qualify for the special property tax assessment ratio allowed by this item, the owner-occupant must have actually **owned** and **occupied** the residence as his legal residence and been domiciled at that address for some period during the applicable tax year and remain in that status at the time of filing the application required by this item. The owner must have title (deed or will) or bond for title recorded in the Register of Deeds Office or have an equity interest (Contract for Sale); and the property must be occupied by the owner as his legal residence. The property can include not more than five acres contiguous thereto and be owned totally or in part in fee or by life estate, but shall not include any portion which is not owned and occupied for residential purposes. Taxpayers who qualify for legal residence also qualify for additional relief as provided in the Property Tax Reform Act of 2006. This relief is applied to 100% school operating portion of the millage.

Immediate family owners may have 25% ownership while distant family or non-family owners must have 50% ownership in order to be eligible for the full exemption.

Immediate family is considered: spouse, parents, children, & siblings.



SC CAPITAL



How Do I Apply?

The Assessor's office is excited to announce a new online application process. We are doing our best to help the environment by going paperless in every area that we possibly can.

Please visit our website to gain access to the online application [link here](#). If you do not have online access from home you may visit our office and use our public computers to complete the process.

Please note your deed must have been recorded at the ROD, and entered into our system in order for you to apply. This could take up to 2 months from the closing date.

Please be aware of various "required" documents that will have to be uploaded at the time of the application or you may bring them to our office and we will upload the documents for you.

Minimum Required documents for all owners and/or Spouses:

- SC Driver's License or SC ID with the address listed for which you are making application.
- SS Card (BOTH spouses)
- Permanent Resident or Green Card
- Visa , Passport or All Documents stating your current immigration status.
- Vehicle Registrations for Richland County
- Voter Registrations at the location address
- Most current Federal and State Tax Returns and any schedules for all owners and/or BOTH spouses.
- Various others may be required.

**NOW ACTIVE
NEW ONLINE
LEGAL
RESIDENCE
APPLICATION**

What Additional Documents May Be Required?

- For company cars-provide registration showing business address.
- Tax returns: Redacted copy of first two (2) pages of most recent filed Federal income tax return (1040 and Schedules A, C, E & Form 8829 if applicable) AND redacted copy of most recent SC or other state income tax return.
- Returns for both owner-occupant AND spouse must be supplied.
- If you have filed an extension, provide most recent files complete federal/state return AND a copy of your extension. Your complete returns may be requested later.
- If separated or divorced: provide a copy of separate support & maintenance agreement or divorce decree signed by a Judge.
- For active duty Military ONLY-provide the following:
 - * Military Identification card
 - * Copy of current orders
 - * Copy of South Carolina orders
 - * Copy of current Leave and Earnings Statement (LES).
 - * Redacted income information from LES.
 - * Military members and their spouses must provide driver's license(s) and vehicle registration(s) regardless of where licensed or registered.
- Additional documentation must be provided where applicable.
- For example copies of: Trust, Contract For Sale/Bond for Title, Power of Attorney, Operating Agreement for Single Member LLC, etc.



Can Legal Residence be Retroactive?

Currently, you may receive Legal Residence during the current tax year and two years prior with proper documentation. You must provide a copy of your tax returns as well as a "letter of credit" or "verification letter" from your power company which shows the time of power connection as well as the owners name.

Other documentation could be required.

How Long Will It Take To Process My Application?

This will depend upon the time of year you submit your application. High volume timeframes could take up to 3 weeks in our office.

High Volume times are September to February.

All changes will then be forwarded to the Auditor's Office so that they may adjust the tax bill. Please be aware that most mortgage companies pay the tax bill in December before the due date in January, should you have an escrow in your mortgage. Failure to apply for legal residence timely could result in your mortgage company paying at the 6% ratio and will result in an exorbitant increase of your monthly mortgage payment.

