

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. CB17-0148
COMMITTEE OF REFERENCE:
4 Safety, Housing, Education & Homelessness

5 **A BILL**

6 **For an ordinance amending Article XI, Chapter 53 of the Denver Revised Municipal**
7 **Code relating to the administration of tax refund payments for elderly and**
8 **disabled persons.**

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That section 53-493 of the Denver Revised Municipal Code (“D.R.M.C.”) shall be
12 amended by adding the language underlined and deleting the language stricken, to read as follows:

13 **Sec. 53-493. Administration by manager of finance**

14 The administration of this article is hereby vested in the manager of ~~finance~~ human services who
15 shall prescribe application forms and may make reasonable rules and regulations in conformity with
16 this article for the proper administration of the same.

17 **Section 2.** That section 53-494 of the D.R.M.C. shall be amended by adding the language
18 underlined and deleting the language stricken, to read as follows:

19 **Sec. 53-494. Applications for payment.**

20 Applications for payment under this article can only be filed with the manager of ~~finance~~ human
21 services in the following manner:

- 22 (1) An adult applicant who is the owner of ~~the a~~ a dwelling unit situated within the city of
23 Denver, in which such applicant resides, or the legal representative of such applicant,
24 shall file an application only after having fully paid all ad valorem taxes levied and
25 assessed by the city in the calendar year previous to that in which application is made
26 and for all previous years in which such taxes were levied and assessed. All such
27 applications must be filed ~~no later than~~ between the first day of May and the last day of
28 December in the ~~second~~ succeeding calendar year to that in which such taxes were
29 levied and assessed (example: 2016 Applications must be received between May 1,
30 2017, and December 31, 2017); and
- 31 (2) An adult applicant who ~~leases the~~ is the lessee of a dwelling unit situated within the city
32 of Denver, in which such applicant resides, or the legal representative of such applicant,
33 shall file an application ~~only after~~ between the first day of May and the last day of
34 December in the calendar year succeeding the year in which the total rental payable by

1 such applicant shall have been fully paid (example: 2016 Applications must be received
2 between May 1, 2017, and December 31, 2017).; ~~and all such applications must be filed~~
3 ~~no later than the first day of May in the second succeeding calendar year to that for and~~
4 ~~during which rent was fully paid.~~

5 **Section 3.** That section 53-495 of the D.R.M.C. shall be amended by adding the language
6 underlined and deleting the language stricken, to read as follows:

7 **Sec. 53-495. Attestation of application forms.**

8 The application forms prescribed by the manager of ~~finance~~ human services under this article
9 shall be attested by the applicant, or, if incompetent or deceased, by the legal representative of
10 such person, under the penalty of perjury.

11 **Section 4.** That section 53-496 of the D.R.M.C. shall be amended by adding the language
12 underlined and deleting the language stricken, to read as follows:

13 **Sec. 53-496. Payment from unapportioned payments elderly person fund.**

14 The manager of ~~finance~~ human services or a designee, after examination of applications filed with
15 the manager for payments under this article, shall find and determine the eligibility of persons
16 applying for payment under this article and the amount of payment, if any, to which such person is
17 entitled, and shall pay to such person or, if incompetent or deceased, to the legal representative of
18 such person such payment from the funds appropriated to the unapportioned payments to elderly
19 persons fund, and no other, without delay.

20 **Section 5.** That subsection (b) of section 53-497 of the D.R.M.C. shall be amended by adding
21 the language underlined and deleting the language stricken, to read as follows:

22 **Sec. 53-497. Payment to eligible persons.**

23 (a) A person is eligible for payment under this article who:

24 (1) Is a ~~disabled~~ person who was disabled the entire year, or was turned sixty-five (65)
25 years of age or older during the calendar year preceding the year in which the
26 application for payment is made (example: for a 2016 application the person was
27 disabled for all of 2016 or was / turned 65 in 2016); and

28 (2) Had income ~~from all sources~~, during the calendar year preceding the year for which
29 application is made, of ~~eleven thousand one hundred dollars (\$11,100.00) or less, if~~
30 ~~single, or in the case of husband and wife, of sixteen thousand one hundred dollars~~
31 ~~(\$16,100.00) or less; provided that for payments made under this article after May 1,~~
32 ~~2001, the~~ at or below the threshold determined by the manager of human services and
33 documented on the application. For 2016 Applications (received in 2017) 2016 income

