

ARTICLE XI. - REFUND PAYMENTS TO ELDERLY OR DISABLED PERSONS

Sec. 53-491. - Legislative intent.

The city council determines and declares that, considering the plight of elderly persons and disabled persons, who are residents on fixed incomes, caused by the effects of inflation and all matters considered in relation thereto, that the payments provided for in this article to relieve the plight of such elderly persons and disabled persons are in the public interest, being reasonable, proper and necessary, and for the public welfare.

(Code 1950, § 169D.5)

Sec. 53-492. - Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

- (1) *Disabled person* means a person who:
 - a. Is unable to engage in any substantial gainful activity by reason of any physical or mental impairment which can be determined within a reasonable degree of medical certainty; and
 - b. Comes within the limitations of section 53-497(a); and
 - c. Regardless of age, was so disabled during the entire taxable year to a degree sufficient to qualify for the payment of full benefits under any bona fide plan of a public or private organization based solely upon such disability.
- (2) *Dwelling unit* means an owner-occupied dwelling place, including a condominium unit. The term also means a leased dwelling place, including an apartment unit and a leased mobile home trailer space; but it does not include nursing homes which are required to be licensed under the general laws of the state. The term "mobile home" shall have the meaning given by general law in the statutes of the state.
- (3) *Owner* means possessed of legal incidents of ownership of record in the office of the clerk and recorder.

(Code 1950, § 169D.1; Ord. No. 656-82, § 1, 11-22-82)

Cross reference— Definitions and rules of construction generally, § 1-2.

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

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

(Code 1950, § 169D.4; Ord No. 656-82, § 2, 11-22-82; Ord. No. 775-07, § 214, 12-26-07)

Sec. 53-494. - Applications for payment.

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

- (1) An adult applicant who is the owner of a dwelling unit situated within the city of Denver, in which such applicant resides, or the legal representative of such applicant, shall file an application only after having fully paid all ad valorem taxes levied and assessed by the city in the calendar year previous to that in which application is made and for all previous years in which such taxes were levied and assessed. All such applications must be filed between the first day of May and the last day of December in the succeeding calendar year to that in which such taxes were levied and assessed (example: 2016 Applications must be received between May 1, 2017, and December 31, 2017); and
- (2) An adult applicant who is the lessee of a dwelling unit situated within the city of Denver, in which such applicant resides, or the legal representative of such applicant, shall file an application between the first day of May and the last day of December in the calendar year succeeding the year in which the total rental payable by such applicant shall have been fully paid (example: 2016 Applications must be received between May 1, 2017, and December 31, 2017)..

(Code 1950, § 169D.6-2; Ord. No. 656-82, § 3, 11-22-82; Ord. No. 165-93, § 1, 3-15-93; Ord. No. 775-07, § 215, 12-26-07)

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

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

(Code 1950, § 169D.4; Ord. No. 775-07, § 216, 12-26-07)

Sec. 53-496. - Payment from unapportioned payments elderly persons fund.

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

(Code 1950, § 169D.6-1; Ord. No. 656-82, § 4, 11-2-82; Ord. No. 775-07, § 217, 12-26-07)

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

- (a) A person is eligible for payment under this article who:
 - (1) Is a person who was disabled the entire year, or was or turned sixty-five (65) years of age or older during the calendar year preceding the year in which application for payment is made (example: for a 2016 application the person was disabled for all of 2016 or was / turned 65 in 2016); and
 - (2) Had income during the calendar year preceding the year for which application is made at or below the threshold determined by the manager of human services and documented on the application. For 2016 Applications (received in 2017) 2016 income of fifteen thousand nine hundred dollars (\$15,900.00) or less is required for single applicants; 2016 income of twenty-three thousand one hundred dollars (\$23,100.00) or less is required of husband and wife applicants. The income eligibility limitations set forth in this paragraph (a)(2) shall be directly and proportionately adjusted each year by the percentage equal to the cost of living adjustment approved by the federal Social Security Administration for social security recipients under Section 230, Title 2, of the Social Security Act, as amended, for each calendar year. Income from all sources for purposes of determining eligibility for payment under this article includes, but is not limited to, income such as

alimony, child support or maintenance money; cash public assistance or relief (including TANF); pension endowment or annuity benefits; federal Social Security benefits; veterans' benefits; taxable and nontaxable interest; dividends; worker's compensation or occupational disease compensation; and unemployment compensation benefits; but such income shall not include outright gifts; and

- (3) Has resided in a dwelling unit situated within the city during the entire calendar year preceding the year for which application for payment is made, and which dwelling unit is subject to ad valorem taxes levied and assessed by the city or for which a payment-in-lieu-of ad valorem taxes has been made by the Denver Housing Authority pursuant to Subsection 1437d(d) of Title 42 of the United States Code; and
 - (4) Has, if the owner of such dwelling unit, paid all ad valorem taxes levied and assessed by the city against the dwelling unit which became due and payable in the year in which application for payment is made, in the manner and within the time provided for by statute, or, if the lessee of such dwelling unit, fully paid rent to the owner of such dwelling unit for the entire calendar year preceding the year for which application is made, and providing that such leased dwelling unit is subject to and not exempt from ad valorem taxation by the city or subject to a payment-in-lieu-of ad valorem taxes as set forth in paragraph (3) of this subsection.
- (b) The manager of human services shall pay to a person eligible for payment under this article, or the legal representative of such person if such person eligible for payment is incompetent or deceased, provided application therefor is filed with the manager as hereinafter required, the amount determined by and under the provisions of section 53-498. Husband and wife shall be treated for payment purposes as one (1) person under this article. An individual who is both a disabled person and a person sixty-five (65) years of age or older shall be eligible for only one (1) payment under this article.

(Code 1950, § 169D.2; Ord. No. 656-82, § 5, 11-22-82; Ord. No. 751-85, § 1, 12-23-85; Ord. No. 255-87, § 1, 5-11-87; Ord. No. 484-88, § 1, 8-8-88; Ord. No. 165-93, § 2, 3-15-93; Ord. No. 192-00, § 1, 3-6-00; Ord. No. 775-07, § 218, 12-26-07)

Sec. 53-498. - Computation of payment.

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

- (1) For applications associated with a dwelling unit owned or rented by an applicant in 2012 and subsequent years, an initial amount of at least three hundred and seventy-two dollars (\$372.00) to each applicant who establishes eligibility as provided in this article; and
- (2) An additional one dollar (\$1.00) of payment for every one-hundred-dollar decrement in the applicant's income from the annual income limitations defined in paragraph (a)(2) of section 53-497 of the Revised Municipal Code, down to seventy-five percent (75%) of the income limitations; and
- (3) An additional two dollars (\$2.00) of payment for every one-hundred-dollar decrement in the applicant's income beneath seventy-five percent (75%) of the income limitations; and

(Code 1950, § 169D.3; Ord. No. 53-80, § 1, 1-28-80; Ord. No. 656-82, § 6, 11-22-82; Ord. No. 255-87, § 2, 5-11-87; Ord. No. 763-89, § 1, 12-18-89; Ord. No. 165-93, § 3, 3-15-93; Ord. No. 197-98, § 1, 3-30-98; Ord. No. 192-00, § 2, 3-6-00; Ord. No. 775-07, § 219, 12-29-07; Ord. No. 426-12, § 4, 8-20-12, elec. 11-6-12)

Sec. 53-499. - False statements.

It shall be a violation of this article for any applicant, or for any legal representative of an incompetent or deceased eligible person for payment hereunder to make any false statements in the application for payment under this article.

(Code 1950, § 169D.7)

Secs. 53-500—53-510. - Reserved.