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**TOWN OF CAPE ELIZABETH
PROPERTY TAX ASSISTANCE ORDINANCE – (DRAFT)**

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 65 years of age and over who reside in the Town of Cape Elizabeth.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or her/his designee, after review of a complete application submitted under Section 4 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 65 years of age or more by last day on which an application may be filed under Section 4 of this Ordinance.
- b. The applicant shall have been a resident of the Town of Cape Elizabeth with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 4 of this Ordinance.
- c. The applicant shall have a **HOMESTEAD EXEMPTION** benefit already established on the property.
- d. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed \$60,000.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than December 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information.

At the time of application, Applicants must provide adequate evidence of eligibility. The Assessor may accept a statement under oath. No confidential income records, including tax returns, will be kept by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

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2 **Section 5. Determination of eligibility and amount of eligibility**

3 1. Eligibility for Homeowners

4 If the Tax Assessor determines that the applicant is eligible to participate in the Program, he/she shall
5 determine the amount of the benefit paid. The amount shall be the least of the following:

6
7 a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of
8 the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the applicant (plus
9 that of any other adult members of the applicant's household); or

10
11 b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property
12 Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-
13 section a for all eligible applicants; or

14
15 c. \$500.00.

16
17 In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon
18 presentation of adequate information returns and other information, shall calculate the federal
19 adjusted gross income.

20
21 2. Eligibility for Renters

22 In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to be 18% of
23 the rent payable from own funds by applicant (and other adult members of applicant's household) in
24 the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other
25 information, shall determine the amount of rent.

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27 **Section 6. Annual Report to the Town Council**

28 The Tax Assessor shall report in writing to the Town Council no later than their first regular meeting in
29 December each year the projected payments and number of eligible applicants requesting assistance
30 for the program fund.

31
32 **Section 7. Program Fund - Limitations On Payments**

33 In the event that a lack of funding results in no payment or less than the full payment to a qualifying
34 applicant, the request will not carry over to the next year.

35
36 **Section 8. Creation of the Program Fund**

37 The Program Fund from which payments shall be made under the terms of this Ordinance shall be
38 created as follows:

39
40 As funds are available, the Town Council shall annually appropriate monies from the general fund or
41 other sources to support this program. Any surplus monies available after all payments have been
42 made shall revert to the Property Tax Assistance Reserve Account.

43
44 **Section 9. Timing of Payments**

1 A person who qualifies for payment under this Program shall be mailed a check for the full amount no
2 later than March 15th for the year in which participation is sought.

3
4 **Section 10. Limitations upon payments**

5 Only one qualifying applicant per household shall be entitled to payment under this Program each
6 year. The right to file an application under this Ordinance is personal to the applicant and does not
7 survive the applicant's death, but the right may be exercised on behalf of an applicant by the
8 applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete
9 application that results in a determination of qualification, the amount determined by the Tax Assessor
10 shall be disbursed to another member of the household as determined by the Town Assessor in
11 consultation with the Town Manager. If the applicant was the only member of a household, then no
12 payment shall be made under this Ordinance.

13
14 Recap – parameters of the program, subject to change:
15

Age	65 years or older
Property Owner for...	10 years or more
Homestead Exemption	Already receiving it
Federal Adjusted Gross Income	\$60,000 or less
Benefit Cap	\$500
Taxes	Exceed 5% of Federal Adjusted Gross Income
Application date	December 15th
Assessor report to Council on	1 st Council Meeting in December
Checks to applicants by	March 15th

16
17 Written for approval,
18
19 Clinton J. Swett, Assessor
20 Town of Cape Elizabeth

21
22 8/20/2018
23