

CHAPTER Rev 200 PROCEDURAL RULES

PART Rev 202 FORM AND SERVICE OF DOCUMENTS

Readopt with amendment Rev 202.01, effective 9-20-16 (Document #11185-A), to read as follows:Rev 202.01 Form, Appearance, and Number of Documents.

(a) All petitions, motions, memoranda, briefs, affidavits, subpoenas, or similar documents to be filed under the rules of this chapter shall:

- (1) Be typewritten or clearly printed on strong durable paper 8 1/2" x 11" in size;
- (2) Contain the title and docket number of the proceeding, if known;
- (3) Be dated and signed or electronically signed if submitted as provided in Rev 202.01(c); and
- (4) State the title, if any, and address of the signor.

(b) Except as otherwise provided in this chapter, the party filing any documents with the department, described in (a) above, shall serve a copy upon each interested party and certify to the hearings bureau that such service has been made.

(c) Appeals filed with the department under the rules of this chapter shall comply with all requirements of this section, except Rev 202.01(a)(1) for when the appeal is filed electronically through Granite Tax Connect web portal located at <https://gtc.revenue.nh.gov/>.

APPENDIX

Rule	Specific State Statute the Rule Implements
Rev 202.01	RSA 21-J:13; RSA 21-J:3, V; RSA 21-J:3, XVIII; RSA 21-J:28-b, I

CHAPTER Rev 300 BUSINESS PROFITS TAX

PART Rev 303 ADDITIONS AND DEDUCTIONS MADE TO GROSS BUSINESS PROFITS

Adopt Rev 303.06 to read as follows:

Rev 303.06 Deduction under IRC 163(j). A business organization with a fiscal tax period that begins before, and ends on or after, January 1, 2024 and has a carry forward of disallowed business interest under section 163(j) of the IRC at the end of such fiscal tax period, shall be allowed as a deduction of such disallowed business interest expense, under RSA 77-A:4, XX, in 3 equal parts over 3 consecutive years, beginning with the first taxable period commencing on or after the end of said fiscal period.

PART Rev 304 APPORTIONMENT OF ADJUSTED GROSS BUSINESS PROFITS

Readopt with amendment Rev 304.10, effective 9-23-22 (Document #13450), to read as follows:

Rev 304.10 Adjustments Required to Apportionment Factors For Financial Institutions.

(a) For purposes of this section, the following definitions shall apply:

- (1) “Billing address” means the location indicated in the books and records of the business organization on the first day of the taxable year, or on such later date in the taxable period when the customer relationship began, as the address where any notice, statement, or bill relating to a customer's account is mailed to the customer;
- (2) “Borrower or credit cardholder located in New Hampshire” means:
 - a. An individual or business organization engaged in a trade or business which maintains its commercial domicile in New Hampshire; or
 - b. An individual who is not engaged in a trade or business but whose billing address is in New Hampshire;
- (3) “Commercial domicile” means, for businesses organized under the laws of:
 - a. The United States, the place from which the trade or business is principally managed and directed; or
 - b. A foreign country, the Commonwealth of Puerto Rico, any territory or possession of the United States, the state of the United States, or the District of Columbia to which the greatest number of employees, as defined in Rev 301.14, are regularly connected or out of which they are working, irrespective of where the services of such employees are performed, as of the last day of the taxable year;
- (4) “Credit card” means a card or other medium entitling its holder to credit by virtue of its use to purchase goods or services from businesses;
- (5) “Credit card issuer's reimbursement fee” means the fee a business organization receives from a merchant's bank because one of the persons to whom the business organization has issued a credit card has charged merchandise or services to the credit card;

(6) “Finance lease” means any lease transaction, including any that are classified as a direct financing lease or leverage lease under generally accepted accounting principles or any other lease that is accounted for as a financing by a lessor under generally accepted accounting principles which is the functional equivalent of an extension of credit and that transfers substantially all of the benefits and risks incident to the ownership of property to the lessee;

(7) “Financial institution” means:

- a. Any corporation or other business entity registered under:
 1. State law as a bank holding company;
 2. The Federal Bank Holding Company Act of 1956, as amended; or
 3. The Federal National Housing Act, as amended, as a savings and loan holding company;
- b. A national bank organized and existing as a national bank association pursuant to the National Bank Act, 12 U.S.C. 21 et seq.;
- c. A savings association or federal savings bank as defined in the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)(1);
- d. Any bank or thrift institution incorporated or organized under the laws of any state;
- e. Any corporation organized under the provisions of 12 U.S.C. 611 to 631;
- f. Any agency or branch of a foreign depository as defined in 12 U.S.C. 3101;
- g. A production credit association organized under the Federal Farm Credit Act of 1933, all of whose stock held by the Federal Production Credit Corporation has been retired;
- h. Any corporation, other than an insurance company, whose voting stock is more than 50% owned, directly or indirectly, by any person or business entity described in subsections a. through g. above;
- i. A corporation or other business entity which during the current taxable period and the previous 2 taxable periods derived an average of 50% of its total gross income for financial accounting purposes from finance leases;
- j. Any other person or business entity, other than an insurance company, a real estate broker, a securities dealer, or other similar business entities, which derive more than 50% of their gross income excluding non-recurring and extraordinary items from activities that a person described in subsections a. through i. above is authorized to transact; and
- k. Any person or business entity having more than 50% of its total gross business income derived from or attributable to the issuance and maintenance of credit cards to consumers provided that such credit card can be used by the consumer to purchase goods and services from organizations other than the card issuer;

