

An Ordinance of the Haines Borough Amending Title 3 Revenue and Finance , Chapter 3.70 Property Tax Levy , Providing for the Addition of Section 3.70.080 Tax Adjustment on Property Affected by a Disaster.

WHEREAS, in December of 2020, the Haines Borough experienced a landslide event which completely destroyed several homes and damaged many others; and

WHEREAS, due to the foregoing event, the Haines Borough declared a weather-related emergency and was identified as a disaster area by the Haines Borough, the State of Alaska, and the Federal Emergency Management Agency (FEMA); and

WHEREAS, Alaska State Statute allows a municipality to adjust the assessment on a property affected by disaster; and

WHEREAS, the Haines Borough wishes to exercise the authority granted to it by AS 29.45.230 to help alleviate the effects of a disaster upon property owners; and

WHEREAS, the method for determining the assessment adjustment as well as the requirements for qualifying for the adjustment must be codified.

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 3.70.080. Haines Borough Code 3.70.080 is added, as follows:

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

3.70.080 Tax Adjustments on property affected by a natural disaster.

A. As provided by Alaska Statute 29.45.230, the Haines Borough provides for assessment or reassessment and reduction of taxes for property destroyed, damaged or otherwise reduced in value as the result of a natural disaster.

B. Definitions. For purpose of this section, disaster is defined as a natural disaster affecting a large area of the Haines Borough which gives rise to a disaster declaration, including but not limited to fire, wind, earthquake, landslide, or extreme weather damage.

C. An assessment or reassessment under this section may be made by the assessor only upon the receipt of a sworn statement of the taxpayer who has incurred losses in excess of \$10,000. A reduction of taxes may be made only on losses in excess of \$10,000 for the remainder of the year following the disaster. In the event taxes have already been paid for the

year, on reassessment, the municipality shall re-compute the taxes and refund any excess taxes.

1. Requirements for applying for the adjustment.

- a. A taxpayer must provide evidence of the loss estimate such as insurance documents contractor quotes to repair, engineering quotes, etc.
- b. The assessor or designee must inspect the property or make an investigation to determine the extent of the damage.
- c. The reduction in assessment shall be for the remainder of the fiscal year of the event only.
- d. If the repairs exceed the Assessor's value of the improvement, the reduction will be based on the Assessor's value.
- e. The allowable reduction will be prorated by the percentage of the remaining fiscal year.

2. Method of determining the adjustment.

- a. The assessor shall reassess the damaged property considering the damage caused by the natural disaster.

D. The municipality shall give notice of assessment or reassessment under this section and shall hold an equalization hearing as provided in this chapter, except that a notice of appeal must be filed with the board of equalization within 10 days after notice of assessment or reassessment is given to the person appealing. Otherwise, the right of appeal ceases unless the board finds that the taxpayer is unable to comply.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 25th DAY OF MAY, 2021.

ATTEST:


Alekka Fullerton, CMC, Borough Clerk


Douglas Olerud, Mayor



Date Introduced: 4/27/21
Date of First Public Hearing: 5/11/21
Date of Second Public Hearing: 5/25/21 - Adopted