

## Nebraska Homestead Exemption

[Nebraska Homestead Exemption Application, Form 458](#)

For filing after February 1, 2020, and by June 30, 2020.

### Overview

The Nebraska homestead exemption program is a property tax relief program for six categories of homeowners:

1. Persons over age 65 (see [page 4](#));
2. Veterans totally disabled by a nonservice-connected accident or illness (see [page 7](#));
3. Qualified disabled individuals (see [page 2](#) and [page 7](#));
4. Qualified totally disabled veterans and their widow(er)s (see [page 7](#));
5. Veterans whose home was substantially contributed to by the Department of Veterans Affairs (DVA) and their widow(er)s (see [page 7](#)); or
6. Individuals who have a developmental disability (see [page 2](#) and [page 7](#)).

There are income limits and homestead value requirements for categories 1, 2, 3, and 6. The income limits are on a sliding scale. There are no income limits and homestead value requirements for categories 4 and 5.

The State of Nebraska reimburses counties and other governmental subdivisions for the reduction in tax revenue as a result of approved homestead exemptions.

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## Terms

**Deductible Medical and Dental Expenses.** Deductible medical and dental expenses are those incurred and paid by the claimant, spouse, and any owner/occupant. These expenses must be more than 4% of the calculated household income prior to deducting the medical expenses.

The allowed medical and dental expenses are the out-of-pocket (non-reimbursed) costs of:

- ❖ Health insurance premiums (employer-sponsored health insurance plans excluded); and
- ❖ Goods and services that restore or maintain health which were purchased from a licensed health practitioner or licensed health care facility.

Insulin and prescription medicine may be included, but nonprescription medicine cannot be included. [IRS Publication 502](#) contains more information on medical and dental expenses.

**Homestead.** A homestead is the residence or mobile home, and up to one acre of land surrounding it, actually occupied by a person who is the owner of record from January 1 through August 15 in each year.

- ❖ Property held in the name of an entity such as a corporation, partnership, or limited liability company will not qualify.
- ❖ In the event of a natural disaster, occurring between January 1 and August 15 of the year of application which renders the residence or mobile home uninhabitable, the displaced applicant is still eligible if the applicant intends to rebuild or repair the homestead. [Directive 15-3, Homestead Exemption Applications Following a Natural Disaster](#).

**Household Income.** Household income is the total of the previous year's federal adjusted gross income (AGI), plus:

- ❖ Social Security or railroad retirement income that was not included as taxable income in the AGI;
- ❖ Any Nebraska adjustments increasing federal AGI (line 12 of the [Nebraska Individual Income Tax Return, Form 1040N](#), filed when reporting Nebraska income tax); and
- ❖ Interest and dividends from Nebraska and its subdivisions' obligations;

of the claimant, spouse, and all other persons who own and occupy the homestead; minus deductible medical expenses.

**Filing Status.** Marital status information is required to determine the income limits used to calculate the percentage of relief, if any. Marital status may be either "married" or "single."

- ❖ Use the married status if a Nebraska individual income tax return was filed using one of the married statuses, or would have been filed as married if a tax return was required.
- ❖ "Closely related" means the applicant is either a brother, sister, parent, or child of another owner-occupant. "Closely related" applicants are subject to the same income criteria as married applicants.
- ❖ Use the single status if a Nebraska individual income tax return was filed using the single or head of household status, or would have been filed as single or head of household if a tax return was required.

**Owner-Occupant.** An owner-occupant is the owner of record or surviving spouse in the current year only; the occupant purchasing and in possession of a homestead under a land contract; one of the joint tenants, or tenants in common; or a beneficiary of a trust that has an ownership interest in the homestead.

**Qualifying Disabilities for Individuals.** The qualifying disabilities are:

- ❖ A permanent physical disability and loss of the ability to walk without the use of a mechanical aid (braces, crutches, cane, walker, or wheelchair) or prosthetic device (**Category 3**);
- ❖ Amputation of both arms above the elbow (**Category 3**);
- ❖ A permanent partial disability of both arms in excess of 75% (**Category 3**); or
- ❖ A developmental disability (**Category 6**) as defined in § 83-1205.

**Note:** An individual who qualifies for Social Security disability does **not** automatically qualify for the Nebraska Homestead Exemption.

**Veteran.** A veteran is a person who has been on active duty in the armed forces of the U.S., or a citizen of the U.S. at the time of service with military forces of a government allied with the U.S., during the following date ranges:

- ❖ World War II, December 7, 1941 to December 31, 1946;
- ❖ Korean War, June 25, 1950 to January 31, 1955;
- ❖ Vietnam War, February 28, 1961 to May 7, 1975 (in the Republic of Vietnam);
- ❖ Vietnam War, August 5, 1964 to May 7, 1975;
- ❖ Lebanon, August 25, 1982 to February 26, 1984;
- ❖ Grenada, October 23, 1983 to November 23, 1983;
- ❖ Panama, December 20, 1989 to January 31, 1990;
- ❖ Persian Gulf War beginning August 2, 1990; and
- ❖ Global War on Terror beginning September 14, 2001.