(8) “Gross rents” means:

a. The actual sum of money or other consideration payable for the use or possession of property except:

1. Reasonable amounts payable as separate charges for water and electric service furnished by the lessor;
2. Reasonable amounts payable as service charges for janitorial services furnished by the lessor;
3. Reasonable amounts payable for storage, provided such amounts are payable for space not designated for use by and not under the control of the taxpayer; and
4. That portion of any rental payment applicable to the space subleased from the taxpayer and not used by the taxpayer;

b. Any amount payable for the use or possession of real property and tangible property whether designated as a fixed sum of money or as a percentage of receipts, profits, or otherwise; and

c. Any amount payable as additional rent or in lieu of rent, such as interest, taxes, insurance, repairs, or any other amount required to be paid by the terms of a lease or other arrangement, including the amount of amortization or depreciation allowed in computing the taxable income base for the taxable year of any improvement to real property made by or on behalf of the business organization which reverts to the owner or lessor upon termination of a lease or other arrangement;

(9) “Loan” means any extension of credit resulting from direct negotiations between the business organization and its customers and:

a. Includes:

1. Participation;
2. Syndications;
3. Leases treated as loans for federal income tax purposes; and
4. The purchase, in whole or in part, of such extension of credit from another business organization; and

b. Excludes:

1. Properties treated as loans under section 595 of the IRC;
2. Futures or forward contracts;
3. Options;
4. Notional principal contracts such as swaps;
5. Credit card receivables, including purchased credit card relationships;

6. Non-interest bearing balances due from depository institutions;
7. Cash items in the process of collection;
8. Federal funds sold;
9. Securities purchased under agreements to resell;
10. Assets held in a trading account;
11. Securities; and
12. Interests in a real estate mortgage investment conduit (REMIC), or other mortgage-backed or asset-backed security;

(10) “Loan secured by real property” means 50% or more of the aggregate value of the collateral used to secure a loan or other obligation, when valued at fair market value as of the time the original loan or obligation was incurred, was real property;

(11) “Merchant discount” means the fee, or negotiated discount, charged to a merchant by the business organization for the privilege of participating in a program whereby a credit card is accepted in payment for merchandise or services sold to the card holder;

(12) “Participation” means an extension of credit in which an undivided ownership interest is held on a pro rata basis in a single loan or pool of loans and the related collateral by the credit originator and any other lenders who have purchased a portion of such loan or pool of loans whether or not known to the borrower;

(13) “Person” means an individual, estate, trust, partnership, corporation, and any other business entity;

(14) “Real and tangible property” means assets:

- a. On which the taxpayer may claim depreciation for federal income tax purposes;
- b. To which the taxpayer holds legal title and on which no other person may claim depreciation for federal income tax purposes or could claim depreciation if subject to federal income taxation; or
- c. That have not been acquired in lieu of, or pursuant to, a foreclosure;

(15) “Regular place of business” means an office where the business organization conducts business in a regular and systematic manner and is continuously maintained, occupied, and used by employees of the business organization;

(16) “Syndication” means an extension of credit in which 2 or more persons fund the credit extension and each person is at risk at a specified:

- a. Percentage of the total extension of credit; or
- b. Dollar amount;

(17) “Taxable” means:

- a. A business organization, as defined in RSA 77-A:1, I., subject in another state to:
 1. A net income tax, a franchise tax measured by net income;
 2. A franchise tax for the privilege of doing business; or
 3. A corporate stock tax including a bank shares tax, a single business tax, or an earned surplus tax, or any tax which is imposed upon or measured by net income; or
- b. Another state has jurisdiction to subject the business organization to any of such taxes regardless of whether, the state does or does not impose such taxes; and

(18) “Transportation property” means:

- a. Vehicles and vessels capable of moving under their own power; and
- b. Equipment or containers attached to the vehicle or vessel.

(b) Financial institutions shall apportion their income to New Hampshire using the apportionment provisions contained in RSA 77-A:3 and Rev 304.02, Rev 304.03, Rev 304.04, and Rev 304.041, subject to the adjustments in paragraphs (c), (d), and (e), below.

(c) The property factor's components shall be calculated utilizing the following provision:

- (1) The property factor shall include only property the income or expenses of which are included, or would have been included if not fully depreciated or expensed, in the computation of the apportionable income tax base for the taxable period;
- (2) The property factor shall be the sum of the value of the real and tangible property and the intangible property components;
- (3) The real and tangible property component shall be calculated using the provision of Rev 304.02;
- (4) The intangible property component shall include the average value of the business organization's loans and credit card receivables;
- (5) Intangible property shall be determined to be located in New Hampshire when it is properly assigned to a regular place of business of the business organization within New Hampshire, based upon the preponderance of substantive contacts relating to the loans having occurred in New Hampshire;
- (6) Substantive contacts shall occur when one or more of the following activities are conducted by employees connected with, or working out of the business organization's regular place of business in New Hampshire, regardless of where the services of such employee were actually performed:

- a. Solicitation of the customer by an employee or the customer initiation of contact with the business organization at its regular place of business;
- b. Investigation of the customer's credit-worthiness and the degree of risk involved in making the particular loan;
- c. Negotiation between the employee of the business organization and the customer regarding the terms of the loan such as the:
 1. Amount;
 2. Duration;
 3. Interest rate;
 4. Frequency of repayment;
 5. Currency denomination; and
 6. Security requirements;
- d. Approval of the agreement by the employees or directors of the business organization; and
- e. Administering the account by performing services such as:
 1. Bookkeeping;
 2. Collecting payments;
 3. Corresponding with the customer; or
 4. Proceeding against the customer in the case of default;

