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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4458

AN ORDINANCE relating to utility occupation tax and utility service charge relief for certain eligible persons; amending Ordinances 2147 and 4195 and Sections 4.10.190, 200, 210 and 220 and Sections 24.10, 020, 030, 040 and 050 of the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Section 4.10.190 and Section 1 of Ordinance No. 2147, as last amended by Section 2 of Ordinance No. 3334, are each amended to read as follows:

4.10.190 Utility - Tax relief. There is granted to persons who meet the qualifications and requirements of Sections 4.10.200 and 4.10.210, relief from the utility occupation tax of the City as follows:

A. For all billings paid by the person during a calendar year for service charges to any organization which paid the utility occupation tax of the City, the City shall pay to said person a "reimbursement" in an amount equal to the utility tax which applied to said billings or, in lieu thereof, at the election of the person, a minimum amount determined in accordance with subsection B of this section.

B. The minimum relief under this chapter for a calendar year is established to be fifty-five dollars and seventeen cents ($55.17) and shall be adjusted for calendar year 1992 and each subsequent calendar year in accordance with Section 4.10.220, pro-rated for each month of residency in the City.

Section 2. Bellevue City Code Section 4.10.200 and Section 2 of Ordinance No. 2147 as last amended by Section 1 of Ordinance No. 3360, are each amended to read as follows:

4.10.200 Utility Tax Relief - Qualifications. To qualify for the relief set forth in Section 4.10.190, a person must:

A. Meet one of the following criteria:
   1. Be sixty-two years of age or older at all times during any period for which "reimbursement" is requested; or

   2. Be permanently disabled under the definitions of subsections (2) or (3)(A), (3)(B) or (3)(C) of 42 U.S.C. § 1382c(a) and receiving funds from a disability program such as

Supplemental Security Income, Social Security Disability Insurance or Disabled Veterans payments; and

B. Have an income during the calendar year, or part thereof, for which a "reimbursement" is requested from all sources whatsoever, not exceeding fifty percent (50%) of the median income level for such calendar year for the Seattle, King County Primary - Metropolitan Statistical Area (PMSA) for one-person or two-person households, whichever is applicable, as published by the Secretary of Housing and Urban Development. If the annual update of the PMSA is available, the median income level shall be determined by adjusting the prior year median income level in accordance with Section 4.10.200. As used in this subsection, "income" means:

1. "Disposable Income", as that term is defined in RCW 84.36.383, plus

2. The aggregate value of all gifts, subsidies and benefits received during the calendar year for which a "reimbursement" is requested, excluding the first four thousand three hundred fifty dollars and ten cents ($4,350.10) thereof.

The aggregate value of gifts, subsidies and benefits excludable from income as provided in this section shall be adjusted for calendar year 1992 and each subsequent calendar year in accordance with Section 4.10.220; and

C. Have been a resident of the dwelling unit within the City at all times during any period for which a billing reduction or reimbursement is requested, and have contributed to the payment of City utility charges from his or her income or resources.

Section 3. Bellevue City Code 4.10.210 and Section 3 of Ordinance No. 2147 as amended by Ordinance No. 3334 are each amended to read as follows:

4.10.210 Claim Filing Requirements.

A. All claims for relief under Sections 4.10.190 and 4.10.200 must be made annually and filed with the Department of Finance of the City at any time during the calendar year following the calendar year, or portion thereof, for which a "reimbursement" is requested.

B. All billings for which claim is made under Sections 4.10.190 and 4.10.200 must be submitted to the Department of Finance as part of the claim for relief.

C. All claims for relief shall be submitted to the Department of Finance in writing on a form provided by said department and certified by the claimant that to the best of the claimant's knowledge, all information provided in said claim is true and correct.

D. The Department of Finance may publish rules and regulations to implement this section and Sections 4.10.185, 4.10.190, 4.10.200 and 4.10.200.