A veteran must have received an honorable discharge or general discharge under honorable conditions.

## Homestead Exemption Timeline

- ❖ **January.** DOR sends applications to the county assessors.
- ❖ **February 1.** County assessors make applications available and mail them to prior-year applicants.
- ❖ **February 2 through June 30.** Annual filing period for Homestead Exemption applications.
- ❖ **July 20.** Late applications are due if the county board has extended the county's deadline.
- ❖ **August 1.** County assessors must forward approved applications to DOR.
- ❖ **September 1.** The county assessor must let DOR know the average assessed value of a single family home in the county.
- ❖ **October.** DOR sends letters to all those qualifying for less than a 100% exemption. No letter is sent to those qualifying for a 100% exemption (see December).
- ❖ **November 1.** DOR must send approved and denied rosters to the county assessors.
- ❖ **December.** All applicants, including those qualifying for a 100% exemption, will see tax and homestead exemption amounts reflected on their tax statements sent by county treasurers. Mortgage companies receive a copy of the tax statement indicating any homestead exemption granted. Monthly tax escrow payment amounts will be adjusted as applicable by mortgage companies.

## Homestead Exemption Categories

The categories for the homestead exemptions are:

1. Persons over age 65;
2. Veterans totally disabled - nonservice connected;
3. Certain disabled individuals;
4. Veterans totally disabled - service connected, and their widow(ers);
5. Veteran whose home was contributed to by the DVA, and their widow(ers); and
6. Individuals who have a developmental disability as defined in [Neb. Rev. Stat. § 83-1205](#).

A [Form 458](#) must be filed with the county assessor after February 1 and by June 30 each year for all categories. A Schedule I must also be filed for Categories 1, 2, 3, and 6. Failure to properly file within this timeframe (with certain limited exceptions) will result in disapproval of the homestead exemption for the year.

The following chart gives an overview of the requirements for each category:

Categories	1	2	3	4	5	6
Ownership and Occupancy Jan.1-Aug.15	Yes	Yes	Yes	Yes	Yes	Yes
Annual Form 458	Yes	Yes	Yes	Yes	Yes	Yes
Annual Schedule I	Yes	Yes	Yes	No	No	Yes
Widow(er) Eligible	No	No	No	Yes	Yes	No
First Time Form 458B /DHHS or VA Certificate	No	Yes 458B or VA	Yes 458B	Yes - VA	Yes - VA	Yes 458B (DHHS)
Annual Form 458B /DHHS or VA Certificate	No	No (County or Tax Commissioner's Discretion)	No (County or Tax Commissioner's Discretion)	No (County or Tax Commissioner's Discretion)	No (County or Tax Commissioner's Discretion)	No (County or Tax Commissioner's Discretion)
Maximum Exempt Amount	Yes - 100%	Yes - 120%	Yes - 120%	No	No	Yes - 120%
Maximum Value	Yes - 200%	Yes - 225%	Yes - 225%	No	No	Yes - 225%
Age 65 prior to January 1	Yes	No	No	No	No	No
Income Requirements	Yes	Yes	Yes	No	No	Yes

## Persons Over Age 65 (Category 1) ([Regulation 45-002.15](#))

To qualify for a homestead exemption under this category, an individual must:

- ❖ Be 65 or older before January 1 of the application year;
- ❖ Own and occupy a homestead continuously from January 1 through August 15; and
- ❖ Have qualifying household income – see Table I.

<b>Table I</b>					
<b>Homestead Exemption For Persons Over Age 65</b>					
• Subject to change					
Income Limit, Single		Percentage of Relief	Income Limit, Married		
\$ 0	– 29,400.99	100	\$ 0	– 34,500.99	
29,401	– 30,900.99	90	34,501	– 36,400.99	
30,901	– 32,500.99	80	36,401	– 38,300.99	
32,501	– 34,000.99	70	38,301	– 40,100.99	
34,001	– 35,500.99	60	40,101	– 42,000.99	
35,501	– 37,100.99	50	42,001	– 43,900.99	
37,101	– 38,600.99	40	43,901	– 45,700.99	
38,601	– 40,100.99	30	45,701	– 47,600.99	
40,101	– 41,700.99	20	47,601	– 49,400.99	
41,701	– 43,200.99	10	49,401	– 51,300.99	
43,201	and over	0	51,301	and over	

**Maximum Exempt Amount.\*** The percentage of exemption relates to the assessed value of the homestead. The maximum exempt amount is the taxable value of the homestead up to \$40,000 or 100% of the county's average assessed value of single family residential property, whichever is greater.