(7) The intangible property included under paragraph (4) above shall be valued in the following manner:

- a. Loans shall be valued at their outstanding principal balance, without regard to any reserve for bad debts;
- b. Credit card receivables shall be valued at their outstanding principal balance, without regard to any reserve for bad debts, with the exception that credit card receivables which are written-off in whole or in part for federal income tax purposes shall not be included in the principal balance to the extent of the portion that is written-off; and
- c. Loans, when written off in whole or in part, shall not be included in the total to the extent of the portion that is written off for:
 1. Federal income tax purposes; or

2. Regulatory purposes through a specifically allocated reserve pursuant to regulatory or financial accounting guidelines;

- (8) Loans properly assigned to New Hampshire shall, absent any change of material fact, remain assigned to New Hampshire for the length of the original term of the loan;
- (9) Upon completion of the original term of loans referenced in (8), above, they may be properly assigned to another state if said loans have a preponderance of substantive contact to a regular place of business there; and
- (10) Credit card receivables shall be treated as loans and subject to the provisions of (c)(6) above, for purposes of determining the location of credit card receivables.
- (d) The payroll factor shall be calculated in accordance with Rev 304.03.
- (e) The sales factor shall be calculated utilizing the following provisions in lieu of the provisions contained in Rev 304.04 and Rev 304.041:
- (1) The sales factor shall be a fraction, as follows:
- a. The numerator shall be the receipts from the lease, sublease, rental, or sub-rental of real property located in New Hampshire, and the lease or rental of tangible personal property, other than transportation equipment, located in New Hampshire when it is first placed in service by the lessee owned by the business organization in New Hampshire during the taxable year; and
 - b. The denominator shall be the receipts of the business organization within and without New Hampshire during the taxable period;
- (2) The sales factor numerator and denominator shall be calculated in a consistent manner from year-to-year, and include those receipts described herein which constitute income and are included in the computation of the apportionable income base for the taxable period;
- (3) Receipts from the lease or rental of transportation property owned by the business organization shall be:
- a. Included in the numerator to the extent that the property is used in New Hampshire; and
 - b. Calculated in the following manner:
 - 1. The amount of receipts from the lease or rental of aircraft to be included in the numerator of New Hampshire's sales factor shall be determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, as follows:
 - (i) The numerator shall be the number of landings of the aircraft in New Hampshire; and
 - (ii) The denominator shall be the total number of landings of the aircraft;

2. Motor vehicles shall be included in the numerator of the state in which they are registered and deemed to be used wholly within such state; and

3. If the extent of the use of any transportation property within New Hampshire cannot be determined, the property shall be deemed to be used wholly in the state in which the property has its principal base of operations;

(4) The numerator shall include interest and fees, or penalties in the nature of interest, from loans secured by real property if, at the time the original agreement is made, the following shall apply:

a. The property is entirely located within New Hampshire;

b. The property is located both within New Hampshire and one or more other states, and more than 50% of the fair market value of the real property is located within New Hampshire; or

c. More than 50% of the fair market value of the real property is not located within any one state, and the borrower is located in New Hampshire;

(5) Interest and fees or penalties in the nature of interest from loans not secured by real property shall be included in the numerator if the borrower is located in New Hampshire;

(6) Net gains from the sale of loans, including income recorded under the coupon stripping rules of section 1286 of the IRC, shall be included in the numerator utilizing the following provisions:

a. The amount of net gains, but not less than zero, from the sale of loans secured by real property included in the numerator shall be determined by multiplying such net gains by a fraction, as follows:

1. The numerator shall be the amount included in the numerator of the sales factor pursuant to (4) above; and

2. The denominator shall be the total amount of interest and fees, or penalties in the nature of interest, from loans secured by real property; and

b. The amount of net gains, but not less than zero, from the sale of loans not secured by real property included in the numerator shall be determined by multiplying such net gains by a fraction, as follows:

1. The numerator shall be the amount included in the numerator of the sales factor pursuant to (5) above; and

2. The denominator shall be the total amount of interest and fees, or penalties in the nature of interest, from loans not secured by real property;

(7) The numerator shall include interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees, such as annual fees, charged to cardholders if the billing address of the cardholder is in New Hampshire;

(8) The amount of net gains, but not less than zero, from the sale of credit card receivables included in the numerator shall be determined by multiplying such net gains by a fraction, as follows:

- a. The numerator shall be the amount included in the numerator of the sales factor pursuant to (7) above; and
- b. The denominator shall be the business organization's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders;

(9) The numerator shall include all credit card issuer's reimbursement fees multiplied by a fraction, as follows:

- a. The numerator shall be the amount included in the numerator of the sales factor pursuant to (7) above; and
- b. The denominator shall be the business organization's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders;

(10) ~~The numerator shall include~~ Receipts from merchant discount: ~~if the transaction or the billing address of the credit cardholder is in New Hampshire;~~

a. If the business organization can readily determine the location of the merchant and if the merchant is in this state, the numerator of the sales factor includes receipts from merchant discount;

b. If the business organization cannot readily determine the location of the merchant, the numerator of the sales factor includes receipts from merchant discount multiplied by a fraction:

