

Introduced by: Mayor  
Date: 01/08/02  
Hearing: 02/05/02  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2002-03**

**AN ORDINANCE AMENDING SECTION 5.12.105 OF THE KENAI PENINSULA  
BOROUGH CODE OF ORDINANCES RELATING TO REAL PROPERTY TAX  
EXEMPTIONS FOR SENIOR CITIZENS, DISABLED VETERANS, AND SURVIVING  
SPOUSES THEREOF**

**WHEREAS**, the Twenty-Second Alaska State Legislature enacted HB 118, entitled “An Act relating to a mandatory exemption from municipal taxes on certain residences and providing for an effective date”; and

**WHEREAS**, HB 118 amended AS 29.45.030(f) to require that each municipality establish procedures and deadlines for filing applications for senior and disabled veteran exemptions; and

**WHEREAS**, the effective date of HB 118 is January 1, 2002; and

**WHEREAS**, HB 118 removes from state statute the requirement for annual filing for senior and disabled veteran property tax exemptions; and

**WHEREAS**, the Kenai Peninsula Borough opts to amend its code to delete the provision for annual filings for senior and disabled veteran exemptions; and

**WHEREAS**, this option will benefit program participants by reducing required paperwork but will also require program participants to notify the Borough Assessor of factors affecting the exemption;

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

**SECTION 1.** Classification. This ordinance is of general and permanent nature and shall become a part of the code of the Kenai Peninsula Borough.

**SECTION 2.** Kenai Peninsula Borough Code 5.12.105(D) is hereby amended as follows:

D. No exemption under this section may be granted except upon written application on a form prescribed by the assessor. The applicant/owner must file the application no later than January 15 of [EACH ASSESSMENT] the tax year for which the exemption is sought. A qualified senior citizen or disabled veteran need not file such an application for successive tax years if there is no change in

ownership, no change in permanent place of abode by the owner of record, or no change in status of disability if the owner is a disabled veteran. Exemption applications filed after January 15 of the tax year must be accompanied by a signed affidavit stating the reason for the late filing. If a qualified senior citizen or disabled veteran files an untimely application, the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the Assessor to accept the application as if timely filed. If a failure to timely file has been waived and the application for exemption is approved, the amount of tax that the claimant has already paid, if any, for the year the property would have been eligible for exemption shall be refunded to the claimant.

1. If property is occupied by a person other than the eligible applicant and his or her spouse and minor children, this exemption applies only to the portion of the property occupied by the eligible applicant and his or her spouse and minor children as a permanent place of abode.
2. It shall be the responsibility of every person who obtains an exemption under this section to notify the Borough Assessor of any change in ownership, residency, permanent place of abode or status of disability. A disabled veteran who has less than a permanent disability must submit an official disability percentage letter each year prior to January 15th showing a 50 percent or greater disability. Property owners shall notify the borough when the requirements for exemption are no longer met.
3. 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, status of disability, or other factor affecting qualification for the 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 owing.

**SECTION 3.** Kenai Peninsula Borough Code 5.12.105(F) is hereby amended as follows:

F. Definitions.

1. For purposes of this section “real property” includes mobile homes whether classified as real or personal property for municipal tax purposes.
2. For purposes of this section, to be eligible for inclusion, a “subsidiary parcel” means the smallest portion of land which is adjacent to the primary parcel, and is necessary for the residential use of the primary parcel. Examples of a subsidiary parcel use which would qualify as necessary and beneficial for the residential use of the primary parcel include, but are not limited to, subsidiary parcels containing a well,

septic system, or reasonable driveway, storage building/garage, and personal use gardens.


3. For purposes of this section a “disabled veteran” means a disabled person (a) separated from the military service of the United States under a condition that is not dishonorable who is a resident of the state, 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 Veteran's Administration; or (b) who served in the Alaska Territorial Guard, who is a resident of the state, whose disability was incurred or aggravated in the line of duty while serving in the Alaska Territorial Guard, and whose disability has been rated as 50 percent or more.
4. For purposes of this section, “own and occupy” means possession of an interest in real property, which interest is recorded in the office of the district recorder, or, if unrecorded, is attested by a contract, bill of sale, deed, or other proof in a form satisfactory to the Assessor, and living on that real property as one’s primary residence.
5. For purposes of this section, “permanent place of abode” means a dwelling in which the person resides at least 183 days in the year prior to the exemption year and when absent, the dwelling is not leased or rented to another. This includes but is not limited to a mobile home or condominium and include lots or outbuildings, or an appropriate portion thereof, which are necessary for the use of the dwelling unit.
6. For purposes of this section, “resident” means an applicant who has a fixed habitation in the State of Alaska for at least 183 days per calendar year, and, when absent, intends to return to the State of Alaska.
7. For purposes of this section, “senior citizen” means a person who is 65 or older before January 1 of the exemption year.

**SECTION 4.** This ordinance shall become effective on January 1, 2002, and upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF FEBRUARY, 2002.**

  
Timothy Navarre, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