**Maximum Value.\*** To be eligible, the maximum assessed value of the homestead is \$95,000, or 200% of the average assessed value of single family residential property in the county, whichever is greater. The exempt value will be reduced by 10% for every \$2,500 that the assessed value exceeds the maximum value. If the assessed value exceeds the maximum value by \$20,000 or more, the homestead is not eligible for exemption.

\* Because the average assessed value of a homestead will typically vary from year to year, and is not calculated until after the value of the home has been determined, DOR recommends checking with your county assessor for last year's maximum value for reference.

<b>Table II</b>	
<b>Maximum Exempt Value Reductions</b>	
<b>Homestead Value Exceeds Maximum By:</b>	<b>Reduce Exempt Amount By:</b>
\$ 0 – \$2,499	0%
2,500 – 4,999	10
5,000 – 7,499	20
7,500 – 9,999	30
10,000 – 12,499	40
12,500 – 14,999	50
15,000 – 17,499	60
17,500 – 19,999	70
20,000 or more	(no exemption allowed)

In the following examples the assessed value, the average value, the maximum value, and the maximum exempt amount can be obtained from the county assessor.

**Example A – Over age 65, Category 1, not eligible for a homestead exemption. ([Regulation 45-003.01B](#))**

If the assessed value exceeds the maximum value by \$20,000 or more, the homestead is not eligible for exemption.

The scenario –

- ❖ The maximum value of an assessed homestead ([Regulation 45-002.09A](#)) in this county is **\$95,000**.
- ❖ Mrs. Green’s homestead in this county has an assessed value of **\$150,000**.

The exemption calculations –

- ❖ The assessed value of the homestead exceeds the maximum value in the county by more than \$20,000 (\$150,000 - \$95,000 = \$55,000 over the maximum value).

**Conclusion** – Mrs. Green’s homestead is not eligible for a homestead exemption.

**Example B – Over age 65, Category 1, maximum value reduction. ([Regulation 45-002.09A](#))**

The maximum value of the homestead is the greater of \$95,000, or 200% of the county’s average assessed value of a single-family residential property.

The scenario –

- ❖ Mr. Doe is **88 years old** and **married**.
- ❖ The assessed value of his homestead is **\$202,000**.
- ❖ The average value of a single-family residential property in this county is **\$97,500**.
- ❖ Household income is **\$28,000**.

The exemption calculations –

- ❖ The maximum value is \$195,000 (\$97,500 x 200% = \$195,000, which is greater than \$95,000).
- ❖ Since the assessed value of this homestead is \$202,000, its value is \$7,000 over the maximum amount (\$202,000 - \$195,000).
- ❖ According to [Table II](#), this means that there will be a 20% reduction of \$19,500 (\$97,500 x 20%).
- ❖ The maximum exempt value of Mr. Doe’s homestead is \$78,000 (\$97,500 - \$19,500).
- ❖ Mr. Doe’s household income of \$28,000 means he is eligible for 100% relief (according to the Married Income Limit side of [Table I](#)).
- ❖ The income percentage (\$78,000 x 100%) results in a homestead exemption value of \$78,000.

### Conclusions –

- ❖ **The total taxable value of the homestead** (after applying the exemption) is **\$124,000** (\$202,000 - \$78,000).
- ❖ The [county property tax rate](#) is calculated on the taxable value of \$124,000 to determine the amount of property tax that is due on Mr. Doe's homestead.

### Example C – Over age 65, Category 1, no maximum value reduction. ([Regulation 45-002.04 A](#) and [45.002.09A](#))

The maximum exempt amount is the greater of the taxable value of the homestead up to \$40,000, or 100% of the county's average assessed value of a single family residential property.

The scenario –

- ❖ Ms. Doe is **72 years old** and **single**.
- ❖ The homestead assessed value is **\$100,000**.
- ❖ The average value of a single family residential property in this county is **\$75,000**.
- ❖ Household income is **\$31,000**.

