



# State Bar of South Dakota

## **Tax Relief for the Elderly**

South Dakota law prohibits the sale of the home of a person aged seventy or more for delinquent real estate taxes. However, after the death of the owner (or his or her unmarried surviving spouse), the home is subject to the unpaid taxes.

An aged person whose family dwelling has a market value of less than \$80,000 may be eligible for a "freeze" on the assessment of that home for tax purposes if other income and residency requirements are met. Application for this assistance is made in the office of the county treasurer, who is also required to help with the application if requested.

Very low income elderly may also be eligible for a refund of a portion of the taxes previously paid on their home, or a portion of the sales tax paid during the prior year. No one is eligible to receive both refunds. Applications for refunds of property taxes must be made by April 1 and sales taxes must be made by July 1 of the year following payment (except for absence from the state or illness), on forms available from the county treasurer, who must also assist with these applications if asked.

There are other programs available for low income persons, including the elderly, such as food stamps and fuel cost assistance. Information on these programs and eligibility requirements may be obtained from the local office of South Dakota Social Services.