

**Military Officers Association of America 2 (MOAA-2)**  
**Expand Tax Relief for Surviving Spouses of Military Services Members**  
**“Killed in Action” to also include “Died on Active Duty”**

**OBJECTIVE:**

a. To reform the Virginia state law, Tax Relief for Surviving Spouse of a Member of the Armed Forces “Killed in Action.”

**BACKGROUND:**

a. Virginia Code Title 58.1, Chapter 32, section 58-1-3219.9 states:

i. On March 23, 2015, legislation was approved by the Virginia General Assembly providing for an exemption of real estate taxes for the surviving spouse of a member of the United States Armed Forces who was Killed in Action as determined by the United States Department of Defense.

b. Disabled Veterans or Surviving Spouses Real Estate Exemption:

i. The Commonwealth of Virginia exempts from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U. S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100% service-connected permanent and total disability, and who occupies the real property as his or her principal place of residence. This provision would cover the spouses if the veteran were 100% disabled and subsequently died. Here, because the military member dies before receiving the rating, the surviving spouse is denied the same benefit.

**DISCUSSION:**

a. Approximately only 1% of the American population served in our Armed Forces

b. Virginia Code states a surviving spouse is eligible for exemption of real estate taxes if the spouse is “Killed in Action” verified by Department of Defense

c. Disabled Veterans who are 100% Permanent and Total rating by the Veterans Administration are eligible for the tax exemption. If this Veteran dies of a service-connected disability his/her spouse will continue the entitlement.

d. This would make the death of a military member who would have qualified for a disability had the member survived the injury that killed them, the same as the above situations.

**RECOMMENDATION:** Legislation to be introduced in the General Assembly to amend the Code of Virginia to change “Killed in Action” to “died on active duty.”