

**Chapter 27**  
**Property Tax Assistance Ordinance**

**Adopted Effective 2/13/2019, Rev. Eff. 10/9/2024**

**Sec. 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.

**Sec. 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 5 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

**Sec. 3. Creation of the Program Fund**

The Town Council may annually appropriate funds for the Senior Tax Relief Program. The Assessor shall determine the total amount of property tax relief sought by qualified applicants. (Rev. eff. 10/9/2024)

**Sec. 4. 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 the last day on which an application may be filed under Section 5 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 5 of this Ordinance.
- c. The applicant shall have a **HOMESTEAD EXEMPTION** benefit, in accordance with Title 36 M.R.S. Sec. 681-689, already established on the property.
- d. 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 \$70,000. (Rev. eff. 10/9/2024)
- e. Payment of the immediately preceding fiscal year property taxes have been paid in full for the subject property.

**Sec. 5 Application and Payment Procedures**

Persons seeking to participate in the Property Tax Assistance Program shall submit an application due to the Tax Assessor no later November 15<sup>th</sup> of that year. The Tax Assessor shall provide an application form for the program, which shall include the applicant’s name, homestead address and contact information. (Rev. eff. 10/9/2024)

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.

**Sec. 6 Determination of eligibility and amount of eligibility** (Rev. eff. 10/9/2024)

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit paid, subject to the following eligibility requirements.

1. Eligibility for Homeowners. The applicant’s taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds 5% of the federal adjusted gross income of the applicant and any other adult members of the applicant’s household combined (total household income); or

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

2. Eligibility for Renters. The applicant’s taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds 18% of the federal adjusted gross income of the applicant and any other adult members of the applicant’s household combined (total household income). The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent, which shall include rent paid from own funds by the applicant, and any other adult members of the applicant’s household combined (total household income) in the preceding calendar year.

3. Property tax assistance payment. Property tax assistance payments for eligible applicants shall be calculated as follows:

<b>Applicant income</b>	<b>Payment</b>
\$0 - \$30,000	\$1,500.00
\$30,000+ - \$50,000	\$1,000.00
\$50,000+ - \$70,000	\$750.00

**Sec. 7. Timing of Payments**

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than March 15<sup>th</sup> for the year in which participation is sought. The applicant must be the owner of the property at the time the payment is issued in order to preserve qualification.

**Sec. 8. 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 Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor in consultation with the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance. Payment shall not be made to heir(s) of an applicant who are not a resident of the household at the time the application was filed.

**Sec. 9. Annual Report to the Town Council**

The Tax Assessor shall report in writing to the Town Council no later than December 31<sup>st</sup> of each year the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Sec. 3.