

Administration of County Ordered Suspension or Abatement of Property Taxes for Persons Unable to Contribute to the Public Revenue Policy

I. Purpose and definitions.

A . This policy sets forth the procedures for suspension or abatement of property taxes for persons unable to contribute to the public revenue, as authorized by Iowa Code Section 427.8 It is the desire of the Polk County Board of Supervisors to allow such property tax suspensions and abatements in accordance with the terms and conditions set forth below. These policies and procedures are adopted pursuant to the Polk County Board of Supervisors authority to adopt rules for general assistance pursuant to §252.25 and §252.27, of the Iowa Code

B. The following definitions shall apply.

1. "Person unable to contribute to the public revenue" shall mean a person who meets the following criteria.
 - a) Has an income not exceeding \$16,500 or the state income level for property tax credit, whichever is greater, as determined on the property tax suspension application developed by the Department of Community, Family and Youth Services; and
 - b) The assessed value of the person's home does not exceed \$80,000; and
 - c) Current value of personal assets shall not exceed \$10,000; and
 - d) Meets one of the following criteria:
 - i) Has attained the age of 65 years on or before December 31, of the year of first application under this policy; or
 - ii) Is a surviving spouse of a person who would have been 65 or older, if living, and has attained the age of 55 years on or before December 31, of the year of first application under this policy; or
 - iii) Is totally disabled, as shown by proof of receipt of SSI, SSDI, other disability income, or pending case.
2. "Current year taxes" shall mean property taxes, assessments, rates or charges, including interest, fees and costs, as set forth in Iowa Code Section 427.8.

II. Procedures for the Submission of Petitions for Property Tax Suspension or Abatement.

- A. Property owners (petitioner) who are unable to contribute to the public revenue, and who desire to have their current year property taxes suspended or abated, should begin the petition process with the County Department of Community, Family and Youth Services. The Department of Community, Family and Youth Services will assist the petitioner in completing the petition form. The Department of Community, Family and Youth Services will also obtain the following:
1. Report of Property Tax Status (obtained from Treasurer).
 2. Statement of Disability (proof of SSDI status, proof of receipt of other form of disability payments or a physician's statement) if claiming to be disabled.
 3. Property Tax Suspension application.
 4. Affidavit.
 5. Copy of most recent Federal Income Tax return, or other form of positive income verification.
 6. A copy of the current Iowa Property Tax Credit Claim. (If the petitioner has not filed a claim, but appears eligible, the Department of Community, Family and Youth Services will assist them in filing a claim. The petition will not be forwarded until the claim is filed with the Treasurer's Office in such cases).
 7. Consent Form.

An additional form is required if the applicant is purchasing the home "on contract". The titleholder must agree to the suspension by signing a notarized copy of the consent form, since they will be ultimately responsible for the payment of the suspended taxes if the client forfeits the contract.

A copy will be made of the documents shown above and will be used by the Department of Community, Family and Youth Services to establish a file for each case. The original petition, affidavit, report of property tax status, consent form, and a copy of the current Iowa Property Tax Credit Claim, along with a letter recommending suspension, abatement, or disapproval of the petition, will be forwarded by the Department of Community, Family and Youth Services to the Auditor's Office. The Department of Community, Family and Youth Services will also assist the petitioner in applying for any other tax credits for which they may be eligible.

B. Procedures for the Submission of Petitions for Multi-Year Suspension on Account of Age.

1. Property owners (petitioner) who are 65 years of age or older, and who received a county suspension the previous year, can apply for a multi-year suspension. The petition for suspension on account of age form is a condensation of four forms used for regular suspensions. This form must be notarized, but if the applicant(s) income remains below the income limit, and all other eligibility criteria remain within the established guidelines, the applicant(s) does not need to verify income for the year. The Department of Community, Family and Youth Services will also obtain and attach to the petition the following:

- a. Report of Property Tax Status (obtained from Treasurer).
- b. A copy of the current Iowa Property Tax Credit Claim (If the petitioner has not filed a claim, but appears eligible, the Department of Community, Family and Youth Services will assist them in filing the claim. The petition will not be forwarded until the claim is filed with the Treasurer's Office in such cases.)

C Exceptions.

The Director of the Community, Family and Youth Services Department may recommend suspension or abatement of property taxes if an applicant does not meet one of the criteria set forth in section I (B) due to exceptional circumstances. An example of exceptional circumstances would be income which exceeds the guideline where the applicant has high out-of-pocket medical expenses which actually cause disposable income to fall below the guideline, or there has been an increase in 100% assessed value of the home for persons previously eligible, or the person meets all other eligibility criteria except the 100% assessed valuation of the home.

The Director may recommend abatement to the Board of Supervisors in cases where the granting of a suspension only, would prohibit the homeowner(s) from accessing other services designed to maintain or improve the condition of the home in the best interests of the homeowner(s) and the community.

D. Time for filing petitions.

Approved petitions must be filed with the Treasurer by March 1 of the current tax year, pursuant to Code Section 427.8. Petitions filed after that date for parcels advertised for the annual June tax sale, but not yet approved by the Board of Supervisors, shall be considered pending and shall be withheld from tax sale. The Department of Community, Family and Youth Services will forward a list of parcels in pending status to the Treasurer not later than the last business day prior to the annual tax sale. If not approved by July 31, the Treasurer may offer taxes on the parcel at an adjournment of the annual tax sale.

III. Procedures for Board of Supervisors Action.

- A. When the Auditor's Office receives a petition with accompanying attachments, it will include them in the Board of Supervisors next regular agenda.
- B. When the Board of Supervisors considers the petition, it may:
 - 1. Direct the suspension of current taxes.
 - 2. Direct the abatement of the current taxes.
 - 3 Deny the petition for tax suspension or abatement.
- C. The action taken by the board should be noted on the petition, and the petition and attachments returned to the Auditor's Office.
- D. In instances where the Board has denied the petition for tax exemption, the Auditor's Office should inform the petitioners and the Department of Community, Family and Youth Services of this decision. The Department of Community, Family and Youth Services should note the Board action on their copy of the petition, and consider the case inactive. Inactive case files may be destroyed after five years.

IV. Procedures for Annual Follow-Up of Suspension/Abatement of Property Taxes

- A. Annually, the Treasurer will prepare a list of active, county ordered property tax suspension or abatement cases. The list will contain the names of the property owners, the district, and parcel numbers of the properties, the credits currently being received, delinquent special assessments, if any, and tax sale status. It will also contain the names of those who have applied for elderly and disabled credit, as of February 1 of the current year. This list will be provided to the Department of Community, Family and Youth Services by February 15, of each year.
- B. Upon receipt of the list of active cases, the Department of Community, Family and Youth Services will compare the list to active case files on hand. If there is a discrepancy, appropriate corrective action will be taken. The Department of Community, Family and Youth Services will review all active case files, and will identify those requiring attention. Additionally, petitioners will be informed of the need to submit a new petition for the suspension or abatement of current year property taxes, if they desire to have such action taken.

Contact: Community, Family & Youth Services
515-286-3133

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