

**APPLICATION FOR PROPERTY TAX ABATEMENT
BECAUSE OF POVERTY AND/OR DISABILITY
TOWN OF BAR HARBOR**

A. INFORMATION REGARDING APPLICANT

1. Full name of applicant: _____

2. Marital status: Married__ , Divorced __, Widow__ , Widower__, Separated__,
Single__ .

3.a. Mailingaddress: _____

b. Residence: _____

4. Phone number: _____

5. Date of birth: _____

6. Social Security number: _____

B. INFORMATION REGARDING OTHER MEMBERS OF THE HOUSEHOLD

7. If married, full name of spouse: _____

8. Spouse's date of birth: _____

9. Spouse's Social Security number: _____

10. Children, from all marriages, residing in the household, or for whom the applicant is
legally responsible:

Full Name	Birth Date	Residence	Occupation

11. Other members of the household:

Full Name	Birth Date	Relation to Applicant	Occupation

C. INFORMATION REGARDING PROPERTY

12. Location of the property for which you are requesting a tax abatement:

13. Approximate acreage:

14. Purchase date: _____

15. How much equity do you have in the property?

16. Property use: Residence _____, Business _____, Rental _____

17. Year(s) for which an abatement is requested:

D. OTHER INFORMATION

18. Have you initiated bankruptcy proceedings during any of the years for which an abatement is requested? _____

19. Has any of your property been attached or seized under legal proceedings? _____ If yes, identify the legal proceedings, the property involved, and the present status of the case. _____

20. Are there any liens upon your property at this time? _____ If yes, please detail.

21. During any of the years for which an abatement is requested, and the 2 years prior, have you or your spouse done any of the following?

a) Placed anything of value in which you have an interest in the hands of a third person? _____ If yes, describe the value and circumstances of the transfer.

What is your current interest in the property?

b) Made any assignment of any property for the benefit of your creditors?_____. If yes, give the date, name and address of assignee, and terms of assignment.

c) Made any gifts, other than usual presents, to family members?_____. If yes, give name and address of recipient and value of gift._____

Was the gift conditional? If yes, describe the conditions._____

For each year an abatement is requested, you must submit:

* A supplementary questionnaire.

* A photocopy of your federal and state income tax returns, all schedules, and, if applicable, your spouse's.

*A photocopy of W-2 form(s) for yourself and, if applicable, your spouse.

**SUPPLEMENTARY QUESTIONNAIRE
TOWN OF BAR HARBOR**

**APPLICATION FOR PROPERTY TAX ABATEMENT
BECAUSE OF POVERTY AND/OR DISABILITY**

Complete a separate questionnaire for each year for which an abatement is requested.

22. Year for which an abatement is requested: _____

23. Property valuation: _____

24. Property tax amount: _____

25. Unpaid tax balance: _____

E. EMPLOYMENT INFORMATION

	Applicant	Spouse
26. Trade or occupation		
27. Employer		
28. Employer address		
29. Employment dates		
30. If unemployed, why?		

If unemployment was or is due to illness or disability, attach a current physician's statement describing the type and length of illness or disability.

F. ASSET INFORMATION

31. Were you granted general assistance in the year for which an abatement is requested?
 _____ If yes, amount: _____

32. List all other real estate owned by you or other members of your household:

Description of Property	Location	Acres	Assessed Value

33. List all checking accounts, savings accounts, safe deposit boxes, etc. you maintained alone or with someone else in the year for which an abatement is requested.

	Name of Bank	Average Monthly Balance
Checking Accounts		
Savings Accounts		
Safe deposit box		
Other		
(CDs, savings bonds, trust funds, etc.)		

34. List all life insurance policies in effect for the year in which an abatement is requested.

Company and Address	Face Amount	Current Value

35. List all other assets, such as motor vehicles, recreation vehicles, and machinery, etc., other than household furnishings.

Description	Date Acquired	Current Value

36. Did you apply for and receive a state property tax rebate under the Maine Residents Property Tax Program? _____ If yes, amount of rebate: _____

37. List monthly (or average monthly) income from **all** sources, for **all** members of the household: (submit proof)

	Yes	No	Monthly Amount
TANF			
SSI			
Social Security			
Veteran's benefits			
Wages			
Unemployment compensation			
Worker's compensation			
Medicaid			
Business income			
Other income (child support, alimony interest insurance proceeds, income from relatives, etc.)			

Total *monthly* income from all sources: _____

Total *yearly* income from all sources: _____

G. LIABILITY INFORMATION

38. Average monthly expenses:

	Actual	Allowed by General Assistance
Mortgage (principal and interest)		
House insurance		
Property taxes		
Heat		
Electricity		
Water		
Sewer		
Cooking Fuel		
Telephone		
Food		
Clothing		
Personal Supplies		
Prescriptions		
Medical/Dental		
Life insurance		
Medical insurance		
Necessary transportation		
Loan payments		
Child care		
Other		
TOTAL MONTHLY EXPENSES:		
TOTAL YEARLY EXPENSES:		

39. List all Debts

Name and Address	Purpose	Date Debt Incurred

40. Abatements for poverty and/or infirmity may be granted if the Town Council determines that you were unable to pay your taxes or contribute to the public charge in the year for which you are applying for an abatement. In your own words, state below

your reasons for requesting this abatement, and why you feel you qualify for a property tax abatement.

I understand that my signature on this application shall serve as authorization for the Town Council or its designee(s) to investigate the information contained in this application and supplementary questionnaire and any and all other information pertinent to its making a determination on this application. I further authorize the Town Council or its designee(s) to have access to certain records, be they confidential or not, including but not limited to financial institutions, Internal Revenue Service records, Maine Department of Taxation records, medical records and reports, hospital records and reports, Veterans Administration records and reports, Department of Human Services records and reports, and insurance records.

