



SPONSOR: Rep. Hensley & Rep. Bush & Rep. Michael Smith &
Sen. Richardson & Sen. Hoffner
Reps. Bolden, Gray, Morris, D. Short, Yearick; Sens.
Hocker, Lawson, Pettyjohn, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 29

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ELDERLY PROPERTY TAX RELIEF AND EDUCATION EXPENSE FUND BY INCREASING THE ELDERLY PROPERTY TAX CREDIT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 6102, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 6102. Composition of General Fund; Delaware Higher Education Loan Program Fund.

4 (q) (1) A special fund of the State is created in the Department of Finance to be known as the “Elderly Property
5 Tax Relief and Education Expense Fund,” to which shall be deposited \$13,000,000 received in any revenue source not
6 otherwise committed to a special fund and from which shall be paid claims made under this subsection and § 1919(d) of
7 Title 14. Should such claims exceed \$13,000,000 during any fiscal year, the Secretary of Finance, with the approval of the
8 Director of the Office of Management and Budget and Controller General, may transfer from the general contingency line
9 in the Department of Education to the Elderly Property Tax Relief and Education Expense Fund the amount of such
10 reasonably foreseen additional claims. Any balance remaining in the Elderly Property Tax Relief and Education Expense
11 Fund at the conclusion of any fiscal year shall revert to the General Fund.

12 (2) Sums appropriated pursuant to this subsection shall be allocated to school districts using a method that
13 recognizes factors including, but not limited to, the number of primary residential households owned by persons 65 or
14 over who meet the durational residency requirement of § 1917(c) of Title 14 in each school district, the relative value
15 of residential property owned by persons 65 and over, the relative property values of each school district, the school tax
16 rates of each school district, and the average rate of application for tax relief pursuant to this subsection. The final
17 method and allocation of these moneys shall be approved by the Secretary of Finance in consultation with the
18 Controller General.

19 (3) Local school boards shall decide through majority vote of the whole school board whether to authorize a
20 credit against taxation imposed pursuant to Chapter 19 of Title 14 on the valuation of any qualified property, as defined
21 in § 1917(c) of Title 14. The maximum such credit shall be the lesser of 50% of such tax remaining after taking into

22 account any exemption pursuant to Title 9 and Title 22, or ~~\$500~~ \$750. The receiver of taxes and county treasurer shall
23 apply such credit after any change to the current expense tax rate pursuant to this section. Should the local school board
24 decide to authorize less than the maximum amount of credit against taxation, the local school board shall develop a
25 plan for using moneys received pursuant to this subsection, provide appropriate and reasonable public notice and
26 comment on the proposed plan, and approve the plan through majority vote of the local school board. Local school
27 boards shall submit the approved plan to the Secretary of Finance, the Secretary of Education, the Director of the
28 Office of Management and Budget and the Controller General. In the event that local school boards choose not to
29 authorize the aforementioned credit against taxation, the sums appropriated herein will result in increased state funding
30 for education-related expenses of the school districts. Education-related expenses for the purposes of this subsection
31 shall be defined as including, but not being limited to, computer hardware and software, library resources and other
32 instructional materials, and minor capital improvements to school facilities. Local school boards and all other
33 responsible parties under this paragraph are hereby directed to cause such conditions to be met as soon as practicable
34 after the enactment of this section, but in no event later than October 30, 1999, and shall notify the Secretary of
35 Finance and the Controller General as soon as such conditions are met. Notwithstanding any of the foregoing to the
36 contrary, funds received pursuant to this section shall not be used for major capital improvements or debt service.

SYNOPSIS

This Act increases the Senior Real Property Tax credit to \$750 from \$400 as authorized in the Appropriations Bill for fiscal year ending June 30, 2023, which effectively amended Title 29, § 6102(q)(3) from \$500 to \$400.