Should your mortgage pay the tax bill at the higher tax rate it could take up to 3 months before a refund is issued to your mortgage upon processing of a Legal Residence application of your primary residence. The process must pass through 3 departments before any changes are passed along to the mortgage company.

Please note we process applications in the order they are received. Tax bills are mailed in October to all individuals who have an escrow. Please verify your legal residence status which is reflected on your tax bill.



WOODROW WILSON HOME

**P l e a s e
v e r i f y
y o u r
l e g a l
r e s i d e n c e
s t a t u s
w h i c h
i s
r e f l e c t e d
o n
y o u r
t a x
b i l l
a n d / o r
a s s e s s m e n t
n o t i c e s .**

Can I Have Legal Residence on More Than One Property?

NO. SC Code of Law §12-43-220 prohibits exemptions on more than one property at a time. Spouses are considered as one individual and cannot have exemptions on dual residence. In other words, your spouse may not claim to reside in one location and you reside in another. Despite your living arrangements you may only receive the exemption on one property.

*If you own multiple properties you may only receive the exemption on the property you actually own and **occupy** per §12-43-220. All secondary property whether rented or vacant will be taxed at the full 6% ratio.*

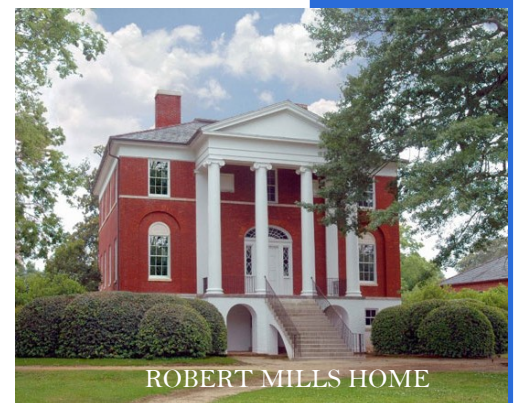
What if I Am Separated & We Both Own Property?

*SC Code of Law §12-43-220 states you must provide a legal separation agreement **signed by a judge** or your final divorce decree in order to receive the exemption on both properties.*

During a separation you are still considered one in the eyes of the law. Should you be separated; the marital home will maintain legal residence. The additional home will receive the legal residence upon a final divorce, if a legal separation agreement signed by a judge was not obtained.

Should there be no marital home and

each individual purchases a home during a separation; the first homeowner to apply & qualify, will obtain the exemption. The 2nd applicant must wait until a judge has signed a Separation Agreement or until a final divorce decree is obtained. The property in question may obtain a retroactive status dating back to the date of separation provided the final divorce decree is obtained within 2 years of the separation. Exemptions may only be obtained for the current tax year and the prior two.



ROBERT MILLS HOME

Homestead Exemption is available through the Auditor's Office. You must be over 65 and have lived in SC for one year.

What if I am Disabled?

There are two types of Disabilities and two entities that govern the exemptions.

- 1) *Mental or physical disabilities **not** related to military, will be granted through application with the Department of Social Security Administration. You will need to have Legal Residence on the property in question prior to applying with SSA. This exemption letter; once granted; will need to be taken directly to the Auditor's office for processing.*
- 2) *Military, law enforcement or fire fighters that are disabled will need to apply through the SC DOR (Department of Revenue) You may apply for your primary residence & up to 2 vehicles. Once this exemption has been granted you will receive a letter from SC DOR specifying which year and the percentage the exemptions apply. This letter may be brought to the Assessor's office for the real property and then to the Auditor's Office for your vehicles.*

What if My Property is Held in Trust?

You must provide a copy of the Trust documents and the Trust must list the occupants of the property as beneficiaries along with your Legal Residence application.

Pages needed from the Trust are as follows:

- 1) *The page which lists the Name of the Trust.*
- 2) *The page which lists the Beneficiaries (this could potentially be different from the Trustees. The Trustees may not always be the Beneficiary)*
- 3) *The Signature Page.*

Or you may just submit the Certificate of Trust provided it lists all of the information in 1 and 2.