The exemption calculations –

- ❖ The maximum value of the homestead is the greater of \$95,000, or 200% of the county's average assessed value of a single family residential property. In this case, the maximum value amount is \$150,000 ( $\$75,000 \times 200\% = \$150,000$ , which is greater than \$95,000).
- ❖ The homestead assessed value is \$100,000, which is less than the maximum value of \$150,000, so no reduction is necessary.
- ❖ The maximum exempt value of the homestead is the greater of \$40,000 or 100% of the county average assessed value of a single family residential property in the county. In this case, the maximum exempt amount is \$75,000 ( $\$75,000 \times 100\% = \$75,000$ , which is greater than \$40,000).
- ❖ Ms. Doe's household income level of \$31,000 means she is eligible for 80% relief of her homestead's maximum exempt value (according to the Single Income Limit side of [Table I](#)). The homestead exemption is \$60,000 ( $\$75,000 \times 80\%$ ).

### Conclusions –

- ❖ **The total taxable value of the homestead** (after applying the exemption) is **\$40,000** (\$100,000 - \$60,000).
- ❖ The [county property tax rate](#) is calculated on the taxable value of \$40,000 to determine the amount of property tax that is due on Ms. Doe's homestead.

### Example D – Over age 65, Category 1, no maximum value reduction, assessed value is less than the maximum exempt value in the county. ([Regulation 45-002.04](#), [45-002.04A](#), and [45-002.09A](#))

The maximum exempt amount is the lesser of the taxable value of the homestead; or the greater of \$40,000 or 100% of the county's average assessed value of a single family residential property.

The scenario –

- ❖ Mrs. White is **68 years old** and **married**.
- ❖ The homestead assessed value is **\$35,000**.
- ❖ The average value of a single family residential property in this county is **\$35,000**.
- ❖ Household income is **\$39,000**.

The exemption calculations –

- ❖ The maximum exempt amount is \$35,000 (because this is less than \$40,000).
- ❖ The maximum value is \$95,000 (200% of the average value,  $\$35,000 = \$70,000$ , which is less than \$95,000). There is no maximum value reduction because the homestead's value is less than \$95,000.



- ❖ Mrs. White's household income level of \$39,000 means she is eligible for 70% relief of her homestead's maximum exempt value (according to the Married Income Limit side of [Table I](#)). The homestead exemption is \$24,500 (\$35,000 x 70%).

**Conclusions –**

- ❖ **The total taxable value of the homestead** (after applying the exemption) is **\$10,500** (\$35,000 - \$24,500).
- ❖ The [county property tax rate](#) is calculated using the taxable value of \$10,500 to determine the amount of property tax that is due on Mrs. White's homestead.

**Qualified Disabled Individuals (Categories 3 and 6) ([Regulation 45-002.16](#))**

An individual with a qualifying disability must:

- ❖ Own and occupy the homestead January 1 through August 15 ([Reg. 45-002.06](#));
- ❖ Have qualifying household income – [Table III \(Regulation 45-002.07\)](#); and
- ❖ File a [Form 458](#) and an income statement with the county assessor after February 1 and by June 30 each year.
- ❖ For the first year, a completed Certification of Disability for Homestead Exemption, Form 458B (which may be obtained from the county assessor), must be filed with the Form 458. If Form 458B is not filed with the county assessor, the individual will not qualify for the homestead exemption for that year ([Reg. 45-004.05A](#)). Such certification shall not be required in succeeding years if no change in status has occurred, except that the county assessor or the Tax Commissioner may request such certification to verify that no change in status has occurred.
- ❖ Individuals with a qualifying disability under **Category 3** must have a Form 458B completed by a qualified medical practitioner (a physician, physician assistant, or advanced practice registered nurse). Individuals with a developmental disability under **Category 6** must have a Form 458B completed by the Deputy Director of the Division of Developmental Disabilities, Department of Health and Human Services.

**Qualified Totally Disabled Veterans and Their Widow(er)s (Categories 2, 4, and 5) ([Regulation 45-002.17](#), [45-002.18](#), and [45-002.21](#))**

- 1 A wartime veteran totally disabled by a nonservice-connected illness or accident (**Category 2**).

The veteran must also:

- ❖ Own and occupy the homestead January 1 through August 15;
- ❖ Have qualifying household income – see [Table III](#); and
- ❖ File a Form 458 and an income statement. For the first year, include a completed Certification of Disability for Homestead Exemption, Form 458B, or a certification of disability from the DVA. All forms must be filed with the county assessor after February 1 and by June 30 each year. If Form 458B or certification of disability from the DVA is not filed with the county assessor for the first year's filing, the veteran will not qualify for the homestead exemption for that year. Such certification shall not be required in succeeding years if no change in status has occurred, except that the county assessor or the Tax Commissioner may request such certification to verify that no change in status has occurred.

- 2 A veteran receiving compensation from the U.S. DVA because of a 100% disability that was service-connected. This homestead is 100% exempt regardless of homestead value and income level (**Category 4**).

