



# City Council Ordinance

## IN CITY COUNCIL

Be it ordained, that THE COUNCIL of the City of Auburn hereby amends Chapter 2, "ADMINISTRATION," of the "Code of Ordinances of the City of Auburn, Maine" as follows (additions are underlined; deletions are ~~struck out~~);

### CHAPTER 2 – ADMINISTRATION

#### ARTICLE VI. – FINANCE

#### DIVISION 3. IDENTITY THEFT PROGRAM

~~Secs. 2-557 – 2-574. Reserved.~~

#### DIVISION 4. PROPERTY TAX ASSISTANCE PROGRAM

##### **Sec. 2-557. Purpose**

The purpose of this Ordinance is to establish a program to provide property tax assistance pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to qualifying persons 65 years of age and over who reside in the City of Auburn.

##### **Sec. 2-558. 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 their permanent residence.

*Qualifying applicant:* A qualifying applicant is a person who is determined by the Program Administrator or her/his designee, after review of a complete application submitted under Section 2-561 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

*Program Administrator:* The person designated by the city manager to administer the Property Tax Assistance Program.

*Property Tax Assistance Program:* The program established by the City of Auburn under this ordinance.

*State of Maine Residents Property Tax Fairness Credit Program:* The property tax credit established by the State of Maine pursuant to Chapter 822, §5219-KK of Title 36 of the Maine Revised Statutes.

##### **Sec. 2-559. Creation of the Program Fund**

The City Council may annually appropriate funds for the Property Tax Assistance Program. The Program Administrator shall determine the total amount of property tax assistance sought by qualified applicants.



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If funds appropriated by the City Council are less than the amount for which applicants are eligible under the terms of this ordinance, then funds shall be proportionally disbursed. The Program Administrator shall calculate a difference ratio between the fund appropriation and the total amount of tax relief being sought by qualified applicants. This ratio shall be used to adjust each individual benefit for the qualified applicants. If a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

### **Sec. 2-560. Criteria for Participation**

To qualify for 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 the last day on which an application may be filed under Section 2-561 of this Ordinance.
- b. The applicant shall have been a resident of the City of Auburn with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 2-561 of this Ordinance.
- c. A property owner applicant shall have a homestead exemption benefit, in accordance with Title 36 M.R.S. Sec. 681-689, already established on the property upon which the dwelling is located.
- d. The applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program for the previous income tax year.
- e. The federal adjusted gross income of the applicant and any other adult members of the applicant's household combined (total household income) does not exceed the current city's median household income as determined by the United States Bureau of the Census, or, if recent census data is not available, by another source that the Program Administer deems reliable and accurate.
- f. The applicant or any member of the household did not receive, nor is eligible to receive, rental assistance programs which include federal, state, or local initiatives.
- g. Property taxes for the immediately preceding fiscal year and all past property taxes have been paid in full for the subject property.

### **Sec. 2-561. Application and Payment Procedures**

Persons seeking to participate in the Property Tax Assistance Program shall submit an annual application due to the Program Administrator no later than April 15<sup>th</sup> of the year seeking assistance. The Program Administrator 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 Program Administrator shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete. The Program Administrator's decision on eligibility to participate in the Program shall be final.



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### **Sec. 2-562. Determination of eligibility and amount of eligibility**

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit that the applicant is eligible for, subject to the following eligibility requirements:

- a. The amount of benefit shall be equal to the credit that the applicant qualified for under the State of Maine Residents Property Tax Fairness Credit Program, not to exceed \$1,000.00, provided that the benefit when combined with the State of Maine Property Tax Fairness Credit received by the applicant shall not exceed the applicant's gross property tax or rent; and
- b. The actual benefit paid shall be prorated based on available monies in the program fund pursuant to Section 2-559.

### **Sec. 2-563. Timing of Payments**

A person who qualifies for payment under this Program shall be mailed a check no later than September 1<sup>st</sup> for the year in which participation is sought. The applicant must own or rent the property for use as their homestead at the time the payment is issued in order to preserve qualification.

### **Sec. 2-564. Limitations upon payments**

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Program Administrator shall be disbursed to another member of the household as determined by the Program Administrator in consultation with the City Manager. If the deceased applicant was the only member of a household, then no payment shall be made under this Ordinance. Payment shall not be made to heirs of an applicant who were not residents of the household at the time the application was filed.

### **Sec. 2-565. Annual Report to the City Council**

The Program Administrator shall report in writing to the City Council no later than December 31st of each year (following the first year of the program) the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Section 2-559.

**Secs. 2-566—2-574. - Reserved**

Passed first reading 1/21/25

Passed second reading/public hearing 2/3/25, 7-0.

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**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager