

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 SECTION 3.70.040 TO PROVIDE A HARDSHIP EXEMPTION FROM REAL PROPERTY TAXATION FOR QUALIFIED SENIOR CITIZENS AND DISABLED VETERANS:

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 3.70.040. Section 3.70.040 of the Haines Borough Code is hereby amended by adding a new subsection (I) to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

3.70.040 Local exemptions and exclusions.

I. That portion of the property tax levied on the residence of a qualified senior citizen or disabled veteran who applies for the exemption and meets the standards set forth in 3 AAC 135.040(b) and (c), which exceeds two per cent of their gross household income.

1. In order to qualify for this exemption:the applicant must:

a. have gross family income, from all sources in the prior year, which does not exceed 135 percent of the poverty guideline as established by the United States Department of Health and Human Services for a similar sized household in the state of Alaska for the year requested

b. be eligible for a permanent fund dividend under AS 43.23.005 for the same year or for the immediately preceding year; or

c. not own more than one parcel of real property in Alaska on the date of application, excluding an adjacent parcel that is necessary for the use of the primary residence.

d. have net worth as of the date of application of less than \$250,000 including the first \$150,000 of the market value of the principal residence of the applicant.

2. This exemption will be apportioned in the same manner and formula as applied to the standard senior citizen/disabled veteran exemption previously granted.

3. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The applicant must also submit an affidavit, supplied by the borough, attesting that the applicant meets the subscribed criteria. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed under this subsection, and shall require a disabled veteran claiming an exemption to provide evidence of disability rating. The assessor may require additional proof under this section at any time. If the applicant fails to respond to a request for additional proof, such failure may be considered by the assessor in determining whether to grant the exemption.

4. The claimant must file the application no later than March 1st of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought.

5. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the application for exemption is approved after taxes have been paid, the amount of tax that the claimant has already paid for the assessment year for the property exempted shall be refunded to the claimant.

6. Upon receipt of the completed application, any additional proof required, and affidavit, the borough assessor shall evaluate the request and grant or deny the hardship exemption within 15 borough business days. If denied, the borough assessor shall specify the reasons for the denial.

7. A person may appeal the apportionment of a hardship exemption granted under this chapter or a denial of an application to the board of equalization in accordance with HBC Sections 3.72.100 through 3.72.120.

Section 5. Amendment of Section 3.70.030(A)(6)(c-d). Section 3.70.030(A)(6)(c-d) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

3.70.030 Required exemptions.

A. The following property is exempt from general taxation:

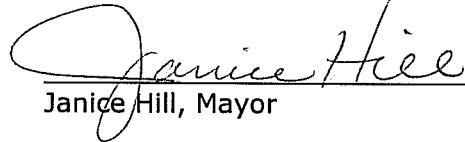
1. Municipal, state or federally owned property, except that a private leasehold, contract or other interest in the property is taxable to the extent of the interest;
2. Household furniture and personal effects of members of a household;
3. Property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;
4. Property of a nonbusiness organization or its auxiliary composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable;
5. Money on deposit;
6. The first \$150,000 of the assessed value of real property owned and occupied as the primary residence and permanent place of abode by a:
 - a. Resident 65 years of age or older; **or**
 - b. Resident at least 60 years old who is the widow or widower of a person who qualified for an exemption under subsection (A)(6)(a) or (c) of this section; **or**
 - c. Disabled veteran whose disability has been rated as 50 percent or more, subject to AS 29.45.030(e)-(i) ~~1-08~~
 - d. **Eligibility To be eligible for an exemption under (6) of this section for a year, the resident shall also meet all requirements** for a permanent fund dividend under AS 43.23.005 for the same year or for the immediately preceding year.

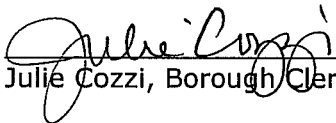
e. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The claimant must file the application no later than March 1st of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the application for exemption is approved after taxes have been paid, the amount of

tax that the claimant has already paid for the assessment year for the property exempted shall be refunded to the claimant. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed under this subsection, and shall require a disabled veteran claiming an exemption under subsection (A)(6)(c) of this section to provide evidence of disability rating. The assessor may require proof under this section at any time;

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 12th DAY OF OCTOBER, 2010.

ATTEST:


Janice Hill, Mayor


Julie Cozzi, Borough Clerk

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| Date Introduced: | 08/24/10 |
| Date of First Public Hearing: | 09/21/10 |
| Date of Second Public Hearing: | 10/12/10 |

