

# **COURT OF COMMON COUNCIL**



## **NOTICE & AGENDA PACKAGE**

**TUESDAY FEBRUARY 18, 2020**

**7:00 p.m.**



**CITY OF HARTFORD  
550 MAIN STREET  
HARTFORD, CONNECTICUT 06103**



OFFICE OF THE TOWN AND CITY CLERK  
CITY OF HARTFORD  
550 MAIN STREET  
HARTFORD, CONNECTICUT



PUBLIC HEARING NOTICE  
TUESDAY, FEBRUARY 18, 2020  
7:00 p.m.

CLARKE II, GALE, LEBRÓN, MITCHTOM, ROSADO WILL REPRESENT THE COUNCIL AT A PUBLIC HEARING TO BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:00 P.M., TUESDAY, FEBRUARY 18, 2020

1. Resolution authorizing the City to sell 126 and 130 New Park Avenue, 161 Francis Avenue, and 8 Francis Court to the New Samaritan Corporation. (MAYOR BRONIN)
2. Ordinance Amending General Fund Appropriations to Reflect Revised Project Costs Relative to Public Improvements in The Burns Latino Studies Academy. (MAYOR BRONIN)
3. Ordinance Amending General Fund Appropriations to Reflect Revised Project Costs Relative to Public Improvements at Bulkeley High School. (MAYOR BRONIN)
4. Ordinance making it unlawful for any person to sell or offer for sale any flavored tobacco product. (MAJORITY LEADER CLARKE II) (COUNCILMAN GALE)
5. Ordinance Amending Chapter 32, Article I, Tax Relief for the Elderly, of the Municipal Code. (MAYOR BRONIN)

COPIES OF THE ORDINANCES AND RESOLUTION ARE ON FILE IN THE OFFICE OF THE TOWN AND CITY CLERK FOR PUBLIC INSPECTION.

ATTEST:

Eric T. Lusa  
ACTING CITY CLERK



ITEM # 1 ON AGENDA

**Luke A. Bronin**  
**Mayor**

January 13, 2020

Honorable Maly D. Rosado, Council President and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**Re: Sale of 126 and 130 New Park Avenue, 161 Francis Avenue, and 8 Francis Court to New Samaritan Corporation**

Dear Council President Rosado,

Attached for your consideration is a resolution for consideration by the Court of Common Council (the "Council") which would authorize the City of Hartford ("City") to sell 126 and 130 New Park Avenue, 161 Francis Avenue, and 8 Francis Court (collectively, "The Property") to the New Samaritan Corporation ("New Samaritan"). This item was originally submitted to the Council last fall, and is being resubmitted given that there is a new Council.

New Samaritan is an independent 501(c)(3) non-profit corporation with extensive experience in developing a full range of housing for the elderly. It has developed approximately 2,500 units of housing in Connecticut and Massachusetts and is the largest, not-for profit provider of affordable senior housing services in the State of Connecticut.

It is the sponsor of nearly thirty U.S. Department of Housing and Urban Development (HUD) Section 202: Supportive Housing developments for the elderly.

New Samaritan would like to acquire the Property in order to construct a four-story residential building consisting of 22 units. All 22 units would be one-bedroom units receiving rental assistance under HUD's Project Rental Assistance Contract.

The project is designed to support seniors as they grow older, enabling them to age in community. Based on their nearly 50-years of experience in providing affordable senior housing, New Samaritan has worked closely with the project architect to include design features tailored to the senior population. The proposed design includes the following common areas: group physical and occupational therapy room; community room with community warming kitchen; laundry room; resident service coordinator's office; private exam room; media room and activity area.

The inclusion of these spaces will allow for the efficient provision of supportive services, enhancing residents' health, wellness and their ability to age in place.

**550 Main Street**  
**Hartford, Connecticut 06103**  
**Telephone (860) 757-9500**  
**Facsimile (860) 722-6606**

The cost of the proposed development is approximately \$6.7M. New Samaritan has requested a U.S. Department of Housing and Urban Development (HUD) Section 202 Capital Advance in the amount of \$4,501,900 toward the development of the project. In addition to these funds, New Samaritan Corporation voted at their meeting on May 30, 2019 to commit \$2,000,000 toward the development of the proposed project.

To date, New Samaritan Corporation has paid \$32,812.50 for environmental studies on the property which were necessary to submit their application to HUD. Cumulatively, New Samaritan has invested approximately \$165K in the project (inclusive of environmental studies, architectural work, and consulting fees for assembly and submission of the HUD application).

