

Legal Residence Exemption Fraud Information

The Union County Assessor's Office would like Union County citizens to be aware that the South Carolina Code of Law §12-43-220 as it pertains to the legal residence classification reads as follows:

§12-43-220(c)(2)(viii) "If a person signs the certification, obtains the four percent assessment ratio, and is thereafter found not eligible, or thereafter loses eligibility and fails to notify the assessor within six months, a penalty is imposed equal to one hundred percent of taxes paid, plus interest on the amount at a rate of one-half of one percent a month, but in no case less than thirty dollars nor more than the current year's taxes. This penalty and any interest are considered as valorem taxes due on the property for purposes of collection and enforcement."

This means for a taxpayer that is receiving the legal residence classification and is found not to qualify or the status changed and the assessor was not notified of this change within 6 months of the change; **new taxes will be applied**, for the current tax year and at least the three previous tax years, if applicable, with interest applied. The amount of taxes already paid will not be refunded; they are considered the penalty for failure to notify.

§12-43-220(e) "All other real property not herein provided for shall be taxed on an assessment equal to six percent of the fair market value of such property."

New correct tax notices will be calculated using the "other property" ratio of 6%, and will include calculated interest. These notices for collection purposes are treated as any other real property tax notices and collected in the same manner. All property found receiving the 4% ratio and found not to qualify, will receive new corrected tax notices with interest added.

If you or your family has legal residence classification and the status has changed since the original application, please notify the assessor within six months of that change. It's the only way to ensure you will not fall into the category of receiving new corrected tax notices, for the years the property was not truly qualified. Some examples of a change in status are: 1) a person has remarried and they were both receiving legal residence on separate residences prior to the marriage, 2) property inherited from relatives, 3) property title has been transferred, 4) death of an owner.

Anyone receiving such notices will receive a letter explaining this information that includes the appeal procedure. All appeals must be in writing to the assessor **within 90 days** of the issue date of such tax notice.

Legal residence classification is a benefit granted to qualified applicants that are owner-occupants, requires no more than five contiguous acres, and additional dwellings located on the same property and occupied by immediate family members of the owner of interest, are taxed on an assessment equal to four percent of the fair market value of the property. A person may own numerous property but the owner, their spouse or a member of their household (anyone that they may claim as a dependant) may only claim one legal residence.

You may report any property that you believe may be obtaining the 4% classification in error by calling the Assessor's Office at 864-429-1650, mailing the information to 203 North Herndon Street, Union SC 29379 or completing the online [Reporting Legal Residence Exemption Fraud Form](#).

New owners may apply for legal residence by completing an [online application](#) or applying in person at the Assessor's Office located at 203 North Herndon Street, Union. **The original completed and signed form must be returned**; faxed and emailed copies are not accepted.