



KENAI PENINSULA BOROUGH

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Bill Smith, Assembly Member *Bill Smith*
David R. Carey, Mayor *Willcox for Dr Carey*

FROM: Scott Bloom, Assistant Borough Attorney *SB*
Tom Anderson, Director of Assessing *TA*

DATE: September 29, 2011

SUBJECT: Ordinance 2011-*39*, repealing the sunset provision of ordinance 2006-21 regarding senior citizen exemption qualifications

Ordinance 2006-21 enacted, in relevant part, requirements for eligibility for real property tax exemptions for senior citizens and their surviving spouses based on eligibility for the Alaska permanent fund and provided a sunset date of January 1, 2010. Ordinance 2007-39 enacted by the assembly repealed more stringent requirements in Ordinance 2006-21 for exemptions over \$150,000, making the requirements for eligibility the same for the maximum exemption up to \$300,000. While KPB 5.12.105, which provides for the exemption, was subsequently amended two more times prior to January 1, 2010, the sunset clause was never extended or eliminated and therefore expired on January 1, 2010.

This ordinance would retroactively eliminate the sunset clause of January 1, 2010, thereby leaving ordinance 2006-21 in effect as well as all subsequent amendments to the code as amended by ordinance 2006-21. Basing the eligibility for the senior citizen tax exemption, among other qualifying factors, on eligibility for the Alaska permanent fund has worked well administratively for the assessing department and is consistent with state law applying a known standard to the exemption that many residents are already familiar with.

Your consideration is appreciated.