The veteran must also:

- ❖ Own and occupy the homestead January 1 through August 15; and

- ❖ File a Form 458 with the county assessor after February 1 and on or before June 30 each year. For the first year of filing, a veteran must also include a certification from the DVA. If a certification from the DVA is not filed with the county assessor, the veteran will not qualify for the homestead exemption for that year. Such certification shall not be required in succeeding years if no change in status has occurred, except that the county assessor or the Tax Commissioner may request such certification to verify that no change in status has occurred.

**Widow(er)s of a Veteran.** A homestead exemption is available to the unremarried widow(er) or a surviving spouse who remarries after attaining the age of 57 for **Category 4** of:

Any veteran who died because of a service-connected disability;

A servicemember whose death while on active duty was service-connected;

A servicemember who died while on active duty during wartime; or

A veteran who received compensation from the DVA because of a 100% disability that was service-connected.

**3** A paraplegic veteran or multiple amputee whose home is substantially contributed to by the DVA (**Category 5**). This homestead is 100% exempt regardless of homestead value and income level.

The veteran must also:

- ❖ Own and occupy the homestead January 1 through August 15; and
- ❖ File a Form 458 and include a certification from the DVA with the county assessor after February 1 and on or before June 30 each year. Such certification shall not be required in succeeding years if no change in status has occurred, except that the county assessor or the Tax Commissioner may request such certification to verify that no change in status has occurred. Such certification shall not be required in succeeding years if no change in status has occurred, except that the county assessor or the Tax Commissioner may request such certification to verify that no change in status has occurred.

The widow(er) must:

- ❖ Own and occupy the homestead January 1 through August 15; and
- ❖ File a Form 458 with the county assessor after February 1 and on or before June 30 each year and include a certification from the DVA. If a certification from the DVA is not filed with the county assessor, the widow(er) will not qualify for the homestead exemption.

For **Categories 4 and 5**, the homestead is 100% exempt regardless of homestead value and the owner's income level.

<b>Table III</b> <b>Disabled Veterans and Disabled Individuals</b> <b>Categories 2, 3, and 6</b> <small>• Subject to change</small>					
Income Limit, Single		Percentage of Relief	Income Limit, Married		
\$ 0	— \$33,100.99	100%	\$ 0	— \$37,900.99	
33,101	— 34,700.99	90	37,901	— 39,800.99	
34,701	— 36,200.99	80	39,801	— 41,700.99	
36,201	— 37,700.99	70	41,701	— 43,500.99	
37,701	— 39,300.99	60	43,501	— 45,400.99	
39,301	— 40,800.99	50	45,401	— 47,200.99	
40,801	— 42,300.99	40	47,201	— 49,100.99	
42,301	— 43,900.99	30	49,101	— 51,000.99	
43,901	— 45,400.99	20	51,001	— 52,800.99	
45,401	— 46,900.99	10	52,801	— 54,700.99	
46,901 and over		0	54,701 and over		



**In the following examples, the assessed value, the average value, the maximum value, and the maximum exempt amount can be obtained from the county assessor.**

**Maximum Exempt Amount.\*** The percentage of exemption relates to the assessed value of the homestead. The maximum exempt amount is the taxable value of the homestead up to \$50,000 or 120% of the county's average assessed value of single family residential property, whichever is greater.

**Maximum Value.\*** To be eligible, the maximum assessed value on the homestead is \$110,000 or 225% of the average assessed value of single family residential property in the county, whichever is greater. The exempt value will be reduced by 10% for every \$2,500 that the assessed value exceeds the maximum value. If the assessed value exceeds the maximum value by \$20,000 or more, the homestead is not eligible for exemption.

**Example E – Not eligible for a homestead exemption. ([Regulation 45-003.01B](#))**

If the assessed value exceeds the maximum value by \$20,000 or more, the homestead is not eligible for exemption.

The scenario –

- ❖ The maximum value of an assessed homestead ([Regulation 45-002.09B](#)) in this county is **\$225,000**.
- ❖ The homestead has an assessed value of **\$250,000**.

The exemption calculations –

- ❖ The assessed value of the homestead exceeds the maximum value in the county by more than \$20,000 ( $\$250,000 - \$225,000 = \$25,000$  over the maximum value, which is greater than \$20,000).

**Conclusion –** The homestead is not eligible for a homestead exemption.

**Example F – Disability, maximum exempt value reduction. ([Regulation 45-002.09B](#))**

The maximum value is the greater of the taxable value of the homestead up to \$110,000, or 225% of the county's average assessed value of a single-family residential property.

The scenario –

- ❖ Mr. Jones is **married**.
- ❖ Household income is **\$30,000**.
- ❖ The homestead assessed value is **\$350,000**.
- ❖ The average value of a single-family residential property in this county is **\$180,000** ( $\$150,000 \times 120\%$ ).

