

**DEPARTMENT OF TAXATION
2025 Fiscal Impact Statement**

1. **Patron** Vivian E. Watts

2. **Bill Number** HB 1970

3. **Committee** House Finance

House of Origin:

 X **Introduced**

 Substitute

 Engrossed

4. **Title** Real Property Tax; Exemption for public libraries and nonprofit institutions of learning

Second House:

 In Committee

 Substitute

 Enrolled

5. Summary/Purpose:

This bill would clarify the definitions of “educational purposes” and “institutions of learning” for purposes of the real property tax exemption for public libraries or institutions of learning not conducted for profit. The bill contains an enactment clause indicating its intention of overturn the holdings of the Circuit Court in *Grafton School, Inc. v. The City of Winchester*, Winchester Civil Action 20-530.

This bill contains an emergency clause which states that it would be in force from its passage.

6. **Budget amendment necessary:** No.

7. **Fiscal Impact Estimates are:** Not available. (See Line 8.)

8. Fiscal implications:

Administrative Costs

This bill could result in administrative costs to localities based on the clarification of the exemption. It would have no impact on state administrative costs.

Revenue Impact

This bill could result in an unknown revenue impact to localities. It would have no impact on state revenues.

9. Specific agency or political subdivisions affected:

All localities

10. **Technical amendment necessary:** No.

11. Other comments:

Exemption for public libraries and nonprofit institutions of learning

Article X, Section 6 (a) (4) of the *Constitution of Virginia* exempts from state and local taxation real estate property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. The *Constitution* allows this property to be classified or designated as exempt by an ordinance adopted by the local governing body, subject to any restrictions and conditions provided by the General Assembly. While the General Assembly may restrict or condition these exemptions, it is constitutionally prohibited from extending them.

Proposal

This bill would clarify the definitions of “educational purposes” and “institutions of learning” for purposes of the real property tax exemption for public libraries or institutions of learning not conducted for profit.

“Educational purposes” would include any special education and related services as those terms are defined in the Individuals with Disabilities Education Act (IDEA).

“Institutions of learning” would include any institutions licensed by the Department of Education that provide services pursuant to the IDEA, or any school for students with disabilities in the Commonwealth that is licensed by the Board of Education.

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Similar Legislation

Senate Bill 1202 is identical to this bill.

cc : Secretary of Finance

Date: 01/15/2025 KS
HB1970F161