

Introduced by: Superman
Date: 5/05/92
Action: Tabled
Vote: 9 yes, 4 no

KENAI PENINSULA BOROUGH
RESOLUTION 92-56

**A RESOLUTION CALLING FOR THE AMENDMENT OF PROPOSED
LEGISLATION CSHB 573 (FIN) CREATING A NEW
OPTIONAL EXEMPTION FOR RESIDENTIAL PROPERTY UNDER THE
CLASSIFICATION OF ECONOMIC NEED**

WHEREAS, many longtime property owners have found themselves subjected to rising property taxes beyond the rational expectation associated with the lifestyle they chose for themselves when locating in Alaska; and

WHEREAS, these taxes now present an unforeseen burden on those who have pursued a simpler lifestyle, or have been forced into it; whether by choice or chance; and

WHEREAS, the enjoyment of continued primary residential property ownership, which in many cases allows for family sustenance, subsistence and above all, security, should not be abridged by the simple ability to pay property taxes when the family income falls below certain accepted federal guidelines;

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

Section 1. That the Kenai Peninsula Borough Assembly urges the legislature to amend Section 5 of proposed CSHB 573 to read as follows:

Sec. 29.45.052. **OPTIONAL EXEMPTION FOR CERTAIN PRIMARY RESIDENCES.**

(a) The real property owned and occupied as the primary residence and permanent place of abode by a resident of the state who is (1) 65 years of age or older; (2) disabled veteran; or (3) at least 60 years old who is the widow or widower of a person who qualified for an exemption under (1) or (2) of this subsection; (4) in economic need, may by ordinance be exempted from taxation on all or part of the assessed value of the real property. The ordinance may base all [the] exemptions on economic need. Only one exemption may be granted for the same property and, if two or more persons are eligible for an exemption for the same property the exemption may not be granted unless the parties decide between or among themselves who is to receive the benefit of the exemption. Real property may not be exempted under this subsection if the local assessor determines, after notice and hearing to the parties, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor may be appealed to the superior court under procedures set out in AS 44.62.570.

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(b) In this section,

(1) "disabled veteran" means a disabled person separated from the military service of the United States under a condition that is not dishonorable, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the Veterans' Administration;

(2) "real property" includes mobile homes, whether classified as real or personal property for municipal tax purposes;[.]

(3) "economic need" is defined as being within the annual federal guidelines for Lower Living Standards Income Level (LLSIL). Required verification shall be based on Adjusted Gross Income as reported on the U.S. Individual Income Tax Return.

Section 2. That this resolution takes effect immediately.

Section 3. That copies of this resolution be sent to members of the Senate and House Finance Committees.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 1992.

Betty J. Glick, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk

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