Section 4. Bellevue City Code Section 4.10.220 and Section 4 of Ordinance No. 2787 as last amended by Ordinance No. 3853 are each amended to read as follows:

4.10.220 CPI Increases.

The amount of minimum relief established under Subsection B of Section 4.10.190 and the aggregate value of gifts, subsidies and benefits excludable from income under Section 4.10.200 and the median income level figure utilized when the PMSA update is not available pursuant to Section 4.10.200 are modified by any modification in the National Consumer Price Index for Urban Wage Earners and Clerical Workers for the period ending in September of the calendar year for which a "reimbursement" is requested.

Section 5. The amendments contained in Sections 1, 2, 3 and 4 of this Ordinance shall apply to all billings paid on or after January 1, 1992.

Section 6. The title of Chapter 24.10 of the Bellevue City Code is amended to read, "Utility Service Charge Relief."

Section 7. Section 24.10.010 of the Bellevue City Code and Section 7 of Ordinance 4195 are each amended to read as follows:

Section 24.10.010 Definitions

As used in this chapter, the following terms shall have the following meanings:

A. "Direct billing customer" shall mean a person who is directly billed for and responsible for payment of the City of Bellevue for utility service charges.

B. "Indirect billing customer" shall mean a person who is not directly billed for City of Bellevue utility service charges, but for whose residence some or all of such charges are paid by a landlord, maintenance association or other third party and who is contributing to payment of those charges.

C. "Senior citizen" shall mean a person described by Section 24.10.030A.1.

D. "Income" shall mean "Disposable Income", as that term is defined in RCW 84.36.383; plus the aggregate value of all gifts, subsidies and benefits received during that year, excluding the first four thousand three hundred fifty dollars and ten cents ($4,350.10) thereof. The aggregate value of all gifts, subsidies and benefits excludable from income as provided herein shall be adjusted for calendar year 1992 and each subsequent calendar year thereafter in accordance with Section 24.10.050.

E. "Disabled" means a person described by Section 24.10.030.A.2.

Section 8. Section 24.10.020 of the Bellevue City Code and Section 8 of Ordinance No. 4195 are each amended to read as follows:

Section 24.10.020 Utility Service Charges - Relief. There is hereby granted to persons who meet the qualifications and requirements of Sections 24.10.030 and 24.10.040, relief from the City's water, sewer and storm drainage utility service charges as follows:

A. Direct billing customers. Subject to subsection C of this Section, all billings by the City during the calendar year to direct billing customers who meet the qualifications and requirements of Sections 24.10.030 and 24.10.040 shall be reduced by an amount, depending on the customer's income level as set forth in Section 24.10.030, equal to either forty percent (40%) or seventy-five percent (75%) of the aggregate of the sewerage, storm drainage and minimum water service charges as prescribed by the City's water, sewerage and storm drainage rate ordinances then in effect; provided that said direct billing customer may, in lieu of receiving a billing reduction, receive a reimbursement pursuant to the provisions of Section 24.10.030 and 24.10.040.

B. Indirect billing customers. Subject to subsection C of this Section, for all billings paid to the City during the calendar year on behalf of indirect billing customers who meet the qualifications and requirements of Sections 24.10.030 and 24.10.040, the City shall pay to such indirect billing customer's income level as set forth in Section 24.10.030, equal to either forty percent (40%) or seventy-five percent (75%) of the aggregate of the sewerage, storm drainage and minimum water service charges as prescribed by the City's water sewerage and storm drainage rate ordinances then in effect.

C. In determining the amount of relief granted under this Section, the minimum water service charge shall not include any

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consumption charges for water consumed beyond 1,000 cubic feet bi-monthly for multi-family residences and 2,000 cubic feet bi-monthly for single family residences.

