HOW TO: FILE FOR YOUR 4% OWNER OCCUPANCY EXEMPTION

PICKENS COUNTY

WHAT IS AN OWNER OCCUPANCY EXEMPTION?

Pickens County allows you to claim (1) residence as a primary residence and receive a reduced property tax rate. If your home loan was structured as your primary residence, we have already allotted your property taxes at this lower amount with the assumption you will apply for this exemption. Confirm with your Mortgage Planner if you are unsure about this exemption.

This lower rate is not automatic; therefore, you must apply for it as the default is the 6% commercial rate. Failure to complete the 4% rate application would result in an approximate two-thirds increase of your property tax bill so **PLEASE DO NOT FORGET TO DO THESE STEPS!**

STEP ONE:

- Go to any SC DMV and update your driver's license and vehicle registration to reflect your new property address. You can Google "SC DMV Locations" to find the nearest location and any SC DMV location can provide this service.
  - **Items Needed:** your Closing Disclosure (CD) from your closing, which was the form with the final numbers and should be provided by your Closing Attorney, or we can provide an unsigned copy upon request

STEP TWO:

- Wait approximately (3) weeks from your closing date to go to the County Assessor's Office
  - **Address:** 222 McDaniel Avenue, Suite B8, Pickens, SC 29671, Open 8:00am-5:00pm Monday through Friday
  - **Items Needed: #1** your Closing Disclosure (CD); **#2** an updated Driver's License with your new address; **#3** your vehicle registration with your new address
    - Additional Special Circumstances per Pickens County:
      - If divorced or separated, a copy of the Final Divorce Decree or Court Approved Separate Maintenance and Support Order may be required.
      - Members of the Military, provide a copy of current Military Orders, Military ID (Military permanent duty station must be in South Carolina)
      - If you sold a prior, primary residence in SC - take the Closing Disclosure from that sale as well
  - **Timeline:** By law you have until 12/31 of the year you close to file this, but tax rolls close on 10/1 - so we STRONGLY recommend you go prior to 10/1 of the year in which you close on your home. If your closing falls after 10/1, go to the County Courthouse as quickly as you are able after closing

The above is all you need to ensure you receive the lowest property tax rate. We **STRONGLY** recommend you do this process in person as it is a very costly oversight if not filed.

864.569.0741
400 Executive Center Drive, Suite 108
Greenville, SC 29615

CL TEAM

A DIVISION OF Luminate Bank

Pickens County Assessor
222 McDaniel Ave., B8
Pickens, SC 29671
Phone:864-898-5872

LEGAL RESIDENCE APPLICATION

www.pickensassessor.org
Email:AssessorHelpdesk@co.pickens.sc.us

CLEAR FORM PRINT

Ownership Information: Authorized Agents must submit an Agent Authorization Form. AGENT FORM

Owner(s)		**Account Number**	
Mailing Address		**Parcel Number**	
City, State, Zip		**Tax Year**	
Physical Address	Same as mailing address ☐	**Date of Occupancy**	

Application must be filed with the Assessor before the first penalty date for the payment of taxes (typically January 15th)

PLEASE BE ADVISED ANY INFORMATION SUBMITTED TO THIS OFFICE IS SUBJECT TO REVIEW BY THE SC DEPARTMENT OF REVENUE

1. Please check the appropriate box: Married ☐ Legally Separated ☐ Divorced ☐ Never Married ☐ Widow ☐

2. Type of residence: Single Family ☐ Condo/Townhouse ☐ Duplex ☐ Mobile Home ☐ Mobile Home & Land ☐ Contiguous Land ☐

3. List your contiguous (adjacent or adjoining) vacant land account numbers to be considered in this legal residence application:

4. Do you, your spouse, or *any member of your household** own any other residence(s) anywhere in the United States? YES ☐ NO ☐
List all addresses including City, County, State

5. Do you, your spouse, or *any member of your household** claim to be a resident of any other jurisdiction (*City, County, State or Country)* for any purpose? If "YES," provide name, address, and county/state/country. YES ☐ NO ☐

6. Are you and your spouse US Citizens? **(**If either spouse or any member of the household is not a US citizen, refer to "6A") YES ☐ NO ☐
6A. Provide copy of H-1B visa and I-140 Petition (also, H-4 visa, if applicable). Or copy of Form I-485 or Permanent Resident Card(s).

