



STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY  
DIVISION OF PROPERTY ASSESSMENTS

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**BULLETIN NUMBER 2009-02**

TO: All County Trustees, City Collecting Officials, and Tax Relief and Tax Freeze Staff

FROM: John C. E. Allen *JCEA*  
Staff Attorney

DATE: August 3, 2009

RE: **COUNTING THE APPLICANT SPOUSE'S INCOME**

During the 2009 Legislative Session, the General Assembly amended Tenn. Code Ann. §§ 67-5-702(a)(2), 703(a)(2), and 705(f)(2) as it concerns income that is attributable to an applicant for the tax relief and tax freeze programs. Beginning with tax year 2009, these amendments now provide that the income of an applicant's spouse is counted regardless of whether the spouse has an ownership interest in the property. Also, it does not matter whether the spouse actually resides on the property or whether it is the spouse's legal residence. So long as the applicant is married, the applicant's spouse is treated, for income purposes only, just like a co-owner of the property.

Public Chapter 68, Acts of 2009, which amends the above mentioned statutes, is attached for your convenience.

If you have any further questions, please feel free to contact me by phone at (615) 401-7787 or by e-mail at [John.C.Allen@tn.gov](mailto:John.C.Allen@tn.gov).

Attachment

cc: Tom Fleming, Assistant to the Comptroller  
David Sherrill, Director  
Susan Gullette, Assistant Director  
Robert T. Lee, General Counsel  
Kelsie Jones, Executive Secretary of the State Board of Equalization  
Jay West, Executive Director of COAT

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 68

SENATE BILL NO. 755

By Johnson, Tracy, Black

Substituted for: House Bill No. 1177

By Sargent, Moore, Hardaway, Phillip Johnson

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, Part 7, relative to property taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-5-702(a)(2), is amended by deleting the third sentence in its entirety and by substituting the following:

The income attributable to the applicant for tax relief shall be the income of all owners of the property, the income of applicant's spouse, and the income of any owner of a remainder or reversion in the property if the property constituted such person's legal residence at any time during the year for which tax relief is claimed.

SECTION 2. Tennessee Code Annotated, Section 67-5-703(a)(2), is amended by deleting the third sentence in its entirety and by substituting the following:

The income attributable to the applicant for tax relief shall be the income of all owners of the property, the income of applicant's spouse, and the income of any owner of a remainder or reversion in the property if the property constituted such person's legal residence at any time during the year for which tax relief is claimed.

SECTION 3. Tennessee Code Annotated, Section 67-5-705(f)(2), is amended by deleting the first sentence in its entirety and by substituting the following:

In addition to the qualifications stated in subdivision (f)(1), the applicant's income, combined with the income of any other owners of the property, the income of applicant's spouse, and the income of any owner of a remainder or reversion in the property if the property constituted such person's legal residence at any time during the year, may not exceed the limit stated in subdivision (f)(3).


SECTION 4. This act shall be effective upon becoming the law, the public welfare requiring it.

**PASSED: April 2, 2009**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2009

  
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PHIL BREDESEN, GOVERNOR