1 of fifteen thousand nine hundred dollars (\$15,900.00) or less is required for single
2 applicants; 2016 income of twenty-three thousand one hundred dollars (\$23,100.00)
3 or less is required of husband and wife applicants. The income eligibility limitations set
4 forth in this paragraph (a)(2) shall be directly and proportionately adjusted each year
5 by the percentage equal to the cost of living adjustment approved by the federal
6 Social Security Administration for social security recipients under Section 230, Title 2,
7 of the Social Security Act, as amended, for each calendar year;~~and further provided~~
8 ~~that income~~ Income from all sources for purposes of determining eligibility for payment
9 under this article includes, but is not limited to income such as alimony, child support
10 or maintenance money, cash public assistance or relief (including TANF); pension
11 endowment or annuity benefits; federal Social Security benefits; veterans' benefits;
12 taxable and nontaxable interest; dividends; worker's compensation or occupational
13 disease compensation; and unemployment compensation benefits; but such income
14 shall not include outright gifts; and

15 (3) Has resided in a dwelling unit situated within the city during the entire calendar year
16 preceding the year for which application for payment is made, and which dwelling unit
17 is subject to ad valorem taxes levied and assessed by the city or for which a payment-
18 in-lieu-of ad valorem taxes has been made by the Denver Housing Authority pursuant
19 to Subsection 1437d(d) of Title 42 of the United States Code; and

20 (4) Has, if the owner of such dwelling unit, paid all ad valorem taxes levied and assessed
21 by the city against the dwelling unit which became due and payable in the year in
22 which application for payment is made, in the manner and within the time provided for
23 by the statute, or, if the lessee of such dwelling unit, fully paid rent to the owner of
24 such dwelling unit for the entire calendar year preceding the year for which application
25 is made, and providing that such leased dwelling unit is subject to and not exempt
26 from ad valorem taxation by the city and subject to a payment-in-lieu-of ad valorem
27 taxes as set forth in paragraph (3) of this subsection.

28 (b) The manager of ~~finance~~ human services shall pay to a person eligible for payment under
29 this article, or the legal representative of such person if such person eligible for payment
30 is incompetent or deceased, provided application therefor is filed with the manager as
31 hereinafter required, the amount determined by and under the provisions of section 53-
32 498. Husband and wife shall be treated for payment purposes as one (1) person under

1 this article. An individual who is both a disabled person and a person sixty-five (65) years
2 of age or older shall be eligible for only one (1) payment under this article.

3 **Section 6.** That section 53-498 of the D.R.M.C. shall be amended by adding the language
4 underlined and deleting the language stricken, to read as follows:

5 **Sec. 53-498. Computation of payment.**

6 The manager of ~~finance~~ human services or a designee shall compute the total payments
7 due to eligible persons or other applicants meeting all of the requirements set forth in subsection
8 53-497(a) as follows:

- 9 (1) ~~For applications associated with a dwelling unit owned or rented by the applicant in~~
10 ~~2011 and prior years, an initial amount of one hundred eighty-six dollars (\$186.00) to~~
11 ~~each applicant who establishes eligibility as provided in this article; for~~ For applications
12 associated with a dwelling unit owned or rented by ~~the~~an applicant in 2012 and
13 subsequent years, an initial amount of at least three hundred and seventy-two dollars
14 (\$372.00) to each applicant who establishes eligibility as provided in this article; and
- 15 (2) An additional one dollar (\$1.00) of payment for every one-hundred-dollar decrement in
16 the applicant's income from the annual income limitations defined in paragraph (a)(2)
17 of section 53-497 of the Revised Municipal Code, down to ~~the following thresholds:~~
18 ~~eight thousand three hundred dollars (\$8,300.00) if single or to twelve thousand one~~
19 ~~hundred dollars (\$12,100.00) in the case of husband and wife~~seventy-five percent
20 (75%) of the income limitations; and
- 21 (3) An additional two dollars (\$2.00) of payment for every one-hundred-dollar decrement
22 in the applicant's income beneath ~~the following thresholds: eight thousand three~~
23 ~~hundred dollars (\$8,300.00) if single or twelve thousand one hundred dollars~~
24 ~~(\$12,100.00) in the case of husband and wife;~~seventy-five percent (75%) of the income
25 limitations.; and
- 26 (4) ~~For payments made under this article after May 1, 2001, the thresholds set forth in~~
27 ~~paragraphs (2) and (3) of this section 53-498 shall be directly and proportionately~~
28 ~~adjusted by the percentage equal to the cost of living adjustments approved by the~~
29 ~~federal Social Security Administration for social security recipients under Section 230,~~
30 ~~Title 2, of the Social Security Act, as amended, for each calendar year.~~

1 COMMITTEE APPROVAL DATE: February 15, 2017 by consent

2 MAYOR-COUNCIL DATE: February 21, 2017

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Debra R. Knapp, Assistant City Attorney DATE: March 9, 2017

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____