1. In the case of a merchant discount related to the use of a credit card, the numerator of which is the amount of fees, interest, and penalties charged to credit card holders if the billing address of the credit card holder is in this state, and the denominator of which is the business organization's total amount of fees, interest, and penalties charged to credit card holders;

2. In the case of a merchant discount related to the use of a debit card, the numerator of which is the amount of fees, interest, and penalties charged to debit card holders if the billing address of the debit card holder is in this state, and the denominator of which is the business organization's total amount of fees, interest, and penalties charged to debit card holders; and

3. In the case of a merchant discount related to the use of all other types of cards, the numerator of which is the amount of fees, interest, and penalties charged to all other card holders if the billing address of the other card holder is in this state, and the denominator of which is the business organization's total amount of fees, interest, and penalties charged to all other card holders;

c. The business organization's method for sourcing each receipt from a merchant discount must be consistently applied to such receipts in all states that have adopted sourcing methods substantially similar to (10)a. and (10)b. above and must be used on all subsequent returns for sourcing receipts from such merchant unless the business organization petitions the commissioner for the employment of any other method to effect an equitable apportionment as allowed according to RSA 77-A:3, II(a).

(11) Receipts from merchant discount, referenced in (10), above, shall:

- a. Be computed net of any cardholder charge backs; and
- b. Not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders;

(12) The numerator shall include receipts from loan servicing fees utilizing the following provisions:

a. For loan servicing fees derived from loans secured by real property, the total amount of such fees shall be multiplied by a fraction, as follows:

1. The numerator shall be the amount included in the numerator of the receipts factor pursuant to (4) above; and
2. The denominator shall be the total amount of interest and fees, or penalties in the nature of interest, from loans secured by real property;

b. For loan servicing fees derived from loans not secured by real property, the total amount of such fees shall be multiplied by a fraction, as follows:

1. The numerator shall be the amount included in the numerator of the receipts factor pursuant to (9) above; and
2. The denominator shall be the total amount of interest and fees, or penalties in the nature of interest, from loans not secured by real property; and

c. For circumstances in which the business organization receives loan servicing fees for servicing either the secured or the unsecured loans of another business organization, the numerator shall include such fees if the borrower is located in New Hampshire;

(13) The numerator shall include all sales not otherwise apportioned under this section utilizing the provisions of Rev 304.04 and Rev 304.041;

(14) The sales factor shall include interest, dividends, net gains not less than zero, and other income from investment assets and activities and trading assets and activities in accordance with the following provisions:

a. Investment assets and activities and trading assets and activities shall include, but are not limited to the following:

1. Investment securities;

2. Trading account assets;
3. Federal funds;
4. Securities purchased and sold under agreements to resell or repurchase;
5. Options;
6. Future contracts;
7. Forward contracts;
8. Notional principal contracts such as swaps;
9. Equities; and
10. Foreign currency transactions;

b. The sales factor shall include the amount by which:

1. Interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements; and
2. Interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities;

c. The sales factor:

1. Numerator shall include interest, dividends, net gains, but not less than zero, and other income utilizing the following provisions for:

(i) Investment assets and activities and from trading assets and activities described in a. above, the total amount of such income shall be multiplied by a fraction, as follows:

i. The numerator shall be the average value of such assets which are properly assigned to a regular place of business of the business organization within New Hampshire; and

ii. The denominator shall be the average value of all such assets;

(ii) Federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements described in b. above, the amount of excess interest shall be multiplied by a fraction, as follows:

i. The numerator shall be the average value of federal funds sold and securities purchased under agreements to resell which are properly

assigned to a regular place of business of the business organization within New Hampshire; and

ii. The denominator shall be the average value of all such funds and such securities; and

(iii) Trading assets and activities described in c. above, excluding amounts described in (i) or (ii), above, the amount of the excess income shall be multiplied by a fraction, as follows:

i. The numerator shall be the average value of such trading assets which are properly assigned to a regular place of business of the business organization within New Hampshire; and

ii. The denominator shall be the average value of all such assets; and

2. Average value shall be determined using the provisions of Rev 304.02(j);

d. If the provisions of c. above do not equitably reflect the business organization for business done in this state a modified procedure shall be:

1. Required by the commissioner in lieu of using the provisions enumerated in c. above, in accordance with RSA 77-A:3, II (a); or

2. Requested by the business organization for all subsequent returns utilizing the provisions of Rev 304.05;

e. If using a modified procedure pursuant to d. above, the modified procedure shall be calculated as follows:

1. The numerator shall include interest, dividends, net gains not less than zero and other income utilizing the following provisions for:

(i) Investment assets and activities and from trading assets and activities described in a. above, the total amount of such income shall be multiplied by the following fraction:

i. A numerator consisting of the gross income from such assets and activities assigned to a regular place of business of the taxpayer within New Hampshire; and

ii. A denominator consisting of the gross income from all assets and activities;

(ii) Federal funds sold and purchased from securities purchased under resale agreements, and securities sold under repurchase agreements described in b., above, the amount of excess interest shall be multiplied by the following fraction:

i. A numerator consisting of the gross income from funds and securities assigned to a regular place of business of the business organization within New Hampshire; and

ii. A denominator consisting of the gross income from all such funds and such securities; and

