

On August 15, 2023, the Bar Harbor Town Council adopted the following amendment to the Municipal Code. The amendment takes effect September 14, 2023. A copy has been filed with the Town Clerk.

Senior Taxpayer Assistance Program Ordinance Amendment

Town of Bar Harbor

2023-03

An amendment to clarify renters' qualifications and rebate payments, adjust the timing of the program year and update how the rebate is calculated.

The Town of Bar Harbor hereby ordains that Chapter 162, Senior Taxpayer Assistance Program, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 162 Senior Taxpayer Assistance Program

§ 162-1. Purpose.

The purpose of this article is to establish a program pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who have a residence in the Town of Bar Harbor. For those eligible, the State of Maine refunds to the citizen a portion of funds paid as local property tax or rent. The Town intends, by this chapter, to offer a credit to those individuals who qualify as beneficiaries of the State of Maine Residents Property Tax Fairness Credit pursuant to Chapter 822 of Title 36 of the Maine Revised Statutes, as may be amended from time to time and who meet the criteria established by this chapter of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who are residents of the Town of Bar Harbor. Under this program the Town of Bar Harbor may provide tax rebate and rental rebate payments to those individuals who meet the criteria established by this article.

§ 162-2. Definitions.

For the purposes of this article, the following terms shall have the following meanings and definitions:

HOMESTEAD EXEMPTION - The State of Maine property tax exemption for all individuals who have owned a permanent residence in Maine for 12 months as of April 1; established by the State of Maine pursuant to 36 M.R.S.A. § 683.

PROGRAM ADMINISTRATOR - The Town Assessor. ~~Manager or their designee~~.

PROGRAM YEAR – The Towns Fiscal Year.

QUALIFYING APPLICANT - A person who is determined, after review of a complete application under §162-3 and §162-4 of this chapter, to be eligible to participate in the Senior Taxpayer Assistance Program.

~~**QUALIFYING SPOUSE** – The legal spouse of a senior citizen who is qualified for and participates in the Senior Taxpayer Assistance Program.~~

RENT CONSTITUTING PROPERTY TAXES - The amount of annual rent paid which constitutes property tax as calculated by the State of Maine Property Tax Fairness Credit program.

RESIDENCE - The dwelling must be a permanent residence, occupied by that person and that person's

dependents as a home.

SENIOR TAX ASSISTANCE PROGRAM - The program established by the Town of Bar Harbor under this article.

STATE PROPERTY TAX FAIRNESS CREDIT - The property tax credit established by the State of Maine pursuant to 36 M.R.S.A. § 5219-KK, as may be amended from time to time.

§ 162-3. Qualifications for participation.

- A. To participate in the Senior Taxpayer Assistance Program, an applicant must demonstrate all of the following:
 - (1) The qualifying applicant shall be at least 65 years of age before April 1, prior to ~~of~~ the program year.
 - (2) The qualifying applicant ~~and their qualifying spouse (if applicable)~~ be a resident in the Town of Bar Harbor at the time of application and for the prior 5 years continuously.
 - (3) The qualifying applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program for the Income Tax filing of the preceding calendar year.
- B. Additionally, if the applicant is a property owner:
 - (1) The qualifying applicant has applied for and has been granted the homestead exemption for the current program year.
 - (2) The qualifying applicant has ~~paid property taxes in full through the date of application~~ no past due property taxes as of the application deadline.
- C. Additionally, if the applicant makes rent payments:
 - (1) The qualifying applicant has paid rent in full through the application deadline.

§ 162-4. Application and credit procedures.

- A. A new application shall be required each year in which participation in the program is sought. The program administrator shall provide an application form for the program, which shall include, at a minimum, the applicant's name, residential address, a list of required documentation, and contact information.
- B. The program is based on the state property tax fairness credit and relates to property taxes and rent paid in the preceding calendar year. As part of the application to the Town, the applicant shall authorize the Town to seek documentation from the Maine Revenue Services of proof and dollar amount of the state property tax fairness credit received by the applicant.
- C. The program administrator shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the program. The program administrator shall notify an applicant if an application is determined to be incomplete or inaccurate. Applications not deemed complete by ~~July 1~~ February 1 shall not be considered. The program administrator's decision on eligibility to participate in the program will be final.

- D. In Year 1 of the program (the Fiscal Year ending June 30, 2023), the deadline for complete applications will be December 1, 2022 and subsequently ~~August 1~~ December 1 of each year.

§ 162-5. Determination of tax assistance.

- A. If the program administrator determines the applicant is eligible to participate in the program, they shall determine the tax rebate. The rebate shall be half the amount of the credit qualified for under the Property Tax Fairness Credit program. If the total rebate amounts of all participants exceed the total of the funds appropriated by Town Council for that fiscal year then the rebate shall be a pro rata share of the funds appropriated by Town Council for that fiscal year. ~~the lesser of the following amounts. but in no case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the state property tax credit.~~
- (1) ~~The amount of the credit qualified for under the property tax fairness credit program; or~~
(2) ~~A pro rata share of the funds appropriated by Town Council for that fiscal year.~~
- B. ~~The Town's rebate is not to exceed half the amount of the credit qualified for under the property tax fairness credit, and in~~ In no case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the state property tax credit.
- C. The Town Manager shall report to the Town Council each year the projected payments and number of eligible applicants requesting assistance from the program fund.
- D. Timing of rebate payments:
- (1) In Year 1 of the program (the Fiscal Year ending June 30, 2023), a person who qualifies for a credit under the program will have their property tax bills reduced by the amount approved by the program administrator before the second half tax bills are due.
- (2) ~~In subsequent years, a person who qualifies for a credit under the program will have their property tax bills reduced by the amount approved by the program administrator before the first second half tax bills are due. if the qualified applicant pays rent, the rebate will be sent directly to the applicant. If the qualified applicant is a property owner then they will have their property tax bill reduced by rebate amount. All rebates will be processed before the second half of tax bills are due.~~
- E. In ~~February~~ December of each year, the Town Council will re-evaluate the program and determine the funding level for the ensuing fiscal year.
- F. The following are limitations upon payments: Only one qualifying applicant per residence shall be entitled to payment under this program each year. The right to file an application and to receive a rebate under this article is personal to the applicant and does not survive the applicant's death, but such rights might be exercised on behalf of the applicant by the applicant's legal guardian, attorney in fact, or personal representative.

[End of ordinance]