The proposed purchase price is \$87,000. This price reflects the current Fair Market Value of the Property as determined by the City Assessor's Office.

The sale would be contingent upon the approval of New Samaritan's HUD 202 Grant for the construction of senior housing that has been submitted to, and is under review by, the U.S. Department of Housing and Urban Development. A decision is expected from HUD by December 31, 2019.

The project has received the endorsement and support of the Parkville NRZ, and from Representative Minnie Gonzales, 3<sup>rd</sup> District.

Thank you for your consideration.

Respectfully submitted,



Luke A. Bronin  
Mayor

**INTRODUCED BY:**  
Luke A. Bronin, Mayor

**COURT OF COMMON COUNCIL**  
City of Hartford, January 13, 2020

**WHEREAS**, New Samaritan Corporation (“New Samaritan”) proposes to acquire four city-owned vacant parcels located at 126 and 130 New Park Avenue, 161 Francis Avenue, and 8 Francis Court (collectively, the “Property”) for the development and construction of a four-story building comprised of 22 units of senior housing; and

**WHEREAS**, New Samaritan is an independent 501(c)(3) non-profit corporation with extensive experience in developing a full range of housing for the elderly, and has developed approximately 2,500 units of housing in Connecticut and Massachusetts, making them the largest, not-for profit provider of affordable senior housing services in the State of Connecticut; and

**WHEREAS**, New Samaritan proposes to construct the improvements, estimated at approximately \$6.7M, with a U.S. Department of Housing and Urban Development (HUD) Section 202 capital advance in the amount of \$4,501,900, which application is under review by HUD; and

**WHEREAS**, New Samaritan has voted, at their meeting on May 30, 2019, to commit \$2,000,000 toward the development of the proposed project; and

**WHEREAS**, The proposed purchase price is \$87,000, which is the current Fair Market Value of the Property as determined by the City Assessor’s Office; and

**WHEREAS**, The sale would be contingent upon the approval of New Samaritan’s HUD 202 application that is currently under review, with a decision expected by December 31, 2019; and

**WHEREAS**, The sale will be subject to review and recommendation by the Planning and Zoning Commission in accordance with C.G.S. Section 8-24; and

**WHEREAS**, The project has received the endorsement and support from the Parkville NRZ and Representative Minnie Gonzales, 3<sup>rd</sup> District; now, therefore be it

**RESOLVED**, That the Court of Common Council hereby authorizes the Mayor to sell 126 and 130 New Park Avenue, 161 Francis Avenue, and 8 Francis Court to the New Samaritan Corporation as set forth herein, subject to the approval of the Section 202 funding from the U.S. Department of Housing and Urban Development; and be it further

**RESOLVED**, That the Mayor is hereby authorized to execute any and all manner of documents, including easements or rights of way required for utilities, and to take such actions as he and the Corporation Counsel may deem appropriate and in the best interest of the City in order to effectuate the above transaction; and be it further

**RESOLVED**, That no person or entity shall be entitled to rely on, or otherwise claim any benefit by reason of this resolution should the Mayor fail to execute the above-transaction or any

other documents, or to take any of the other aforesaid actions; and be it further

**RESOLVED**, That all approvals and authorizations provided hereby are contingent upon, and only shall be effective on and by means of, the Mayor executing such agreements and taking such actions, all of which shall be, in form and substance, acceptable to the Mayor and the Corporation Counsel.



ITEM # 2 ON AGENDA

**Luke A. Bronin**  
Mayor

January 27, 2020

Honorable Maly D. Rosado, Council President, and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Burns Latino Studies Academy Ordinance Appropriation**

Dear Council President Rosado,

Attached for your consideration is an ordinance appropriating \$50,700,000 for the planning, design, and construction of renovations and improvements to Burns Latino Studies Academy.

During the July 2019 Special Session, the State of Connecticut General Assembly authorized the conversion of the code violation project at the Burns Latino Studies Academy to a renovation project and placed the project on the school building project priority list. The reimbursement rate for the project was also increased from 80% to 95%.

Before moving forward, the Board of Education has requested that an appropriation ordinance be adopted in order to be able to apply for the State Construction Grant.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bronin".