7. Are all vehicles of the owner and members of your household registered in Pickens County? YES ☐ NO ☐

8. Are there any houses, mobile homes, apartments, buildings, or land rented or used for other purposes on this property? YES ☐ NO ☐
If **YES,** explain: ____________ If rented, # of days rented/leased: ▶ ______

9. Do the owner occupants file a S.C. State Income Tax Return as a resident of South Carolina? YES ☐ NO ☐

10. Is this property owned by a single-member Limited Liability Company (LLC)? If YES, provide the articles of incorporation, operating statement or other documents showing the applicant is the single member.) YES ☐ NO ☐

11. If this property is held in Trust, is the grantor/trustor/settlor a current Beneficiary of the Trust? (A "Trust Certificate" or copy of the relevant sections of the Trust document which identify the Beneficiaries is required.) YES ☐ NO ☐

PROOF OF ELIGIBILITY DOCUMENTS REQUIRED FOR APPROVAL BY 12-43-220 (2) (iv) (A) (B) (C) (v)

A) Copies of S.C. Driver(s) License(s) or SC ID card(s) & Vehicle Registration(s) showing current address ***(for all owner-occupants AND spouse).***
B) Copies of most recently filed Federal & State income tax return ***(for all owner-occupants AND spouse).***
C) Copies of H-1B visa and I-140 Petition (also, H-4 visa, if applicable). Or copy of Form I-485 or Permanent Resident Card(s). ... If either spouse or any member of the household is not a US citizen.
D) For members of the Military, provide a copy of current Orders and Military ID. The military permanent-duty station must be in South Carolina.
E) If legally separated or divorced, provide court issued proof of legal separation or divorce.
F) If this property is held in Trust, provide a "Trust Certificate" or copy of the relevant sections of the Trust document which identify the Beneficiaries.

Certification Section and Property Owners Acknowledgment *** Original Form Required-Do Not Fax Form***

Under penalty of perjury, I certify that:
(A) the residence which is the subject of this application is my legal residence and where I am domiciled at the time of this application and that neither I, nor any member of my household*, claim to be a legal resident of a jurisdiction (City, County, State or Country) other than South Carolina for any purpose; and
(B) that neither I, nor a member of my household*, claim the special assessment ratio allowed by this section on another residence.

A member of my household means:
(a) the owner-occupant's spouse, except when that spouse is legally separated from the owner-occupant; and
(b) any child under the age of eighteen years of the owner-occupant claimed or eligible to be claimed as a dependent on the owner-occupant's federal income tax return.
If a person signs the certification, obtains 4% assessment ratio, and thereafter found not eligible, or thereafter loses eligibility and fails to notify the assessor within six months, a penalty is imposed equal to 100% of the tax paid, plus interest on that amount at the rate of ½ of 1% per month, but in no case less than $30 nor more than the current year's taxes.

Signature of Owner Occupant-Required	Social Security No.	Daytime Phone No.	Date Signed
▶			
Signature of Spouse or Co-Owner (Required)	Social Security No.	Daytime Phone No.	Date Signed
▶			

FILING THIS APPLICATION DOES NOT DELAY PAYMENT OF TAXES THAT HAVE BEEN BILLED. UNDER SC STATUTES, TAXES ARE DUE BY THE DATE ON THE BILL. PENALTIES AND INTEREST WILL NOT BE WAIVED FOR LATE PAYMENT.

CLEAR FORM PRINT

revised 11/4/20

You *may not receive* any further notification if your application is approved for the 4% ratio. If approved the 4% ratio will be computed into your tax bill and will reflect 4% as the assessment ratio on your bill. If your application is not approved by the time the bill is due, pay the bill and a refund will be issued if the application is approved and the special assessment ratio granted. If your application is disapproved for any reason you will receive a written-assessment notice reflecting the disapproval. The notice will advise you of your appeal rights and appeal period.

THE FOLLOWING ARE *EXCERPTS* FROM THE STATUTE

SECTION 12-43-220. Classifications shall be equal and uniform; particular classifications and assessment ratios; procedures for claiming certain classifications; roll-back taxes.

(c)(1) The legal residence and not more than five acres contiguous thereto, when owned totally or in part in fee or by life estate and occupied by the owner of the interest, and additional dwellings located on the same property and occupied by immediate family members of the owner of the interest, are taxed on an assessment equal to four percent of the fair market value of the property If residential real property is held in trust and the income beneficiary of the trust occupies the property as a residence, then the assessment ratio allowed by this item applies if the trustee certifies to the assessor that the property is occupied as a residence by the income beneficiary of the trust.