What if My Property is in an LLC or FLP?

You must provide a copy of the LLC or FLP which lists the sole proprietors or single members along with your application.

An LLC; a Limited Liability Company; if the person claiming the special four percent assessment ratio transferred the subject property to the limited liability company, and the only members of the limited liability company are the person and the person's parents, spouse, children, grandchildren, or siblings; or any combination thereof.

An FLP; a Family Limited Partnership; if the person claiming the special four percent assessment ratio transferred the subject property to the partnership, and the only members of the partnership are the person and the person's parents, spouse, children, grandchildren, or siblings; or any combination thereof.

Is There an Exemption for Senior Citizens?

Yes. *Provided you have lived in SC for 1 year and in the year of your 66th birthday you may obtain **up to** a \$50,000 deduction from your taxable value.*

You will make this application through the [Auditor's office](#) upon receiving the Legal Residence status with the Assessor's Office.

Please contact the Auditor's office directly for further explanation and requirements for making application for the Homestead exemption.

(803) 576-2610 or (803) 576-2611



What if I am Active Duty Military Stationed Away?

*YOU MUST APPLY FOR MILITARY LEGAL RESIDENCE **EVERY YEAR**, by Jan 15th of the tax bill due date.*

There are two types of eligibility for Active Duty Military.

1) Those who have 2 homes in SC. If you purchased a home in Richland County and then received orders of transfer to another SC base and purchased a home in the new location. You may receive Legal Residence on both properties for a maximum of 2 years. However, your orders must be for more than one year. You must reapply each year by the Tax Notice Due Date. You must provide a copy of your PCS orders which brings you to Richland County, a copy of your Military ID & proof that you are attempting to sell the home in Richland County for both years. If you do not sell the home after the 2nd

year, legal residence will be removed from the 1st home located in Richland County.

2) For those stationed outside of SC. If you have been transferred to another State or Country you must also reapply each year by the tax notice due date. You must provide a copy of your current PCS orders for the tax year in question, a copy of your military ID & a copy of your current LES.

*You **may not** retain legal residence status on the Richland County property if you purchase a home in another State or Country which grants you a tax exemption.*

*3) Please locate our **NEW** online application at the Assessor web page [here](#).*



We would like to take this moment to express our gratitude to the men and women who serve to protect our Country each and every day! Thank you for your Service and Selfless Sacrifice.

What if I am a Disabled Veteran?

Disabled Veterans will first need to obtain legal residence status from Richland County. Upon qualification of Legal Residence by Richland County, you will then need a copy of your Deed obtained at the Register of Deeds office or your closing attorney. A stamped certified copy of the ownership record from the Assessor's Office and the DOR application [PT-401-I](#). You will then visit the SC DOR located at 300 Outlet Pointe Blvd. Columbia, SC 29210 (844)898-8542 and apply with the SC DOR for the exemption. SCDOR will then notify our office of your eligibility percentage and the year in which your exemption takes effect. We will then apply this exemption based on the information we receive from SC DOR.

If you have a solid waste charge on your property this is NOT exempt. This is a service fee and not a tax, therefore it will be charged to you through your tax bill provided you are not located in the City of Columbia. The City of Columbia will send you a separate bill for this service.

Sharing My Military ID

*Richland County requires a photocopy of your Military ID in order to process your Active Duty Military Application. Many times we encounter service members who refuse to provide a copy of their ID as they state it is against the law to provide it. Title 18, US Code Part I, Chapter 33, Section 701. This is not the case when another **Government Agency** requests the ID.*

A Security Bulletin dated October 27,

2011, by the Office of the Assistant Secretary of Defense Arlington, VA specifies;

*“*NOTE: This does not apply to medical establishments (i.e. doctor's office, hospitals etc...) who are allowed to take a copy for the purpose of filing insurance claims; and other government agencies in the performance of official government business.”*