(iii) Trading assets and activities described in c. above, excluding amounts described in (i) or (ii) above, the amount of the excess income shall be multiplied by the following:

i. A numerator consisting of the gross income from trading assets and activities assigned to a regular place of business of the business organization within New Hampshire; and

ii. A denominator consisting of the gross income from all such assets and activities;

f. Investment asset or activity, or trading asset or activity, shall be presumed to occur at the commercial domicile of the business organization;

g. The business organization may rebut the presumption in f. above, by demonstrating that:

1. The day-to-day decisions regarding the asset or activity occurred at a regular place of business outside New Hampshire; and

2. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one regular place of business, one of which is in New Hampshire, that the investment or trading policies or guidelines concerning such decisions were made outside New Hampshire; and

h. All receipts assigned under (14) to a state where the taxpayer is not taxable shall be included in the numerator of the sales factor, if the business organization's commercial domicile is in New Hampshire; and

(15) The numerator shall include receipts from the sales of tangible personal property not otherwise apportioned under this section utilizing the provisions of Rev 304.04 and Rev 304.041.

CHAPTER Rev 400 PROPERTY TAX CREDITS, EXEMPTIONS AND DEFERRALS

PART Rev 401 DEFINITIONS

Readopt with amendment Rev 401.04, effective 10-28-16 (Document #12027), to read as follows:

Rev 401.04 “Armed forces” means “armed forces” as defined in RSA 21:50, II, and includes the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones in RSA 72:28.

Readopt with amendment Rev 401.28, effective 10-28-16 (Document #12027), to read as follows:

Rev. 401.28 “Solar energy system” means “solar energy system” as defined in RSA 72:61.

Readopt with amendment Rev 401.34, effective 10-28-16 (Document #12027), to read as follows:

Rev 401.34 “Wind-powered energy system” means “wind-powered energy system” as defined in RSA 72:65.

PART Rev 402 GENERAL INFORMATION

Readopt with amendment Rev 402.01, effective 10-28-16 (Document #12027), to read as follows:

Rev 402.01 Types of Mandatory Property Tax Credits, Exemptions, and Deferrals. The municipal assessing officials shall grant the following property tax credits, exemptions, and deferrals to entitled applicants:

(a) Standard veterans’ tax credit pursuant to Rev 403 unless, alternatively, the municipality adopts the optional veterans’ tax credit;

(b) Standard service-connected total and permanent disability tax credit pursuant to Rev 406 unless, alternatively, the municipality adopts the optional service-connected total and permanent disability tax credit;

(c) Standard surviving spouse tax credit pursuant to Rev 407 unless, alternatively, the municipality adopts the optional surviving spouse tax credit;

(d) Certain disabled veterans’ exemption pursuant to Rev 408;

(e) Elderly exemption pursuant to Rev 409;

(f) Exemption for improvements to assist persons with disabilities pursuant to Rev 410; and

(g) Exemption for the blind pursuant to Rev 414; and

(h) Tax deferral for elderly and disabled pursuant to Rev 418.

Readopt with amendment Rev 402.02, effective 10-28-16 (Document #12027), as amended effective 11-26-19 (Document #12925), to read as follows:

Rev 402.02 Types of Optional Property Tax Credits and Exemptions. A municipality may adopt, rescind, or modify, if applicable, the following property tax credits and exemptions pursuant to RSA 72:27-a:

(a) Optional veterans’ tax credit pursuant to Rev 403;

(b) All veterans’ tax credit pursuant to Rev 404;

(c) Tax credit for combat service pursuant to Rev 405;

- (d) Optional service-connected total and permanent disability tax credit pursuant to Rev 406;
- (e) Optional surviving spouse tax credit pursuant to Rev 407;
- (f) Exemption for the disabled pursuant to Rev 411;
- (g) Exemption for deaf or severely hearing impaired persons pursuant to Rev 412;
- (h) Exemption for solar energy systems pursuant to Rev 415;
- (i) Exemption for wind-powered energy systems pursuant to Rev 416; and
- (j) Exemption for woodheating energy systems pursuant to Rev 417.

Readopt with amendment Rev 402.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 402.03 Ownership Requirements.

(a) The applicant for any property tax credit, exemption, or deferral shall own residential real estate or other property, if applicable, either individually or jointly, whether as joint tenants or as tenants in common, except as provided in (b) below.

(b) An applicant who does not own residential real estate may apply for any of the following exemptions if the applicant's spouse of at least 5 consecutive years owns residential real estate:

- (1) Elderly exemption pursuant to Rev 409;
- (2) Exemption for the disabled pursuant to Rev 411; or
- (3) Exemption for deaf or severely hearing impaired persons pursuant to Rev 412.

Adopt Rev 402.06 to read as follows:

Rev 402.06 Documentation Used to Establish Veteran Status.

(a) A person qualifying as a veteran in an application for the veterans' tax credit, pursuant to RSA 72:28, or the all veterans' tax credit, pursuant to RSA 72:28-b, may use the Leave and Earnings Statement issued by the Defense Finance and Accounting Service to establish the person's status as a veteran.

(b) The information on the Leave and Earnings Statement, as used in (a) above, may be redacted except for the information in the boxes showing:

- (1) The full name of the service member;
- (2) The pay date;
- (3) The years of service;
- (4) The military branch; and
- (5) The period covered.

PART Rev 403 VETERANS' TAX CREDIT

Readopt with amendment Rev 403.04, effective 10-28-16 (Document #12027), to read as follows:

Rev 403.04 Additional Eligibility Requirements.

