

Introduced by: Mayor
Date: 08/07/12
Hearing: 09/04/12
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-30**

**AN ORDINANCE AMENDING KP.B 5.12.040 AND 5.12.119(F) TO CLARIFY THE
PROCEDURES FOR REVOCATION OF PROPERTY TAX EXEMPTIONS**

WHEREAS, KP.B 5.12.119(F) provides for the assessor to revoke property tax exemptions at any time based on a determination that the exemption should not have been granted; and

WHEREAS, KP.B 5.12.040 restricts the assessor from making changes to the roll after June 1, except pursuant to a board of equalization decision, supplementary assessment, reassessment following a disaster, clerical error or court ordered change; and

WHEREAS, currently the code may be interpreted to restrict the assessor to revoking property tax exemptions prior to June 1 of each year while the intent is for the assessor to have the ability to revoke the exemption at any time it is determined that an exemption should not have been granted; and

WHEREAS, KP.B Chapter 5.12 should provide for the right to a hearing before an exemption is revoked;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KP.B 5.12.040 is hereby amended as follows:

**5.12.040. Corrections—Valuation and tax exemption disputes—
Administrative adjustment meeting.**

- A. A person receiving an assessment notice must advise the assessor of errors or omissions in the assessment of the person's property, in the determination of ownership or classification of property subject to a flat tax, or of disputes in the assessed value or taxable status of the property, within 30 days after the date of mailing a notice of assessment.
- B. The assessor may adjust the roll to correct errors or omissions in the roll, or to make changes in valuation or taxable status of property on the roll, and shall mail a notice of assessment, reflecting the assessor's decision, allowing 30 days to appeal to the board of equalization or superior court. Under no circumstances shall the assessor make changes to the roll after

June 1, except for those resulting from board of equalization decisions, supplementary assessments, reassessments following a disaster as provided in this chapter, clerical errors, or court ordered changes.

- C. The assessor shall provide, upon request, an informal adjustment meeting between the assessor and the person receiving an assessment notice, for the purpose of resolving a valuation or tax exemption dispute. The meeting shall be requested within 30 days of the mailing of the notice of assessment[, AND SHALL BE HELD PRIOR TO BOARD OF EQUALIZATION HEARINGS].

SECTION 2. That KPB 5.12.119(F) is hereby amended as follows:

5.12.119. Real property tax—Exemptions—Borough mayor—Authority to grant extensions of time—Approve TAR--Changes in exempt status--Hearing.

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F. *Property owner responsibility to notify borough of changes, changes in exempt status, hearing.* It shall be the responsibility of every person who obtains a property tax exemption under this chapter to notify the borough assessor of any change in ownership, property use, residency, permanent place of abode, or other factors affecting qualification for any exemption. If the assessor determines that the property is not eligible for this exemption, all taxes, penalty, and interest due on the property for all tax years beginning with the year the property should have been subject to taxation shall be [IMMEDIATELY] due and payable 30 days after mailing of a supplementary assessment notice, notifying the person of the revocation of any exemption, unless an informal adjustment hearing is timely requested pursuant to KPB 5.12.040. If an informal adjustment hearing is timely requested all tax, penalty and interest shall be due within 30 days of the assessor’s written decision for any period the assessor concludes that the property was not eligible for the exemption.

SECTION 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF SEPTEMBER, 2012.

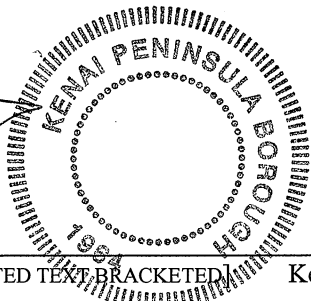
Gary Knopp

Gary Knopp, Assembly President

ATTEST:

John Blankenship

John Blankenship, MMC, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: Pierce