The exemption calculations –

- ❖ The maximum value is \$337,500 ( $\$150,000 \times 225\% = \$337,500$ , which is greater than \$110,000).
- ❖ Since the assessed value of this homestead is \$350,000, it is \$12,500 over the maximum amount ( $\$350,000 - \$337,500$ ).
- ❖ According to [Table II](#), this means that there will be a 50% maximum exempt value reduction or \$90,000 ( $\$180,000 \times 50\%$ ).
- ❖ The maximum exempt value of the homestead is calculated to be \$90,000 ( $\$180,000 - \$90,000$ ).
- ❖ Mr. Jones' household income level of \$30,000 means he is eligible for 100% relief of his homestead's maximum exempt value (according to the Married Income Limit side of [Table III](#)). The homestead exemption is \$90,000 ( $\$90,000 \times 100\%$ ).

\* Because the average assessed value of a homestead will typically vary from year to year, and is not calculated until after the value of the home has been determined, DOR recommends checking with your county assessor for last year's maximum value for reference.

### Conclusions –

- ❖ **The total taxable value of the homestead** (after applying the exemption) is **\$260,000** (\$350,000 - \$90,000).
- ❖ The [county property tax rate](#) is calculated on the taxable value of \$260,000 to determine the amount of property tax that is due on Mr. Jones' homestead.

### Example G – Disability, no maximum value reduction, percentage qualification. ([Regulation 45-002.04B](#))

The maximum exempt amount is the greater of the taxable value of the homestead up to \$50,000, or 120% of the county's average assessed value of a single family residential property.

The scenario –

- ❖ Mr. Smith is **single**.
- ❖ Household income is **\$41,500**.
- ❖ The homestead assessed value is **\$100,000**.
- ❖ The average value of a single-family residential property in this county is **\$62,500**.

The exemption calculations –

- ❖ Maximum value is 225% of the average assessed value in the county (\$62,500 x 225% = \$140,625); Mr. Smith's homestead's assessed value is \$100,000 which is below the maximum value, so no reduction is necessary.
- ❖ The maximum exempt value of the homestead is the greater of \$50,000 or 120% of the county average assessed value of single-family residential property in the county. In this case, the maximum exempt amount is \$75,000 (\$62,500 x 120% = \$75,000, which is greater than \$50,000).
- ❖ Mr. Smith's household income level of \$39,500 means he is eligible for 40% relief of his homestead's maximum exempt value (according to the Single Income Limit side of [Table III](#)). This homestead exemption is \$30,000 (\$75,000 x 40%).

### Conclusions –

- ❖ **The total taxable value of the homestead** (after applying the exemption) is **\$70,000** (\$100,000 - \$30,000).
- ❖ The county property tax rate is calculated on the taxable value of \$70,000 to determine the amount of property tax that is due on Mr. Smith's homestead.

### Example H – Disability, no maximum value reduction. ([Regulation 45-002.04B](#) and [45-002.09B](#))

The maximum exempt amount is the greater of the taxable value of the homestead up to \$50,000, or 120% of the county's average assessed value of a single-family residential property.

The scenario –

- ❖ Mrs. Doe is **married**.
- ❖ Household income is **\$38,000**.
- ❖ The homestead assessed value is **\$45,000**.
- ❖ The average value of a single-family residential property in this county is **\$40,000**.

The exemption calculations –

- ❖ The maximum value is the greater of \$110,000 or 225% of the county average assessed value of a single-family residential property in the county. In this case, the maximum value is \$110,000 (since \$40,000 x 225% = 90,000, which is less than \$110,000).
- ❖ Since the assessed value of this homestead is \$45,000, its value is less than \$110,000, so no reduction is necessary.

- ❖ The maximum exempt value of the homestead is the lesser of the taxable value of the homestead (\$45,000), or 120% of the county's average assessed value of a single-family residential property. ( $\$40,000 \times 120\% = \$48,000$ ). \$45,000 is less than \$48,000, so it is the maximum exempt value.
- ❖ Mrs. Doe's household income level of \$38,000 means she is eligible for 90% relief of her homestead's maximum exempt value (according to the Married Income Side of [Table III](#)). The homestead exemption is \$40,500 ( $\$45,000 \times 90\%$ ).

#### Conclusions –

- ❖ **The total taxable value of the homestead** (after applying the exemption) is **\$4,500** ( $\$45,000 - \$40,500$ ).
- ❖ The [county property tax rate](#) is calculated on the taxable value of \$4,500 to determine the amount of property tax that is due on Mrs. Doe's homestead.