(a) The applicant shall not be eligible for the veterans' tax credit unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 403.03, the applicant is also one of the following:

- (1) A person who:
 - a. Is a veteran, as defined in RSA 21:50; and
 - b. Served at least 90 days on active duty in the armed forces of the United States in any qualifying war or armed conflict listed in RSA 72:28 and continues to serve, or was honorably discharged or honorably separated from service; or
 - c. Was terminated from the armed forces of the United States because of a service-connected disability;
 - (2) A veteran of allied forces otherwise eligible for the veterans' tax credit pursuant to (a)(1) above;
 - (3) The spouse of a person eligible for the veterans' tax credit pursuant to (a)(1)a. and b. above, including a veteran of allied forces; or
 - (4) The surviving spouse of a person, including a veteran of allied forces, who:
 - a. Is eligible for the veterans' tax credit pursuant to (a)(1) above; or
 - b. Suffered a service-connected death.
- (b) An entitled applicant shall be granted only a single veterans' tax credit in New Hampshire.
- (c) If both members of a married couple are each entitled to the veterans' tax credit pursuant to (a)(1) above, the municipal assessing officials shall grant them each 100% of the veterans' tax credit.
- (d) A spouse living separately from a person eligible for the veterans' tax credit pursuant to (a)(1) above, including a veteran of allied forces, may apply for the veterans' tax credit on the spouse's residential real estate, but only if the eligible person does not also apply for the veterans' tax credit on the eligible person's residential real estate.
- (e) The applicant of the veterans' tax credit qualifying pursuant to (a)(1)a. and b., or (a)(3) above, if the veteran continues to serve, shall substantiate their qualification of the veterans' tax credit to the municipal assessing officials on an annual basis.
- (f) Training for active duty by a member of the national guard or reserve shall be considered for determining eligibility of the veterans' tax credit.

PART Rev 404 ALL VETERANS' TAX CREDIT

Readopt with amendment Rev 404.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 404.03 Additional Eligibility Requirements.

(a) The applicant shall not be eligible for the all veterans' tax credit unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 404.03, the applicant is:

(1) One of the following:

a. A person who is a veteran, as defined in RSA 21:50, who served at least 90 days on active duty in the armed forces of the United States and continues to serve, or was honorably discharged or honorably separated from service;

b. A veteran of allied forces otherwise eligible for the all veterans' tax credit pursuant to (a)(1)a. above; or

c. The spouse or surviving spouse of a person or veteran of allied forces eligible for the all veterans' tax credit pursuant to (a)(1)a. above; and

(2) Not eligible for and is not receiving a standard or optional veterans' tax credit pursuant to Rev 403, or a service-connected total and permanent disability tax credit pursuant to Rev 405.

(b) If both members of a married couple are entitled to the all veterans' tax credit pursuant to (a)(1)a. above, the municipal assessing officials shall grant them both 100% of the all veterans' tax credit.

(c) The applicant of the all veterans' tax credit qualifying pursuant to (a)(1)a., or (a)(1)c above, if the veteran continues to serve, except for the surviving spouse, shall substantiate their qualification of the all veterans' tax credit to the municipal assessing officials on an annual basis.

(d) Training for active duty or state active duty by a member of the national guard or reserve shall be considered for determining eligibility of the all veterans' tax credit.

PART Rev 407 SURVIVING SPOUSE TAX CREDIT

Readopt with amendment Rev 407.04, effective 10-28-16 (Document #12027), to read as follows:

Rev 407.04 Additional Eligibility Requirements. The applicant shall not be eligible for the surviving spouse tax credit unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 407.03, the applicant is the surviving spouse of any person who was killed or died while on active duty in any qualifying war or armed conflict in RSA 72:28, as established by United States Department of Defense Form 1300 (DD Form 1300).

PART Rev 408 CERTAIN DISABLED VETERANS' EXEMPTION

Readopt with amendment Rev 408.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 408.03 Additional Eligibility Requirements. The applicant shall not be eligible for the certain disabled veterans' exemption unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 408.02, the applicant is a person discharged under conditions other than dishonorable, or honorably separated from military service of the United States, who:

- (a) As the result of a total and permanent service-connected disability:
 - (1) Is 100 percent permanently and totally disabled as prescribed in 38 C.F.R. 3.340, total and permanent total ratings and unemployability;
 - (2) Is a double amputee of the upper or lower extremities or any combination thereof;
 - (3) Is a paraplegic; or
 - (4) Has blindness of both eyes with visual acuity of 5/200 or less; and
- (b) Owns a specially adapted homestead which has been acquired:
 - (1) With the assistance of the United States Department of Veterans Affairs; or
 - (2) Using proceeds from the sale of any previous homestead which was acquired with the assistance of the United States Department of Veterans Affairs.

PART Rev 409 ELDERLY EXEMPTION

Readopt with amendment Rev 409.01, effective 10-28-16 (Document #12027), to read as follows:

Rev 409.01 Elderly Exemption.

- (a) An applicant shall not be entitled to an elderly exemption pursuant to RSA 72:39-b unless the applicant meets all the eligibility requirements of this part.
- (b) The municipal assessing officials shall grant an elderly exemption to an entitled applicant in an amount adopted by the municipality in accordance with RSA 72:39-b and prorated, if applicable in accordance with RSA 72:41.
- (c) The elderly exemption shall be deducted from the assessed value of an entitled applicant's residential real estate.

