

Introduced by: Corr
Date: July 18, 1978
Hearing: August 15, 1978
Vote: 18 "Yes"/122 "no"
Action: FAILED INTRODUCTION AND
SETTING FOR HEARING

KENAI PENINSULA BOROUGH

ORDINANCE 78-39

AN ORDINANCE PROVIDING REAL PROPERTY TAX EXEMPTION FOR CERTAIN RESIDENTIAL PROPERTY OWNED AND OCCUPIED BY RESIDENTS OF THE KENAI PENINSULA BOROUGH.

WHEREAS, it is desirable that certain tax relief be granted to the owners and occupants of residential property of the Kenai Peninsula Borough because of rapidly escalating real property assessments and taxation; and

WHEREAS, the assembly is authorized by law to enact an ordinance exempting or partially exempting residential property for the real estate tax in an amount not to exceed \$10,000 valuation for any one residence; and

WHEREAS, an ordinance so enacted by the assembly must be ratified by the voters of the Borough at a regular or special election;

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

Section 1. That the Kenai Peninsula Borough Code of ordinances is hereby amended by adding a new section to be numbered KPB 5.12.115 which shall read as follows:

5.12.115--Residential Real Property--Partial Exemption.

A. The second \$10,000, or applicable fraction thereof, of assessed valuation on residential real property located within the Kenai Peninsula Borough and owned and occupied as the owner's principal place of residence shall be exempt from the Borough tax levy on real property.

B. Only one exemption may be granted with respect to the same property, and if two or more persons are eligible for

an exemption with respect to the same property, and the parties shall decide between or among themselves which shall receive the benefit of the exemption.

C. No exemption under this section may be granted except upon written application on a form prescribed by the Borough Assessor. The Assessor shall mail a suitable form to each real property owner on or before January 15 of each assessment year, and the owner must file the application for exemption no later than February 15 of each assessment year for which the exemption is sought, together with any proof which the Assessor might require.

D. Where necessary, the Borough Assessor is empowered to hold hearings to ascertain whether the real property for which the exemption is claimed is in fact the applicant's principal place of residence. In making his determination, the Assessor may consider the applicant's affidavit of domicile, which shall include data regarding length of time during which the applicant annually resides at the property for which the exemption is claimed, the applicant's voting address, any other domiciles which the applicant in fact possesses or might assert, and the applicant's present intention of residing principally at the residence for which the exemption is claimed. The Assessor's determination may be appealed to the Board of Equalization.

Section 2. That there shall be placed on the ballot at the next regular election the following proposition:

PROPOSITION:

"Shall Ordinance 78-39 of the Kenai Peninsula Borough providing for an exemption from Borough real property taxes on the second \$10,000 of assessed valuation of residential real property owned and occupied by the owner as the principal place of residence be ratified?"

Section 3. That this ordinance takes effect on the day it is ratified by the voters of the Borough at the designated election, and by the Assembly of the Kenai Peninsula Borough on the _____ day of _____, 1978.

JoAnn Elson, Assembly President

ATTEST:

Kenai Peninsula Borough
Ordinance 78-39
Page 2 of 2 Pages

Borough Clerk