



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WARDEN

March 10, 2021

**SENT VIA ELECTRONIC MAIL TO: JAddis@house.idaho.gov & USPS MAIL**

Representative Jim Addis  
Idaho House of Representatives  
P.O. Box 645  
Coeur d'Alene, Idaho 83816

RE: 2020 House Bill 562

Dear Representative Addis:

You requested guidance on the legal effect of amendments to the homestead property tax exemption by 2020's House Bill 562. I have identified your two questions to be:

- Do the amendments in House Bill 562 allow individuals to claim the homestead exemption at any time during the year?
  - Yes. In light of the amendment in House Bill 562, individuals can claim the homestead exemption at any point during the year for which the exemption is claimed. While the homestead exemption incorporates the definition of "primary dwelling place" from Idaho Code § 63-701(8)—and this definition retains an April 15 deadline—this reference and House Bill 562's direct and explicit removal of the same application deadline results in a conflict. The Idaho Supreme Court has specifically directed when reconciling statutory conflicts that "the more recent expression of legislative intent prevails." *Mickelsen v. City of Rexburg*, 101 Idaho 305, 307, 612 P.2d 542, 544 (1980). Accordingly, House Bill 562's removal of the April 15 application deadline controls and individuals may apply for the homestead exemption at any time during the year for which the exemption is claimed.

- Do the changes to the homestead exemption by House Bill 562 subject the exemption to proration?
  - No. There is no language in the exemption indicating that the exemption is subject to proration. As the Idaho Supreme Court has explained, statutory interpretation does not typically allow the interpreter “to insert words into a statute . . . .” *Saint Alphonsus Reg’l Med. Ctr. v. Gooding Cty.*, 159 Idaho 84, 89, 356 P.3d 377, 382 (2015). As such, where proration is not mentioned or indicated by the exemption statute, there is no statutory basis for prorating the exemption.

A more thorough examination of these issues is presented below.

**A. The homestead exemption’s incorporation of the definition of “primary dwelling place” found in Idaho Code § 63-701(8) does not impose an April 15 deadline where House Bill 562 explicitly removed this same requirement from the exemption.**

In matters of statutory interpretation, the Idaho Supreme Court has long held that while “Statutory interpretation begins with the literal language of the statute. **Provisions should not be read in isolation, but must be interpreted in the context of the entire document.**” *Estate of Stahl v. Idaho State Tax Comm’n*, 162 Idaho 558, 562, 401 P.3d 136, 140 (2017) (quoting *State v. Schulz*, 151 Idaho 863, 866, 264 P.3d 970, 973 (2011)) (emphasis added). Where ambiguity exists in a statute or a conflict exists between provisions of law, statutory interpretation is necessary. “The object of statutory interpretation is to give effect to legislative intent.” *State v. Doe*, 147 Idaho 326, 328, 208 P.3d 730, 732 (2009). When interpreting statutes, “[c]onstrutions that would lead to absurd or unreasonably harsh results are disfavored.” *Saint Alphonsus Reg’l Med. Ctr. v. Gooding Cty.*, 159 Idaho 84, 89, 356 P.3d 377, 382 (2015) (quoting *Spencer v. Kootenai Cty.*, 145 Idaho 448, 455, 180 P.3d 487, 494 (2008)). Further, when construing a statute, it must be given “an interpretation that will not render it a nullity, and effect must be given to all the words of the statute if possible, **so that none will be void**, superfluous, or redundant.” *State v. Mercer*, 143 Idaho 108, 109, 138 P.3d 308, 309 (2006) (emphasis added). Finally, when resolving statutory conflicts: “the more recent expression of legislative intent prevails.” *Mickelsen v. City of Rexburg*, 101 Idaho 305, 307, 612 P.2d 542, 544 (1980).

2020’s House Bill 562 sought to remove the April 15 deadline from the homestead exemption in Idaho Code § 63-602G. According to the statement of purpose: “This legislation simply removes the April 15 date, so a homeowner can apply and receive the homeowner’s exemption at any point in the year.” It is true that House Bill 562 did maintain a reference to Idaho Code § 63-701(8)’s definition of “primary dwelling place” that retains this April 15 deadline date.

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However, applying the statutory interpretation principles illustrated above leads to the conclusion that referencing this definition does not somehow defeat the clearly expressed intent of the Legislature to remove the April 15 application deadline for the exemption. As the most recent enactment, House Bill 562's removal of the deadline controls the conflict between the two provisions. Additionally, the canons of construction regarding ambiguous statutes make clear that reading House Bill 562 such that the April 15 application deadline remains would render the Bill a nullity and void. Such an interpretation is not supported by Idaho's law regarding statutory construction outlined above.

**B. The plain language of House Bill 562 provides no legal basis for prorating the homestead exemption.**

House Bill 562 does not speak to or mention prorating the exemption. As outlined above, the exemption as amended by House Bill 562 provides that the "exemption allowed by this section shall be effective upon the date of the application . . ." Idaho Code § 63-602G(4). The exemption allowed by this section is "the first one hundred thousand dollars (\$100,000) of the market value for assessment purposes of the . . . or fifty percent (50%) of the market value . . ." Idaho Code § 63-602G(1). Statutory interpretation does not allow for "insert[ing] words into a statute . . ." *Saint Alphonsus*, 159 Idaho at 89, 356 P.3d at 382. "The most fundamental premise" of interpreting statutory provisions is the "**assum[ption] that the legislature meant what it said.**" *Verska v. Saint Alphonsus Reg'l Med. Ctr.*, 151 Idaho 889, 896, 265 P.3d 502, 509 (2011) (emphasis added). To read proration of the exemption into this statute would violate these tenets. As such, where proration is not mentioned or indicated by the exemption statute, there is no statutory basis for prorating the exemption.

Please let us know if we may be of further assistance.

Sincerely,



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Cc: Brian Kane