Readopt with amendment Rev 409.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 409.03 Additional Eligibility Requirements.

- (a) The applicant shall not be eligible for an elderly exemption unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 409.02, the applicant also meets the following requirements:
 - (1) The applicant is 65 years of age or older on April 1 in the tax year in which the elderly exemption is claimed;

(2) In the calendar year preceding April 1 in the tax year in which the elderly exemption is claimed, the applicant does not have a net income or, if married, a combined net income, greater than the maximum amount adopted by the municipality in accordance with Rev 413; and

(3) The applicant does not own net assets or, if married, combined net assets, greater than the maximum amount adopted by the municipality in accordance with Rev 413.

(b) The maximum combined net asset amount for married persons adopted by the municipality shall continue to apply to a surviving spouse until:

(1) The sale or transfer of the property by the surviving spouse; or

(2) The remarriage of the surviving spouse.

PART Rev 410 EXEMPTION FOR IMPROVEMENTS TO ASSIST PERSONS WITH DISABILITIES

Readopt with amendment Rev 410.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 410.03 Additional Eligibility Requirements.

(a) An applicant shall not be eligible for the exemption for improvements to assist persons with disabilities unless, in addition to meeting the ownership requirements of Rev 402.03, and residency requirements of Rev 410.02, the applicant also meets the following requirements:

(1) The applicant has made improvements to the applicant's residential real estate for the purpose of assisting a person with a disability; and

(2) The person with a disability resided at the applicant's residential real estate on April 1 in the tax year in which the exemption for improvements to assist persons with disabilities is claimed.

(b) The applicant and the person with a disability need not be the same person.

PART Rev 411 EXEMPTION FOR THE DISABLED

Readopt with amendment Rev 411.01, effective 10-28-16 (Document #12027), to read as follows:

Rev 411.01 Exemption for the Disabled.

(a) An applicant shall not be entitled to the exemption for the disabled pursuant to RSA 72:37-b unless:

(1) The applicant's residential real estate is located in a municipality that has adopted the exemption for the disabled pursuant to RSA 72:27-a; and

(2) The applicant is eligible for the exemption for the disabled pursuant to this part.

(b) The exemption for the disabled shall be prorated, if applicable pursuant to RSA 72:41, and deducted from the assessed value of an entitled applicant's residential real estate.

(c) A disabled applicant who is 65 years of age or older and otherwise entitled to the exemption for the disabled shall be entitled to a yearly exemption either in the amount of the exemption for the disabled, or the elderly exemption pursuant to Rev 409, whichever is greater.

Readopt with amendment Rev 411.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 411.03 Additional Eligibility Requirements. The applicant shall not be eligible for the exemption for the disabled unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 411.02, the applicant also meets the following requirements:

(a) The applicant is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled unless the applicant:

(1) Was at any time previously eligible under Title II or Title XVI of the federal Social Security Act;

(2) Is no longer eligible under Title II or Title XVI of the federal Social Security Act due to reasons other than the status of the applicant's disability; and

(3) Submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the applicant continues to meet the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act;

(b) In the calendar year preceding April 1 in the tax year in which the exemption for the disabled is claimed, the applicant does not have a net income or, if married, a combined net income, greater than the maximum amount adopted by the municipality in accordance with Rev 413; and

(c) The applicant does not own net assets or, if married, combined net assets, greater than the maximum amount adopted by the municipality in accordance with Rev 413.

PART Rev 412 EXEMPTION FOR DEAF OR SEVERELY HEARING IMPAIRED PERSONS

Readopt with amendment Rev 412.02, effective 10-28-16 (Document #12027), to read as follows:

Rev 412.02 Exemption for Deaf or Severely Hearing Impaired Persons.

(a) An applicant shall not be entitled to the exemption for deaf persons unless:

(1) The applicant's residential real estate is located in a municipality that has adopted the exemption for deaf persons pursuant to RSA 72:27-a; and

(2) The applicant is eligible for the exemption for deaf persons pursuant to Rev 412.03 and Rev 412.04.

(b) The exemption for deaf persons shall be prorated, if applicable pursuant to RSA 72:41, and deducted from the assessed value of an entitled applicant's residential real estate.

Readopt with amendment Rev 412.04 and Rev 412.05, effective 10-28-16 (Document #12027), to read as follows:

Rev 412.04 Additional Eligibility Requirements of Exemption for Deaf or Severely Hearing Impaired Persons. The applicant shall not be eligible for the exemption for deaf persons unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 412.03, the applicant also meets the following requirements:

- (a) The applicant is a deaf person or person with severe hearing impairment;
- (b) In the calendar year preceding April 1 in the tax year in which the exemption for deaf persons is claimed, the applicant does not have a net income or, if married, a combined net income, greater than the maximum amount adopted by the municipality in accordance with Rev 413; and
- (c) The applicant does not own net assets or, if married, combined net assets, greater than the maximum amount adopted by the municipality in accordance with Rev 413.

Rev 412.05 Exemption for Improvements to Assist Deaf or Severely Hearing Impaired Persons.

- (a) The exemption for improvements to assist deaf persons is in addition to the exemption for deaf persons, but shall be adopted by a municipality together as one with the exemption for deaf persons.
- (b) An applicant shall not be entitled to the exemption for improvements to assist deaf persons unless:
 - (1) The applicant's residential real estate is located in a municipality that has adopted the exemption for deaf persons pursuant to RSA 72:27-a; and
 - (2) The applicant is eligible for the exemption for improvements to assist deaf persons pursuant to Rev 412.06 and Rev 412.07.
- (c) The exemption for improvements to assist deaf persons shall be equal to 100% of any increase in the assessed value of the applicant's residential real estate resulting from the improvements.