If this property has located on it any rented mobile homes or residences which are rented or any business for profit, this four percent value does not apply to those businesses or rental properties. For purposes of the assessment ratio allowed pursuant to this item, a residence does not qualify as a legal residence unless the residence is determined to be the domicile of the owner-applicant.

(2)(i) 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. A residence which has been qualified as a legal residence for any part of the year is entitled to the four percent assessment ratio provided in this item for the entire year, for the exemption from property taxes levied for school operations pursuant to Section 12-37-251 for the entire year, and for the homestead exemption under Section 12-37-250, if otherwise eligible, for the entire year.

<u>*MEMBER OF HOUSEHOLD: DEFINITION</u>:

(iii) For purposes of subitem (ii) (B) of this item, "a member of my household" means:

(A) the owner-occupant's spouse, except when that spouse is legally separated from the owner-occupant; and

(B) <u>any child under the age of eighteen years</u> of the owner-occupant claimed or eligible to be claimed as a dependent on the owner-occupant's federal income tax return.

(iv) In addition to the certification, the burden of proof for eligibility for the four percent assessment ratio is on the owner-occupant and the applicant must provide proof the assessor requires including, but not limited to:

(A) a copy of the owner-occupant's most recently filed SC income tax return & the state & federal tax returns for household member(s) working or residing in another state;

(B) copies of South Carolina motor vehicle registrations for all motor vehicles registered in the name of the owner-occupant;

(C) ***other proof required by the assessor*** necessary to determine eligibility for the assessment ratio allowed by this item.

If the assessor determines the owner-occupant ineligible, the six percent property tax assessment ratio applies and the owner-occupant may appeal the classification as provided in Chapter 60 of Title 12.

(v) A member of the armed forces of the United States on active duty who is a legal resident of and domiciled in another state is nevertheless deemed a legal resident and domiciled in this State for purposes of this item if the members permanent duty station is in this State. A copy of the member's orders filed with the assessor is considered proof sufficient of the member's permanent duty station.

(vi) No further applications are necessary from the current owner while the property for which the initial application was made continues to meet the eligibility requirements. If a change in ownership or use occurs, the owner who had qualified for the special assessment ratio allowed by this section shall notify the assessor of the change in classification within six months of the change.

(vii) ***If a person signs the certification***, obtains the four percent assessment ratio, ***and is thereafter found not eligible, or thereafter loses eligibility and fails to notify the assessor within six months, <u>a penalty is imposed equal to one hundred percent of the tax paid</u>, <u>plus interest</u> on that amount at the rate of one-half of one percent a month***, but in no case less than thirty dollars nor more than the current year's taxes. ***This penalty and any interest are considered ad valorem taxes due on the property for purposes of collection and enforcement.***

(3) Notwithstanding any other provision of law, a taxpayer may apply for a refund of property taxes overpaid because the property was eligible for the legal residence assessment ratio. The application must be made in accordance with Section 12-60-2560. The taxpayer must establish that the property in question was in fact his legal residence and where he was domiciled.

(5) To qualify for the four percent assessment ratio, the owner-occupant of a legal residence that is being purchased under a contract for sale or a bond for title must record the contract for sale or the bond for title in the office of the register of mesne conveyances or the clerk of court in those counties where the office of the register of mesne conveyances has been abolished. For purposes of this subsection, a contract for sale or a bond for title is the sale of real property by a seller, who finances the sale and retains title to the property solely as security for the debt.

(7) Notwithstanding any other provision of law, the owner-occupant of a legal residence is not disqualified from receiving the four percent assessment ratio allowed by this item if the taxpayer's residence meets the requirements of Internal Revenue Code Section 280A (g) as defined in Section 12-6-40(A) and the taxpayer otherwise is eligible to receive the four percent assessment ratio.

(8)(i) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual's ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12-37-220(B)(47) applies only to value attributable to the taxpayer's ownership interest.

(ii) Notwithstanding subitem (i), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an applicant may qualify for the four percent assessment ratio on the entire value of the property if the applicant:

(A) owns at least a **<u>twenty-five percent</u>** interest in the subject property with immediate family members;

(B) is not a member of a household currently receiving the four percent assessment ratio on another property; and

(C) otherwise qualifies for the four percent assessment ratio.

For purposes of this subitem, 'immediate family member' means a parent, child, or sibling.