

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE SECTIONS 3.70.030 AND 3.70.040 TO INCLUDE A PROCESS FOR HANDLING LATE-FILED APPLICATIONS FOR SENIOR & DISABLED VETERANS PROPERTY TAX EXEMPTIONS.

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 the ~~Ordinance 10-05-229 effective date~~ adoption.

Section 4. Amendment of Sections 3.70.030 and 3.70.040. Haines Borough Code 3.70.030 and 3.70.040 are amended, 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:

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:
- Resident 65 years of age or older; or
 - 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
 - Disabled veteran whose disability has been rated as 50 percent or more, subject to AS 29.45.030(e) through (i).
 - To be eligible for an exemption under this subsection (6) 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.
 - 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 **by the deadline**, 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~~ **taxes for that year prior to approval of a timely application**, for the assessment year for the property exempted ~~the exempted tax amount~~ 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. **If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. No late applications**

can be submitted after November 1st of the qualifying year. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

7. Real property or an interest in real property that is exempt from taxation under 43 U.S.C. 1620(d), as amended, subject to AS 29.45.030(m) and (n).

B. In subsection (A) of this section, "property used exclusively for religious purposes" includes the following property owned by a religious organization:

1. The residence of a bishop, pastor, priest, rabbi, minister, or religious leader of a recognized religious organization;
2. A structure, its furniture, and its fixtures used solely for public worship, charitable purposes, religious administrative offices, religious education, or a nonprofit hospital;
3. Lots required by local ordinance for parking near a structure defined in subsection (B)(2) of this subsection.

C. Property described in subsection (A)(3) or (4) of this section from which income is derived is exempt only if that income is solely from use of the property by nonprofit religious, charitable, hospital, or educational groups. If used by nonprofit educational groups, the property is exempt only if used exclusively for classroom space.

D. Laws exempting certain property from execution under the Alaska Code of Civil Procedure (AS 09) do not exempt the property from taxes levied and collected by the borough.

E. Two percent of the assessed value of a structure is exempt from taxation if the structure contains a fire protection system approved under AS 18.70.081, in operating condition, and incorporated as a fixture or part of the structure, subject to AS 29.45.030(1). (Ord. 10-08-236 § 5)

3.70.040 Local exemptions and exclusions.

I. **Hardship exemption.** 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 percent 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; **and**
- 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~~ **by the deadline**, 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~~ **taxes for that year prior to approval of a timely application**, for the assessment year for the property exempted **the exempted tax amount** shall be refunded to the claimant.

6. If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. No late applications can be submitted after November 1st of the qualifying year. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

6Z. 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.

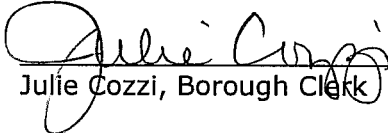
7B. A person may appeal the apportionment of a hardship exemption granted under this chapter or a denial of an application to the board of equalization in accordance with HBC 3.72.100 through 3.72.120.

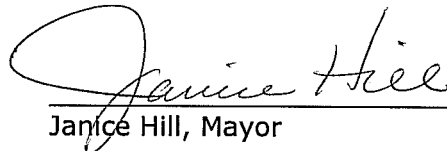
ADOPTED by a duly constituted quorum of the Haines Borough Assembly the 25th day of January, 2011.

RE-ADOPTED by a duly-constituted quorum of the Haines Borough Assembly on the 8th day of February, 2011, following a motion to reconsider and an amendment to Section 3, effective date.

RE-ADOPTED by a duly-constituted quorum of the Haines Borough Assembly on the 22nd day of February, 2011, following a motion to reconsider and amendments to correct typographical errors.

ATTEST:


Julie Cozzi, Borough Clerk


Janice Hill, Mayor

Date Introduced:	12/28/10
Date of First Public Hearing:	01/11/11
Date of Second Public Hearing:	01/25/11 - Adopted
Reconsidered to amend:	02/08/11 - Readopted
Reconsidered to amend:	02/22/11 - Readopted