Readopt with amendment Rev 412.07, effective 10-28-16 (Document #12027), to read as follows:

Rev 412.07 Additional Eligibility Requirements of Exemption for Improvements to Assist Deaf or Severely Hearing Impaired Persons.

- (a) An applicant shall not be eligible for the exemption for improvements to assist deaf persons unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 412.06, the applicant also meets the following requirements:
 - (1) The applicant has made improvements to the applicant's residential real estate for the purpose of assisting a person who is deaf or severely hearing impaired; and
 - (2) The person who is deaf or severely hearing impaired resided at the applicant's residential real estate on April 1 in the tax year in which the exemption for improvements to assist deaf persons is claimed.

(b) The applicant and the person who is deaf or severely hearing impaired shall not have to be the same person.

PART Rev 413 NET INCOME AND NET ASSET REQUIREMENTS FOR ELDERLY, DISABLED AND DEAF EXEMPTIONS

Readopt with amendment Rev 413.01, effective 10-28-16 (Document #12027), to read as follows:

Rev 413.01 Net Income Requirements. The municipality shall adopt the maximum amount of net income for purposes of the property tax exemptions provided in Rev 409, Rev 411, and Rev 412.02.

Readopt with amendment Rev 413.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 413.03 Net Asset Requirements. The municipality shall adopt a maximum amount of net assets for purposes of the property tax exemptions provided in Rev 409, Rev 411, and Rev 412.02.

PART Rev 414 EXEMPTION FOR THE BLIND

Readopt with amendment Rev 414.01, effective 10-28-16 (Document #12027), to read as follows:

Rev 414.01 Exemption for the Blind.

(a) An applicant shall not be entitled to the exemption for the blind pursuant to RSA 72:37 unless:

- (1) The applicant's residential real estate is located in a municipality that has adopted the exemption for the blind pursuant to RSA 72:27-a; and
- (2) The applicant is eligible pursuant to this part.

(b) The exemption for the blind shall be prorated, if applicable pursuant to RSA 72:41, and deducted from the assessed value of an entitled applicant's residential real estate.

Readopt with amendment Rev 414.03, effective 10-28-16 (Document #12027), to read as follows:

Rev 414.03 Additional Eligibility Requirements. The applicant shall not be eligible for the exemption for the blind unless, in addition to meeting the ownership requirements of Rev 402.03, and the residency requirements of Rev 414.02, the applicant is legally blind as determined by the blind service program, bureau of vocational rehabilitation, department of education.

CHAPTER Rev 2700 NURSING FACILITY QUALITY ASSESSMENT

PART Rev 2703 ADMINISTRATION

Repeal Rev 2703.02, effective 6-20-23 (Document #13661), as follows:

~~Rev 2703.02 Examination of Records and Information. In any examination of the records and information of a nursing facility, the department shall first review records and information required to be filed with the commissioner of the department of health and human services.~~

APPENDIX

Rule	Statute
Rev 303.06	RSA 77-A:4, XX
Rev 304.10	RSA 77-A:3
Rev 401.04	RSA 72:28; RSA 72:28-b; RSA 72:28-c; RSA 72:29-a; RSA 72:32
Rev 401.28	RSA 72:61; RSA 72:62
Rev 401.34	RSA 72:65; RSA 72:66
Rev 402.01	RSA 72:28; RSA 72:29-a; RSA 72:35; RSA 72:36-a; RSA 72:37; RSA 72:37-a; RSA 72:38-a; RSA 72:39-a; RSA 72:39-b
Rev 402.02	RSA 72:28; RSA 72:28-b; RSA 72:28-c; RSA 72:29-a; RSA 72:35; RSA 72:37-b; RSA 72:38-b; RSA 72:62; RSA 72:66; RSA 72:70
Rev 402.03	RSA 72:33
Rev 402.06	RSA 72:28; RSA 72:28-b
Rev 403.04	RSA 72:28; RSA 72:29-a; RSA 72:31; RSA 72:32
Rev 404.03	RSA 72:28-b; RSA 72:31; RSA 72:32
Rev 407.04	RSA 72:28; RSA 72:29-a; RSA 72:33
Rev 408.03	RSA 72:36-a
Rev 409.01	RSA 72:39-a; RSA 72:39-b; RSA 72:41
Rev 409.03	RSA 72:39-a; RSA 72:39-b
Rev 410.03	RSA 72:37-a
Rev 411.01	RSA 72:41; RSA 72:37-b
Rev 411.03	RSA 72:37-b
Rev 412.02	RSA 72:38-b; RSA 72:41
Rev 412.04	RSA 72:38-b
Rev 412.05	RSA 72:37-a
Rev 412.07	RSA 72:37-a
Rev 413.01	RSA 72:37-b; RSA 72:38-b; RSA 72:39-a; RSA 72:39-b
Rev 413.03	RSA 72:37-b; RSA 72:38-b; RSA 72:39-a; RSA 73:39-b
Rev 414.01	RSA 72:37; RSA 72:41
Rev 414.03	RSA 72:37
Rev 2703.02 (repeal)	Rev 2703.02 (repeal)