

CODE ORDINANCE

Sponsored by: Assemblymember Boeve
Introduced: 02/18/20
Public Hearing: 03/03/20
Adopted: 03/03/20

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 20-014**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY; BY ADOPTING MSB 3.15.077, TAX ADJUSTMENT ON PROPERTY AFFECTED BY DISASTER AND AMENDING MSB 3.15.075 TAX ADJUSTMENT ON PROPERTY AFFECTED BY FIRE.

WHEREAS the reasoning and rationale for the enactment of this ordinance is found in the accompanying Informational Memorandum No. 20-022.

BE IT ENACTED:

Section 1. Classification. This ordinance are of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 3.15.075(A)(C)(D) is hereby amended as follows:

3.15.075 TAX ADJUSTMENT ON PROPERTY AFFECTED BY
FIRE

(A) *Reassessment of property damaged by fire.* An owner of any taxable property within the borough, or any person liable for the taxes thereon, whose property was damaged by fire without his or her fault, may apply for reassessment of that property under this section if the loss exceeds \$1,000. [IN ADDITION, THE ASSESSOR MAY INITIATE SUCH REASSESSMENT WHERE THE

MAYOR DETERMINES THAT WITHIN THE CURRENT ASSESSMENT YEAR TAXABLE PROPERTY LOCATED IN THE BOROUGH WAS DAMAGED BY FIRE.]

(C) *Application for reassessment.*

(1) The application for reassessment must be filed with the Assessor within 120 days of the fire by delivering to the Assessor a written application, on a form provided by the Assessor, requesting reassessment and describing the condition and value of the property immediately before and after the damage or destruction.

The application shall include a sworn statement submitted by the taxpayer that losses exceed \$1,000.

(2) If no application is made and the Assessor determines that within the calendar year a property has suffered damage caused by fire that may qualify the property owner for relief, the Assessor may provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within [30 DAYS OF THE DATE OF THE MAILING OF NOTIFICATION BY THE ASSESSOR BUT IN NO CASE MORE THAN] 120 days after the occurrence of said damage by fire.

(3) Upon receiving the proper application, the Assessor or Assessor's designee will inspect the

property and verify the prior year's full and true value of land, improvements, [PERSONAL PROPERTY] business inventory, or the proposed or certified current year's value immediately before and after the damage or destruction by fire.

(4) If an applicant has refused or failed to provide the Assessor or the Assessor's agent full access to property or records reasonably requested by the Assessor, the applicant shall be precluded from any reduction or relief, and any valuation or valuation issue affected by the lack of access shall be decided in favor of the Assessor.

(5) Any damages to land, improvements, [PERSONAL PROPERTY] or additions that do not appear on the assessment roll are not eligible for consideration under this section.

(D) *Notice of reassessment.* The Assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the Board of Equalization within [30] 10 days of [THE DATE OF MAILING OF NOTICE] notification of assessment or reassessment. Otherwise, the right of appeal ceases unless the Board finds that the taxpayer was unable to

comply.

Section 4. Adoption of section. MSB 3.15.077, is hereby adopted to read as follows:

**3.15.077 TAX ADJUSTMENTS ON PROPERTY AFFECTED BY
DISASTER.**

(A) *Reassessment of property damaged by disaster.*

An owner of any taxable property within the Borough, or any person liable for the taxes thereon, whose property was damaged by disaster without his or her fault, may apply for reassessment of that property under this section if the loss exceeds \$1,000.

(B) *Definitions.* Unless the context clearly requires a different meaning, the following words and phrases as used in this section are defined as shown below:

- "Damage" means harm resulting from physical injury to property, including partial or total destruction, and a diminution in the value of improvements or land resulting from disaster.

- "Disaster" means the occurrence of widespread or severe damage, injury, loss of life or property, resulting from an incident such as storm, high water, wind, tsunami, earthquake, landslide, mudslide,

avalanche, fire, flood or explosion.

(C) *Eligibility.* To be eligible for reassessment, the damage to the property shall have been:

(1) caused by a disaster as that term is defined in this section; and

(2) located in an area or region declared by the Borough, state, or federal government to be a disaster.

(D) *Application for reassessment.*

(1) The application for reassessment must be filed with the Assessor within 120 days of the disaster by delivering to the Assessor a written application, on a form provided by the Assessor, requesting reassessment and describing the condition and value of the property immediately before and after the damage or destruction. The application shall include a sworn statement submitted by the taxpayer that losses exceed \$1,000.

(2) If no application is made and the Assessor determines that within the calendar year a property has suffered damage caused by disaster that may qualify the property owner for relief, the Assessor may provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within 120 days after the occurrence of said damage by disaster.

(3) Upon receiving the proper application, the Assessor or Assessor's designee will inspect the property and verify the prior year's full and true value of land, improvements, business inventory, or the proposed or certified current year's value immediately before and after the damage or destruction by disaster.

(4) If an applicant has refused or failed to provide the Assessor or the Assessor's agent full access to property or records reasonably requested by the Assessor, the applicant shall be precluded from any reduction or relief, and any valuation or valuation issue affected by the lack of access shall be decided in favor of the assessor.

(5) Any damages to land, improvements, or additions that do not appear on the assessment roll are not eligible for consideration under this section.

(E) *Notice of reassessment.* The Assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the Board of Equalization within 10 days of notification of assessment or reassessment. Otherwise, the right of appeal ceases unless the Board finds that the taxpayer was unable to comply.

(F) *Appeal.* Appeals of the reassessed value shall be heard in accordance with the valuation and tax appeal procedures provided in MSB 3.15.200 through 3.15.230. A decision of the Board of Equalization regarding reassessment issued pursuant to this section shall create no presumption regarding the value of the affected property for tax years after the date of the damage or destruction by disaster.

(G) *Tax roll adjustment.* Any reassessed value resulting from one or more reductions in full and true value, as determined above, shall be entered as an adjustment on the assessment roll.

(H) *Tax adjustment.* The tax rate fixed for the property so reassessed shall be applied to the amount of the reassessment as determined in accordance with this section. A reduction of taxes may be made only on losses in excess of \$1,000 for the remainder of the year following the disaster. On reassessment, the taxes shall be recomputed. Any tax paid in excess of the total tax due shall be refunded to the taxpayer as an erroneously collected tax within 60 days of the final determination of the adjusted tax liability.

(I) *Effect of revised assessment.* The assessed value of the property in its damaged condition, as

determined pursuant to this section, shall be the taxable value of the property until December 31st of the year in which the disaster occurred, unless the value is otherwise adjusted as allowed by law.

Section 3. Effective date. This ordinance shall take effect upon adoption.

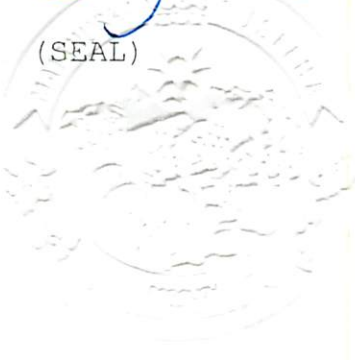
ADOPTED by the Matanuska-Susitna Borough Assembly this 3 day of March, 2020.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. MCKEE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Mayfield, Sumner, and Boeve