

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. CB16-1083
COMMITTEE OF REFERENCE:
Finance & Governance

4
5 **A BILL**

6 **For an ordinance amending Article XL, Chapter 53 of the Denver Revised**
7 **Municipal Code relating to the administration of 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~~ human services.**

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
16 with 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 applicant who is the owner of the dwelling unit in which such applicant resides, or
23 the legal representative of such applicant, shall file an application only after having fully
24 paid all ad valorem taxes levied and assessed by the city in the calendar year previous
25 to that in which application is made and for all previous years in which such taxes were
26 levied and assessed. All such applications must be filed no later than the first day of
27 May in the second succeeding calendar year to that in which such taxes were levied
28 and assessed; and
- 29 (2) An applicant who leases the dwelling unit in which such applicant resides, or the legal
30 representative of such applicant, shall file an application only after the first day of May
31 in the calendar year succeeding the year in which the total rental payable by such
32 applicant shall have been fully paid, and all such applications must be filed no later
33 than the first day of May in the second succeeding calendar year to that for and during
34 which rent was fully paid.

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

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

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

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

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

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

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

18 (b) The manager of ~~finance~~ human services shall pay to a person eligible for payment under
19 this article, or the legal representative of such person if such person eligible for payment is
20 incompetent or deceased, provided application therefor is filed with the manager as
21 hereinafter required, the amount determined by and under the provisions of section 53-
22 498. Husband and wife shall be treated for payment purposes as one (1) person under this
23 article. An individual who is both a disabled person and a person sixty-five (65) years of
24 age or older shall be eligible for only one (1) payment under this article.

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

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

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

- 30 (1) For applications associated with a dwelling unit owned or rented by the applicant in
31 2011 and prior years, an initial amount of one hundred eighty-six dollars (\$186.00) to
32 each applicant who establishes eligibility as provided in this article; for applications
33 associated with a dwelling unit owned or rented by the applicant in 2012 and

- 1 subsequent years, an initial amount of three hundred and seventy-two dollars
 2 (\$372.00) to each applicant who establishes eligibility as provided in this article; and
 3 (2) An additional one dollar (\$1.00) of payment for every one-hundred-dollar decrement in
 4 the applicant's income from the annual income limitations defined in paragraph (a)(2)
 5 of section 53-497 of the Revised Municipal Code, down to the following thresholds:
 6 eight thousand three hundred dollars (\$8,300.00) if single or to twelve thousand one
 7 hundred dollars (\$12,100.00) in the case of husband and wife; and
 8 (3) An additional two dollars (\$2.00) of payment for every one-hundred-dollar decrement
 9 in the applicant's income beneath the following thresholds: eight thousand three
 10 hundred dollars (\$8,300.00) if single or twelve thousand one hundred dollars
 11 (\$12,100.00) in the case of husband and wife; and
 12 (4) For payments made under this article after May 1, 2001, the thresholds set forth in
 13 paragraphs (2) and (3) of this section 53-498 shall be directly and proportionately
 14 adjusted by the percentage equal to the cost of living adjustments approved by the
 15 federal Social Security Administration for social security recipients under Section 230,
 16 Title 2, of the Social Security Act, as amended, for each calendar year.

17 COMMITTEE APPROVAL DATE: November 29, 2016 by Consent

18 MAYOR-COUNCIL DATE: December 6, 2016

19 PASSED BY THE COUNCIL: _____ December 19, 2016

20 _____ - PRESIDENT PRO-TEM

21 APPROVED: _____ - MAYOR Dec 20, 2016

22 ATTEST: _____ - CLERK AND RECORDER,
 23 EX-OFFICIO CLERK OF THE
 24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

26 PREPARED BY: Charles T. Solomon, Assistant City Attorney DATE: December 8, 2016

27 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
 28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
 30 §3.2.6 of the Charter.

31 Kristin M. Bronson, Denver City Attorney

32 BY: _____, Assistant City Attorney DATE: Dec 8, 2016