Section 9. Section 24.10.030 of the Bellevue City Code and Section 9 of Ordinance No. 4195 are each amended to read as follows:

Section 24.10.030 Utility Service Charges - Qualifications. To qualify for the relief set forth in Section 24.10.020, a person must:

A. Meet one of the following criteria:

1. Be sixty-two years of age or older at all times during any period for which a billing reduction or reimbursement is requested; or

2. Be permanently disabled under the definitions of subsections (2) or (3)(A), (3)(B) or (3)(C) of 42 U.S.C. § 1382c(a) and receiving funds from a disability program such as Supplemental Security Income, Social Security Disability Insurance or Disabled Veterans payments; and

B. Have been a resident of the dwelling unit served by the City's utility at all times during any period for which a "reimbursement" is requested and have contributed to the payment of City utility charges from his or her income or resources; and

C. To qualify for a seventy-five percent (75%) billing reduction, pursuant to Section 24.10.020, have an income during the calendar year immediately preceding the calendar year or portion thereof for which a billing reduction is requested, from all sources whatsoever, not exceeding forty-two and one-half percent (42.5%) of the median income level for such calendar year for the Seattle, King County Primary - Metropolitan Statistical Area (PMSA) for one-person or two-person households, whichever is applicable, as published by the Secretary of Housing and Urban Development. If the annual update of the PMSA is not available, the median income level shall be determined by adjusting the prior year median income level in accordance with Section 24.10.050; or

D. To qualify for a forty percent (40%) billing reduction, pursuant to Section 24.10.020, have an income during the calendar year immediately preceding the calendar year or portion thereof for which a billing reduction is requested, from all sources whatsoever, not exceeding fifty percent (50%) of the median income level for such calendar year for the Seattle, King County Primary - Metropolitan Statistical Area (PMSA) for one-person or

two-person households, whichever is applicable, as published by the Secretary of Housing and Urban Development. If the annual update of the PMSA is not available, the median income level shall be determined by adjusting the prior year median income level in accordance with Section 24.10.050; or

E. To qualify for a seventy-five percent (75%) reimbursement of a forty percent (40%) reimbursement pursuant to Section 24.10.020, have an income during the calendar year, or portion thereof, for which a reimbursement is requested not exceeding the amounts set forth in Subsection C and Subsection D of this Section, respectively.

Section 10. Section 24.10.040 of the Bellevue City Code and Section 10 of Ordinance 4195 are each amended to read as follows:

Section 24.10.040 Claim Filing Requirements.

A. All claims for relief requested pursuant to this chapter must be filed with the Department of Finance of the City of Bellevue during the time periods as follows:

1. Direct billing customers who file a claim for a billing reduction at any time during the calendar year shall be eligible for a reduction in their billing effective as soon thereafter as their claim may be administratively reviewed, approved, and processed.

2. Direct and indirect billing customers who file a claim for reimbursement at any time during the calendar year following the calendar year or portion thereof for which a reimbursement is requested shall be eligible for such reimbursement as soon thereafter as their claim may be administratively reviewed, approved and processed.

B. All billings for which a claim is made under this chapter must be submitted to the Department of Finance as part of the claim for relief.

C. All claims for relief requested pursuant to this chapter shall be submitted to the Department of Finance in writing on a form provided by said department and certified by the claimant that, to the best of the claimant's knowledge, all information provided therein is true and correct.

D. The Department of Finance of the City may publish rules and regulations to implement and administer this chapter.

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Section 11. Section 24.10.,050 of the Bellevue City Code and Section 11 of Ordinance No. 4195 are each amended to read as follows:

Section 24.10.050 CPI Increase. The aggregate value of all gifts, subsidies and benefits excludable from income under Section 24.10.030 and the median income level figure utilized pursuant to Section 24.10.030 when the PMSA update is not available are modified by any modification in the National Consumer Price Index for Urban Wage Earners and Clerical Workers for the period ending in September of the applicable calendar year.

Section 12. Section 6 through Section 11 of this Ordinance shall apply to all billings to direct billing customers dated on or after January 1, 1992 and shall apply to all billings paid on behalf of indirect billing customers on or after January 1, 1992; provided that no direct billing customer who receives a billing reduction for calendar year 1992 or portion thereof shall also be eligible for a reimbursement pursuant to Section 6 through Section 11 of this Ordinance for the same period for which such billing reduction has already been provided.

Section 13. This ordinance shall take effect and be in force five days after passage and publication.

PASSED by the City Council this 14th day of December, 1992, and signed in authentication of its passage this 14th day of December, 1992.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Scott McKee, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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