Luke A. Bronin  
Mayor

550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606

Introduced by:

Introduced by: *Luke A. Bronin, Mayor*

HEADING  
AND  
PURPOSE

**AN ORDINANCE MAKING GENERAL FUND APPROPRIATIONS TO REFLECT  
REVISED PROJECT COSTS RELATIVE TO PUBLIC IMPROVEMENTS IN  
THE BURNS LATINO STUDIES ACADEMY PROJECT NO. 064-0312 RNV.**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

January 27, 2020

Be It Ordained by the Court of Common Council of the City of Hartford that:

**Section 1.** As authorized by the State of Connecticut, the sum of **\$47,700,000.00** is hereby appropriated by the City of Hartford, Connecticut (the "City") in the General Fund in support of public improvements in the Burns Latino Studies Academy Project No. 064-0312 RNV (the "Project"), which additional sum will increase the estimated project costs in the Project to **\$50,700,000.00**.

**Section 2.** The estimated useful life of the Project is not less than twenty years. The total estimated cost of the Project is **\$50,700,000.00**. The cost of the Project is expected to be defrayed from State and Federal grants for a full renovation at 95% reimbursement rate.

**Section 3.** The balance of any appropriation not needed to meet the cost of the Project authorized hereby may be transferred by resolution of the Court of Common Council to meet the actual cost of any other capital project of the City (including the Project authorized hereby and capital projects authorized by prior or future capital ordinances) for which an appropriation has been adopted; provided that the aggregate amount of the appropriation authorized pursuant to such transfer shall not be increased.

**Section 4.** The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the Project authorized herein and the financing thereof.

**Section 5.** The Mayor and City Treasurer, in the name of the City, are hereby authorized



to, and if any such action shall heretofore have been taken, such action is hereby ratified and confirmed, (a) publish such notices, hold such hearings, make such representations and agreements, and take such other actions as shall be necessary, (b) make, execute and deliver all such additional and supplemental documents, (c) appoint any other consultants or professionals as required and (d) do and perform such acts and take such actions as may be necessary or required for the consummation of the transactions provided for and contemplated by this ordinance.

**Section 6.** The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all Federal and State grants-in-aid for the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the City with engineers, contractors and others.

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**Leigh Ann Rawls, Director of Finance**  
**ATTEST:**

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**Luke A. Bronin, Mayor**

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**Eric Lusa, Acting Town & City Clerk**

This ordinance shall take effect upon adoption.



ITEM # 3 ON AGENDA

**Luke A. Bronin**  
Mayor

January 27, 2020

Honorable Maly D. Rosado, Council President, and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Bulkeley High School Ordinance Appropriation**

Dear Council President Rosado,

During the July 2019 Special Session, the State of Connecticut General Assembly authorized the placement of the Bulkeley High School renovation project on the school building project priority list. The reimbursement rate for the project was set at 95% and the authorized project cost at \$149 Million. As was previously done at Weaver High School, the Office of School Construction Grants & Review has indicated that the renovation project and the previously approved Board of Education office relocation to Bulkeley are to be combined as a single project. This will result in a total project budget of \$154 Million.

Attached for your consideration is an ordinance revising the appropriation to \$154,000,000 for the combined planning, design, and construction of renovations and improvements to Bulkeley High School.

This ordinance would approve the project and authorize the Board of Education to submit a school construction grant application to the State Department of Education. However, the Board of Education has requested that an appropriation ordinance be adopted in order to be able to apply for the State Construction Grant.

Thank you for your consideration.

Respectfully submitted,

Luke A. Bronin  
Mayor

550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606

Introduced by:

Introduced by: *Luke A. Bronin, Mayor*

HEADING  
AND  
PURPOSE

**AN ORDINANCE MAKING GENERAL FUND APPROPRIATIONS TO REFLECT  
REVISED PROJECT COSTS RELATIVE TO PUBLIC IMPROVEMENTS IN  
THE BULKELEY HIGH SCHOOL PROJECT NO. 064-0313 RNV.**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

January 27, 2020

Be It Ordained by the Court of Common Council of the City of Hartford that:

**Section 1.** As authorized by the State of Connecticut, the sum of **\$149,000,000.00** is hereby appropriated by the City of Hartford, Connecticut (the "City") in the General Fund in support of public improvements in the Bulkeley High School Project No. 064-0313 RNV (the "Project"), which additional sum will increase the estimated project costs in the Project to **\$154,000,000.00**.

