

Sponsor: Treasurer Georgette Williams

First Reading: 1/6/14

Second Reading: 2/3/14

ORDINANCE #26-14

**AN ORDINANCE ESTABLISHING A PROPERTY TAX EXEMPTION FOR
PROPERTY OWNERS IN THE TOWN OF WYOMING WHO ARE TOTALLY
DISABLED OR ARE 65 YEARS OF AGE OR OVER**

WHEREAS, the Section 15 of the Charter of the Town of Wyoming authorizes the Town to levy taxes on town residents;

WHEREAS, pursuant to 22 *Del. C.* Ch. 10, all Delaware municipalities have the authority to create property tax exemptions for individuals who are 65 years of age or over;

WHEREAS, pursuant to Chapter 16 of the Charter of the Town of Wyoming, the Town has authority to establish a real property tax exemption for individuals 65 years of age or over and for individuals who are determined to be totally disabled; and

WHEREAS, in the opinion of the Town Council of the Town of Wyoming, it is in the best interest of the town to create a real property tax exemption for eligible individuals who are 65 years of age or over or who are determined to be totally disabled.

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that ordinance No. 77 "An Ordinance on a Real Property Tax Exemption for the Disabled and Senior Citizens" adopted June 7, 2004 is hereby repealed in its entirety and the following is hereby enacted:

Section 1. Qualification for Participation. To qualify under this ordinance an applicant must be either:

1. Totally disabled and able to document said disability by meeting the definition of "totally disabled" as defined by social security disability or by filing certified copies of award letters from government agencies indicating that the applicant is totally disabled; or
2. Sixty-five (65) years of age or older at the beginning of the tax year for which application is made.

However, an individual may only apply for inclusion in this program under one of the two provisions above.

Section 2. Residency Requirement. The applicant shall have maintained his/her principal place of residence in the State of Delaware for the five years immediately preceding the tax year for which application is being made. In addition, the dwelling for which the exemption is sought must be the principal place of residence of the applicant at the time of application and

must have been the principal place of residence of the applicant for the 12 months immediately preceding the tax year for which application is being made. If an applicant is totally disabled and incurred his or her disability as a result of and while in the service of any branch of the United States armed services, the foregoing residency requirements are waived for said applicant, other than the requirement that the dwelling for which the exemption is sought must be the principal place of residence of the applicant at the time of the application.

Section 3. Ownership of Property. Title to the property for which the exemption is sought must be in the name of the applicant or in the name of the applicant and the applicant's spouse, or in the name of a revocable grantor trust, as reflected in the official records of the Town. In the event that the ownership of the residence dwelling is shared by the applicant and spouse, or revocable grantor trust, with others who do not qualify for participation in this program, then the exemption permitted in Section 7 shall apply only to the proportionate share of the residence dwelling owned by the applicant and spouse or revocable grantor trust.

Section 4. Eligible Property. Property considered eligible for inclusion under this ordinance shall be only the residence dwelling owned by an eligible applicant and, if applicable, up to one acre of land upon which it is located. Land which has been included under the State of Delaware Farmland Assessment Act shall not be eligible for partial tax relief under this program.

Section 5. Income limits. The total adjusted gross annual income of a single applicant shall not exceed \$16,000. The combined total adjusted gross annual income of an applicant and spouse residing together in the subject dwelling shall not exceed \$22,000. An additional \$3,100 per year may be added to the maximum adjusted gross annual income for each additional dependent residing in the dwelling of a qualified applicant for whom the applicant is the sole means of support. For the purposes of this ordinance, the word "dependent" shall be defined by the Internal Revenue Services.

Section 6. Income Exclusions. Social Security and Railroad Retirement Tier I, and if disabled, pension income directly related to the applicant's disability shall be excluded from the calculation of gross annual income.

Section 7. Exemption limit. Prior to April 30 of each year, the Town Council shall determine the tax exemption amount for all individuals qualifying for a tax exemption under this ordinance, which exemption amount shall apply to an applicant's eligible property as defined in Section 4. This exemption shall not apply to local ditch taxes or sewer, trash or other fees. If a totally disabled property owner incurred his or her disability as a result of and while in the service of any branch of the United States armed services, in addition to the tax exemption amount authorized by the Town Council, an additional \$5,000 of assessed value of the applicant's eligible property shall be exempt from all real property taxes.

Section 8. Filing for Exemption and Determination of Eligibility. Applicants or their legal agents must file for an exemption in the office of the Board of Assessment of Kent County in the manner determined by Kent County no later than April 30 prior to the tax year for which the exemption is sought and must verify their eligibility, in writing, every year thereafter to continue to qualify for the exemption. The Town of Wyoming shall use the annual assessment

records provided to the Town by Kent County to determine eligibility for tax exemptions, and all individuals identified on Kent County's tax assessment lists as qualifying for a tax exemption shall qualify for the tax exemption authorized by this ordinance.

Section 9. Termination of Eligibility. Eligibility under this ordinance shall terminate automatically when the applicant fails to meet any of the conditions stated herein.

Section 10. Appeals. An applicant may appeal in writing with Kent County the disposition of an exemption claim in the same manner as is provided for appeals from assessments. The deadline for filing written appeals shall be May 30 prior to the tax year for which the exemption is sought.

Section 11. This ordinance shall be effective upon the date of its adoption.

Synopsis

This ordinance provides a real property tax exemption for individuals who are 65 years of age or over or totally disabled. An individual must satisfy certain residency requirements to qualify for the exemption, and this ordinance specifies how the exemption is applied when there are multiple owners of property, and identifies what properties are eligible for this exemption. This ordinance outlines the income thresholds to qualify for the exemption and clarifies what qualifies as income. Eligibility for the exemption terminates at such time as an individual ceases to meet all of the qualifications. The Town Council shall determine the tax exemption amount each year. The Town will use Kent County records to determine who qualifies for a tax exemption, and an application for exemption must be filed with Kent County. An individual may appeal a determination of ineligibility for the exemption with Kent County in the same manner as assessments are appealed.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on February 3, 2014.

Attest: Parvula B. Haddick So Certifies: Mayor Dale Rife
Town Clerk Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on 2/4, 2014.

Date 2/4/14 So Certifies: Parvula B. Haddick