## Income Information

**Determination of Income Levels.** To determine the income level of the applicant, the income reported on the [Nebraska Schedule I](#) filed with the application, the income tax returns filed by the applicant, and the income documents provided by the IRS, the Social Security Administration, and the Railroad Retirement Board will be reviewed.

- ❖ Passive income (for example, capital gains, interest, dividends, retirement benefits, pensions, IRA withdrawals) is included as household income.
- ❖ If the names of any children or other individuals are on the deed as owners and they occupy the homestead, their income will be considered in determining eligibility like that of a married claimant. Those individuals occupying the homestead must meet the "closely related" standard. "Closely related" means the applicant is either a brother, sister, parent, or child of another owner-occupant.
- ❖ Social Security retirement income must be included whether or not an income tax return is filed. Medicare premiums may not be subtracted from Social Security income. However, Medicare Part B and Part D premiums are allowable medical expenses.

**Errors in Reporting Income and/or Medical Expenses.** If an error in reporting income and/or medical expenses is discovered, the Tax Commissioner must be notified within three years after December 31 of the application year to have a homestead exemption reconsidered. If income tax returns were filed, the income tax returns must also be amended if the item being changed is included on the returns. The applicant will be notified of income discrepancies resulting in an erroneous homestead exemption. The applicant will receive a corrected statement for the appropriate property tax due, plus possible interest and penalty, payable to the county treasurer.

If the Tax Commissioner approves a homestead exemption based on amended household income, a refund of any taxes paid will be issued by the county treasurer in the county where the taxes were paid.

**One-time Increases in Income.** Income which exceeds the statutory limit will result in disqualification of the homestead exemption for one year. However, a new application may be filed the following year.

**Using the Previous Year's Income to Determine Homestead Exemption Eligibility.** County assessors must complete their current year's real estate tax lists, including homestead exemptions, by December 1; but the current year's income tax information is not reported until the following April 15.

## Other Items Affecting Your Homestead Exemption Application

**Appeal of a Denied Homestead Exemption Application.** Exemptions are denied at either the County or State level and are handled in two different ways. **Note: A homestead exemption appeal cannot be used to protest property valuations.** Protests of property valuations are a distinct and separate process that takes place in June of each year.

- ❖ If a written rejection notice from the county assessor is received, an appeal may be filed with the county board of equalization within 30 days of the date the notice is received.

- ❖ If a denial notice from the Tax Commissioner is received, a hearing with the Tax Commissioner may be requested by filing a written protest with the Nebraska Department of Revenue within 30 days of receipt of the notice. The protest must state the reasons for the appeal; the name and address of the applicant; and a request for relief.

**Disqualification of the Homestead Exemption.** If an owner does not qualify for an exemption, tax on the property will be due in full. A tax statement will be sent from the county in December. A new application may be filed the following year.

**Transfer of a Homestead Exemption if a New Homestead is Purchased.** A transfer is allowed under the following conditions:

- ❖ An application for exemption of the original homestead is filed in a timely manner (meaning the applicant must already own and occupy a home or mobile home as of January 1);
- ❖ A new homestead is purchased between January 1 and August 15, and the new homestead is occupied by the applicant by August 15; and
- ❖ An [Application for Transfer, Form 458T](#), must be filed with the county assessor by August 15; or
- ❖ If the new homestead is purchased in a different county, the Form 458T must be filed with the new county assessor by August 15.

**Life Estate.** If an applicant deeds the homestead to another party, but retains a life estate, that applicant is considered an owner.

**Nursing Home Resident.** The occupancy requirements will continue to be met during a nursing home stay provided that:

- ❖ The owner intends to return to the residence or mobile home;
- ❖ The furnishings are left in place; and
- ❖ The residence or mobile home is not sold, leased, or rented.

**Death of Applicant.** If the applicant is single and dies prior to August 16, the exemption is removed because the January 1 through August 15 occupancy requirement is not met. If the applicant is married, the spouse and minor children continue to benefit from the homestead exemption for that year only. The spouse must qualify and file an application the following year to continue to receive a homestead exemption.

**Multiple Unmarried Owner/Occupants Living in One Homestead.** If two eligible persons who are not married qualify for an exemption for the same property, it is necessary for both to file the [Form 458](#) by June 30 with the county to protect the exemption in case one of the applicants dies prior to August 16.

**Spouses Owning Two Residences or Mobile Homes.** Spouses owning two residences or mobile homes may not receive two homestead exemptions, unless each spouse lives in his or her own separate residence or mobile home. In this case, both spouses' incomes are combined to determine eligibility. In most cases, the residence or mobile home chosen as the primary residence or mobile home will be the homestead property.

**Payment of Property Tax When a Homestead Exemption is Granted.** When an exemption is granted, the taxpayer's obligation is met by the State paying the tax directly to the county treasurer. If a partial exemption is granted, the remaining portion must be paid by the property owner.