I hereby certify that all of the information in this application and supplementary questionnaire(s) is true to the best of my knowledge and belief.

Date:

Applicant's Signature

Date:

Spouse's Signature

Subscribed and sworn to before me this day.

Date:

Notary Public

DECISION

___The abatement requested is allowed in the amount of \$_____.

___The abatement requested is denied because _____.

Date: _____

BAR HARBOR TOWN COUNCIL

Attest: _____

Patricia A. Gray, Town Clerk of Bar Harbor

A decision on this application must be made by the Bar Harbor Town Council within 30 days, in accordance with 36 MRSA, section 841. If you are aggrieved by the decision of the municipal officers, you may appeal the decision to the Town of Bar Harbor Board of Assessment Review within 60 days.

Poverty Abatement Policy

06-Sep-2005

Town of Bar Harbor

Maine law (Title 36 MRSA §841.2) permits the Town Council “on their own knowledge or on written application (to) make such tax abatements as they believe reasonable in the real and personal taxes on all persons who, by reason of infirmity or poverty, are in their judgment unable to contribute to the public charges”. Unfortunately the law provides no clear cut criteria for the Council to determine whether a person is in a poverty situation and “unable to contribute to the public chares.” This then is the reason for the adoption of this policy.

Proceedings

Proceedings and records surrounding the consideration of a poverty tax abatement are confidential. The proceedings must be held in executive session, unless the applicant requests a public hearing in writing. Even the vote to approve or deny the application is held in executive session.

The following motion will be used when going into executive session:

I move that the Town Council go into executive session pursuant to the provisions of Title 36, §841(2) MRSA, to consider a request for an abatement of taxes for reasons of poverty.

Applicants seeking a poverty tax abatement have the burden of proof that they are eligible for an abatement. They must provide information requested by the Town Council to support their claim of poverty, by filling out the application available from the Welfare Director (Town Clerk).

The Town Council, when faced with a request for an abatement has 2 basic options. They can deny the abatement, if it is clear that the applicant is not poor or failed to produce necessary documentation; or grant the abatement in whole or in part depending on the depth of the applicant’s financial distress.

Poverty: What Is It? As a starting point, the Town will conduct a General Assistance (GA) eligibility analysis. This is useful because people who are eligible for GA, in fact, have less income than they need to pay for basic necessities. If there are no mitigating factors, people who meet the GA eligibility standard will be eligible for a poverty tax abatement.

People who are not eligible for GA, however, may be eligible for an abatement depending on how much money they have to pay their taxes after they’ve paid for other necessities.

Application Process

People wishing to have their taxes abated due to poverty may apply to the Welfare Director in writing. Information in the application is confidential and any hearings and proceedings connected with a request for poverty abatement will be held in executive session as permitted by 36 MRS §841(2)E.

Determining Eligibility

Applicants seeking a poverty abatement have the burden of proving that they are eligible for the abatement; it is not the Town Council's responsibility to prove that the applicants are not entitled to the abatement. The applicant must provide whatever information the Town Council thinks is necessary for them to make an informed decision.

As stated above, the Town Council will determine the applicants' financial condition within the context of a General Assistance eligibility determination. If they are eligible for General Assistance they will be given a poverty abatement for general assistance to pay the taxes. If they are not eligible for GA, the Town Council will then proceed to review the applicant's income and expenses. Factors the Council will take into consideration during either of these analyses include: the applicant's income (both current and projected); assets such as an excessively expensive vehicle, extra cars, recreational vehicles, boats, real estate, etc.; actual expenses which may not be reasonable or necessary and which may be reduced or eliminated; and other sources of income or methods to alleviate their financial distress such as relatives, refinancing, and public assistance, including General Assistance.

Options for Action

The Town Council may:

- A. **Deny the Abatement** -The application will be denied if the applicant does not meet the burden of proof that he is "unable to contribute to the public charges". If the application is denied, the Town Clerk shall send a written notice within ten (10) days after they take final action.
- B. **Approve the Abatement** - Council may grant the application in whole or in part. If the applicants are clearly poor and have little or no likelihood of any prospects which would enable them to pay the taxes. A partial abatement is appropriate in those cases where the applicant can pay part of the taxes or will be able to pay a portion of the taxes prior to the tax lien expiring. If a full abatement is granted, the fees and interest that would accrue as the result of a lien are also abated.

If the Town Council approves an abatement the Town Clerk shall certify it in writing to the Tax Collector. The fact of the abatement shall be noted and kept in suitable book form that is not open to the general public (36 MRS §841.5).

The following motion shall be used in approving an application:

I move that the abatement request be granted and further that the Town Council certify to the Tax Collector, that an abatement has been granted pursuant to 36 MRSA §841.2 for \$_____, including fees and interest, with respect to the real estate taxes committed to the Tax Collector for collection on _____ and this certification is to be given to the Tax Collector in a writing signed by the Town Clerk.

Appeal

Applicants who have had their request for a poverty abatement denied, or whose requests have not been acted upon within thirty (30) days, have the right to appeal the denial within sixty (60) days to the Board of Assessment Review (36 MRSA §843, 844).

Credits

This policy is modeled after the Maine Municipal Association's February 1991 issue of The Maine Townsman.

LEGISLATIVE HISTORY

19-Jan-88 Adopted by Town Council

16-Aug 05 Draft Revisions

06-Sep 05 Adopted by Town Council