**Section 2.** The estimated useful life of the Project is not less than twenty years. The total estimated cost of the Project is **\$154,000,000.00**. The cost of the Project is expected to be defrayed from State and Federal grants for a full renovation to occur with a 95% reimbursement.

**Section 3.** The balance of any appropriation not needed to meet the cost of the Project authorized hereby may be transferred by resolution of the Court of Common Council to meet the actual cost of any other capital project of the City (including the Project authorized hereby and capital projects authorized by prior or future capital ordinances) for which an appropriation has been adopted; provided that the aggregate amount of the appropriation authorized pursuant to such transfer shall not be increased.

**Section 4.** The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the Project authorized herein and the financing thereof.

**Section 5.** The Mayor and City Treasurer, in the name of the City, are hereby authorized to, and if any such action shall heretofore have been taken, such action is hereby ratified and confirmed, (a) publish such notices, hold such hearings, make such representations and agreements, and take such other actions as shall be necessary, (b) make, execute and deliver all such additional and supplemental documents, (c) appoint any other consultants or professionals as required and (d) do and perform such acts and take such actions as may be necessary or required for the consummation of the transactions provided for and contemplated by this ordinance.

**Section 6.** The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all Federal and State grants-in-aid for the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the City with engineers, contractors and others.

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**Leigh Ann Rawls, Director of Finance**  
**ATTEST:**

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**Luke A. Bronin, Mayor**

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**Eric Lusa, Acting Town & City Clerk**

This ordinance shall take effect upon adoption.

Introduced by:

Majority Leader Thomas J. Clarke, II  
Councilman John Q. Gale

HEADING  
AND  
PURPOSE

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

January 27, 2020

Be It Hereby Ordained by the Court of Common Council of the City of Hartford:

**SECTION I. FINDINGS**

The Hartford Court of Common Council finds that:

- (1) Documents obtained during litigation against the tobacco industry reveal that tobacco companies have used fruit, candy, and alcohol flavors as a way to target youth. Tobacco industry documents stated that “sweetness can impart a different delivery taste dimension which younger adults may be receptive to,” that “[i]t’s a well-known [sic] fact that teenagers like sweet products,” and that flavored products would have appeal “in the under 35 age group, especially in the 14-24 group.”
- (2) Marketing and public health research shows that flavors such as fruit, candy, and alcohol hold an intense appeal to minors and young adults. The presence of flavors such as menthol in tobacco products can make it more difficult for adult tobacco users to quit. Moreover, menthol cigarettes in particular have a disproportionate health impact on youth, as well as members of racial and ethnic populations, the LGBT community, and people of low socio-economic status.
- (3) Forty-one state attorneys general sued a tobacco company selling flavored cigarettes, arguing that it was violating the 1998 Master Settlement Agreement by targeting youth. The settlement of that litigation included an agreement that the tobacco company stop marketing flavored cigarettes.
- (4) The Family Smoking Prevention and Tobacco Control Act of 2009 prohibits the manufacture and sale of flavored cigarettes, except menthol cigarettes. No federal prohibition exists for flavored non-cigarette tobacco products.
- (5) Jurisdictions such as the States of New Jersey and Massachusetts; New York City; Providence, Rhode Island; and Chicago, Illinois have passed restrictions on the sale of flavored tobacco products. The authority of state and local governments to restrict the sale of these products has been upheld by federal courts.
- (6) Accordingly, the City Council finds and declares that the purpose of

this ordinance is to protect public health and welfare by reducing the appeal of tobacco to minors and reduce the likelihood that minors will become tobacco users later in life.

## **SECTION II. DEFINITIONS**

As used in this ordinance:

(a) "*Electronic smoking device*" means any device that may be used to deliver any aerosolized or vaporized substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component or accessory of such a product, whether or not sold separately and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products approved for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(b) "*Flavored tobacco product*" means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice. Notwithstanding the foregoing, menthol tobacco cigarettes are not included in this definition.

(c) "*Person*" means any natural person, partnership, firm, joint stock company, corporation, or other legal entity, including an employee of a legal entity.

(d) "*Tobacco product*" means any product containing, made of, or derived from tobacco or nicotine, that is intended for human consumption, or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; and the term "tobacco product" includes any component or accessory used in the consumption of a tobacco product including but not limited to filters, rolling papers or liquids used in electronic smoking devices. The term "tobacco product" does not include drugs, devices or combination products approved for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. Tobacco product shall not include a cigar, pipe tobacco, chewing tobacco, snuff, or snus made from tobacco.