**Help Prevent Homestead Exemption Fraud.** If you know or suspect an individual is receiving a homestead exemption illegally, you may report it anonymously by calling the Nebraska Department of Revenue at 888-475-5101. All information will remain confidential.

## Resource List:

### Regulations:

- ❖ [Homestead Exemption Regulations Chapter 45](#)

### Statutes:

- ❖ [Neb. Rev. Stat. § 77-3501 Definitions, where found](#)
- ❖ [Neb. Rev. Stat. § 77-3501.01 Exempt amount, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3501.02 Closely related, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3502 Homestead, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3503 Owner, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3504 Household income, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3505 Qualified claimant, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3505.01 Married, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3505.02 Maximum value, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3505.03 Single, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3505.04 Single-family residential property, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3505.05 Medical condition, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3506 Certain veterans; exemption; unremarried surviving spouse; application](#)
- ❖ [Neb. Rev. Stat. § 77-3506.02 County assessor; duties](#)
- ❖ [Neb. Rev. Stat. § 77-3506.03 Exempt amount; reduction; when; homestead exemption; limitation](#)
- ❖ [Neb. Rev. Stat. § 77-3507 Homesteads; assessment; exemptions; qualified claimants; based on income](#)
- ❖ [Neb. Rev. Stat. § 77-3508 Homesteads; assessment; exemptions; individuals; based on disability and income](#)
- ❖ [Neb. Rev. Stat. § 77-3509.01 Transfer of exemption to new homestead; procedure](#)
- ❖ [Neb. Rev. Stat. § 77-3509.02 Transfer of exemption to new homestead; rejection for original homestead; county assessor; duties](#)
- ❖ [Neb. Rev. Stat. § 77-3509.03 Homesteads; exemptions; property tax statement; contents](#)
- ❖ [Neb. Rev. Stat. § 77-3510 Homesteads; exemptions; transfers; claimants; forms; contents; county assessor; furnish; confidentiality](#)
- ❖ [Neb. Rev. Stat. § 77-3511 Homestead; exemption; application; execution](#)
- ❖ [Neb. Rev. Stat. § 77-3512 Homestead; exemption; application; when filed](#)
- ❖ [Neb. Rev. Stat. § 77-3513 Homestead; exemption; notice; contents](#)
- ❖ [Neb. Rev. Stat. § 77-3514 Homestead; exemption; failure to give notice; penalty; lien](#)
- ❖ [Neb. Rev. Stat. § 77-3514.01 Homestead; exemption; late application because of medical condition; filing; form; county assessor; powers and duties; rejection; notice; hearing](#)
- ❖ [Neb. Rev. Stat. § 77-3515 Homestead; exemption; new owner of property; when claimed](#)
- ❖ [Neb. Rev. Stat. § 77-3516 Homestead; exemption; application; county assessor; duties](#)
- ❖ [Neb. Rev. Stat. § 77-3517 Homestead; application for exemption; county assessor; Tax Commissioner; duties; refunds; liens; interest](#)

- ❖ [Neb. Rev. Stat. § 77-3519 Homestead; exemption; county assessor; rejection; applicant; complaint; contents; hearing; appeal](#)
- ❖ [Neb. Rev. Stat. § 77-3520 Homestead; exemption; Tax Commissioner; rejection or reduction; petition; contents; hearing; appeal](#)
- ❖ [Neb. Rev. Stat. § 77-3521 Tax Commissioner; rules and regulations](#)
- ❖ [Neb. Rev. Stat. § 77-3522 Violations; penalty](#)
- ❖ [Neb. Rev. Stat. § 77-3523 Homestead; exemption; county treasurer and county assessor; certify tax revenue lost within county; reimbursed; manner; distribution](#)
- ❖ [Neb. Rev. Stat. § 77-3524 Homestead; exemption; categories; Department of Revenue; maintain statistics](#)
- ❖ [Neb. Rev. Stat. § 77-3526 Paralegic, multiple amputee; terms, defined](#)
- ❖ [Neb. Rev. Stat. § 77-3527 Property taxable; paralegic veteran; multiple amputee; exempt; value; transfer of property; effect](#)
- ❖ [Neb. Rev. Stat. § 77-3528 Property taxable; paralegic; multiple amputee; claim exemption](#)
- ❖ [Neb. Rev. Stat. § 77-3529 Homestead; exemption; application; denied; other exemption allowed](#)

**revenue.nebraska.gov/PAD**

888-475-5101 or 402-471-5719

Nebraska Department of Revenue, PO Box 94818, Lincoln, Nebraska 68509-4818

You may also contact your county assessor.