## **SECTION III. PROHIBITION ON SALE**

It shall be unlawful for any person to sell or offer for sale any flavored tobacco product.

A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a taste or smell other than tobacco shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

#### **SECTION IV. VIOLATIONS AND PENALTIES**

It is a violation for any person to fail to comply with the requirements of this ordinance. If a person is found to have violated this ordinance, the person shall be charged an administrative penalty as follows:

1. First violation. The Hartford Department of Health and Human Services shall impose a civil fine of at least five hundred dollars (\$500).
2. Second violation within thirty-six (36) months of a first violation. The Department shall impose a civil fine of at least seven hundred fifty dollars (\$750).
3. Third violation within twenty-four (24) months of any preceding violation. The Department shall impose a civil fine of at least one thousand dollars (\$1,000).

Each day of violation constitutes a separate offense. Failure to comply with any provision of this ordinance shall constitute grounds for the denial of, refusal to renew, suspension of, or revocation of any food, liquor, tobacco, or other business license issued by the city. Any fines collected under this ordinance shall be used for implementation and enforcement of the ordinance.

#### **SECTION V. ENFORCEMENT**

The Department of Health and Human Services and the Department of Developmental Services, Division of Licenses and Inspections, shall enforce the provisions of this ordinance. All tobacco retailers shall be subject to such compliance checks as shall be determined by said departments to be reasonable and necessary to obtain compliance with this ordinance.

#### **SECTION VI. SEVERABILITY**

If any portion of this ordinance, or its application to any circumstances, is held invalid, the remaining portions shall be considered severable, and shall be given effect to the maximum extent possible.

#### **SECTION VII. EFFECTIVE DATE**

This ordinance shall take effect ninety (90) days after its publication.





ITEM # 5 ON AGENDA

**Luke A. Bronin**  
Mayor

February 10, 2020

Honorable Maly D. Rosado, Council President, and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Elderly Tax Relief Program**

Dear Council President Rosado,

Attached for your consideration, please find an ordinance amendment of Section 32-18 of the Municipal Code. This amendment will extend the Elderly Tax Relief Program to elderly Hartford homeowners for taxes due on the Grand List of October 1, 2019 and increase the income limits for eligibility.

The Court of Common Council established the Elderly Tax Relief Program, authorized under Section 12-129n of the Connecticut General Statutes, in 1982. The program has been continued annually in order to lessen the tax burden on Hartford homeowners who are 65 years of age and older. Last year, hundreds of households in our city benefitted from this program.

This year we recommend increasing the income limits to \$52,850 for an unmarried person and \$60,400 for a married couple, which correspond to United States Department of Housing and Urban Development guidelines.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke Bronin".

Luke Bronin  
Mayor

**550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606**

Introduced by:

Mayor Luke A. Bronin

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 32 OF THE MUNICIPAL CODE  
OF HARTFORD

COURT OF COMMON COUNCIL  
CITY OF HARTFORD

February 10, 2020

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 32, Article I, Tax Relief for the Elderly, of the Municipal Code be amended as follows:

Chapter 32 – TAXATION AND ASSESSMENTS FOR IMPROVEMENTS

ARTICLE I. – IN GENERAL

Sec. 32-18. - Tax relief for the elderly.

(a) Any person who is liable for taxes assessed on real property located in the City, which real property is occupied by such person as his personal residence, whether such person is an owner of the real property or is liable for taxes therein under the provisions of G.S. § 12-48 as a tenant for life or for a term of years, shall be allowed to pay said taxes quarterly without interest or penalty and entitled to tax relief in the form of a tax credit, provided that the:

- (1) Person is sixty-five (65) years of age or over, or his spouse is sixty-five (65) years of age or over and resides with such person, or the person is sixty (60) years of age or over and the surviving spouse of a taxpayer who would have qualified for tax relief under this program at the time of his death;
- (2) Person has been a resident of the City of a period of one (1) year immediately preceding the application for relief;
- (3) Property for which the tax credit is claimed is the legal domicile of such person and is occupied by such person for at least one hundred eighty-three (183) days of each year;
- (4) Person's qualifying income individually, if unmarried, during the calendar year preceding the claim for tax relief, shall not exceed fifty-two thousand eight hundred fifty dollars (\$52,850) or jointly, if married, not exceed sixty thousand four hundred dollars (\$60,400).

Qualifying income is defined as adjusted gross income (Internal Revenue Code guidelines) plus tax-exempt interest, dividend exclusions, gifts, bequests, social security benefits, railroad retirement benefits, and income from all other tax-exempt sources, but not including any credits received under this program;

- (5) Person shall have applied for property tax relief under any other existing state benefits programs for which he may be eligible; and
- (6) Person makes application for tax relief afforded under this program biennially with the City Assessor no earlier than February first, nor later than May fifteenth.

- (b) The amount of the tax credit afforded under this program shall be five hundred dollars (\$500.00) for a residential property of three (3) dwelling units or less and one thousand five hundred dollars (\$1,500.00) for a residential property of four (4) dwelling units. In any case where title to such real property is recorded in the names of more than one (1) taxpayer, the amount of credit shall be provided in accordance with the fractional share such eligible owner holds in the property.
- (c) The City Assessor is hereby authorized to implement this program, and to adopt such rules and regulations as may be necessary for the proper administration of this program. He may designate agents to act in his name in collecting applications for this program.
- (d) The City Assessor shall determine eligibility for tax relief under this program. He shall compute the amount of credit due each qualified taxpayer, make proper record thereof, and inform the City tax collector of his determination.
- (e) If any person entitled to the tax credit afforded under this program dies or sells the real property on which the tax credit is granted, any credit previously allowed shall be disallowed to the extent of the portion of the fiscal year remaining following the date of death or sale of the property, except where such death or sale results in a surviving spouse, otherwise eligible, acquiring the interest formerly held by the taxpayer.
- (f) The tax relief afforded under this program to a taxpayer in no event shall, together with any relief received by such residents under the provisions of G.S. §§ 12-129b to 12-129d inclusive, 12-129h, and 12-170aa, exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for G.S. §§ 12-129b to 12-129d inclusive, 12-129h, and 12-170aa, and this program, be laid against such taxpayer.
- (g) The City hereby waives any right to establish a lien which it may have under the provisions of G.S. § 12-129n(f).
- (h) Affidavits, applications or other documents presented in support of the application for tax relief shall remain confidential and shall not be disclosed except in connection with an investigation of fraud or other misrepresentation as to eligibility.
- (i) The total of all credits granted under the provisions of this program shall be limited to ten (10) percent of the total real property tax levied in the City in the preceding fiscal year. If the total of all credits which would be granted except for this section exceeds an amount equal to ten (10) percent of the total real property tax levied in the City in the preceding fiscal year, then each such credit shall be reduced on a pro rata basis so that the total credits equals ten (10) percent of the total real property tax assessed.
- (j) This section shall apply for taxes due on the list of October 1, 2019, only.

This ordinance shall take effect upon adoption.

(Code 1977, § 31-19; Ord. No. 10-83, §§ A—J, 3-14-83; Ord. No. 4-84, 2-14-84; Ord. No. 1-85, 1-16-85; Ord. No. 2-85, 1-16-85; Ord. No. 38-86, 11-24-86; Ord. No. 2-88, 1-11-88; Ord. No. 38-88, 6-27-88; Ord. No. 4-89, 2-14-89; Ord. No. 6-90, 3-12-90; Ord. No. 25-90, 6-11-90; Ord. No. 3-91, 1-28-91; Ord. No. 1-92, 1-13-92; Ord. No. 45-92, 12-14-92; Ord. No. 15-94, 2-28-94; Ord. No. 1-95, 1-23-95; Ord. No. 3-96, 1-22-96; Ord. No. 61-96, 12-16-96; Ord. No. 2-98, 1-12-98; Ord. No. 1-99, 1-11-99; Ord. No. 1-00, 1-24-00; Ord. No. 1-01, 1-25-01; Ord. No. 2-02, 1-14-02; Ord. No. 63-02, 1-13-03; Ord. No. 01-04, 1-12-04; Ord. No. 20-04, 12-13-04; Ord. No. 01-06, 1-9-06; Ord. No. 01-08, 1-14-08; Ord. No. 03-09, 2-9-09; Ord. No. 01-10, 1-11-10; Ord.

No. 01-11, 1-10-11; Ord. No. 05-12, 4-9-12; Ord. No. 02-13, 2-25-13; Ord. No. 02-14, 3-24-14;  
Ord. No. 04-15, 3-23-15; Ord. No. 05-16, 5-23-16; Ord. No. 13-17, 3-27-17; Ord. No. 02-18, 4-  
9-18)