

BYLAW NO. 2022-33

THE LOW-INCOME MUNICIPAL PROPERTY TAX DEFERRAL PROGRAM
BYLAW, 2022

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

- 1 The purpose of this Bylaw is to establish a municipal property tax deferral program in the City of Regina for low-income households that include either a senior citizen or person living with a disability.

Authority

- 2 The authority for this Bylaw is clause 8(1)(b) and section 244 of *The Cities Act*.

Definitions

- 3 In this Bylaw:

- (a) **“assessed value”** means the assessed value of a property as determined by the City of Regina City Assessor and indicated on the assessment notice for the property, as adjusted through any appeals;
- (b) **“base year”** means the calendar year immediately preceding the year in which the taxpayer was first approved under the Program;
- (c) **“before-tax low income cut-off”** means the income threshold determined by Statistics Canada each year by analyzing family expenditure data, below which families will devote a substantially larger share of before-tax income to the necessities of food, shelter and clothing than would the average family;
- (d) **“City”** means the municipal corporation of the City of Regina or where the context requires the geographical area within city limits;
- (e) **“City Manager”** means the person appointed by Council to the position of City Manager or City Commissioner pursuant to section 84 of *The Cities Act* and includes the City Manager’s designate or delegate if the City Manager has designated or delegated the City Manager’s authority under this Bylaw to another position;
- (f) **“cumulative deferred taxes”** means the total amount of municipal property taxes deferred under the Program and any fees associated with administering the deferral beginning from the year in which the deferral was first approved;

Approved as to form this _____ day of _____, 20____.

City Solicitor

- (g) **“current year”** means the calendar year for which municipal property taxes are being deferred;
- (h) **“deferral”** means the postponement of payment of an amount of municipal property taxes until the conditions for repayment are met, as specified in this Bylaw;
- (i) **“gross household income”** means the combined total annual income before income taxes of each resident in the taxpayer’s household age 18 years and older as identified in each resident’s most recent notice of assessment issued by Canada Revenue Agency;
- (j) **“household”** means an individual or group of individuals who occupy the same dwelling and do not have a usual place of residence elsewhere in Canada or abroad and includes household members who are temporarily absent elsewhere;
- (k) **“incremental increase”** means the increase in municipal property taxes between the current year and the base year and is calculated by deducting the municipal taxes for the base year from the municipal taxes for the current year;
- (l) **“low-income household”** means a household where gross household income is less than or equal to the before-tax low income cut-off;
- (m) **“municipal property taxes”** means all property taxes levied by the City except:
 - (i) property taxes payable to the Regina Public Library Board, the Government of Saskatchewan for the benefit of the Board of Education of the Regina School Division No. 4 of Saskatchewan and the Board of Education of the Regina Roman Catholic Separate School Division No. 81 of Saskatchewan; and
 - (ii) special taxes, local improvement levies, utility charges, development fees or other such charges or fees properly imposed by the City or other taxing authority;
- (n) **“person living with a disability”** means an individual with a significant and enduring disability that is permanent in nature and/or individuals assessed as having a temporary disability that impacts capacity to attain full time employment;
- (o) **“principal residence”** means the primary location where an individual inhabits and is limited to one principal residence;

- (p) **“property”** means the building or residence and the land on which it is situated for which municipal property taxes are being deferred;
- (q) **“Program”** means the Low-Income Municipal Property Tax Deferral Program established in this Bylaw;
- (r) **“registered owner”** means a registered owner of the property as shown on the title for the property registered in the land titles registry;
- (s) **“residential property”** means lands and improvements used or intended to be used for a residential purpose, including self-contained dwelling units within a condominium;
- (t) **“senior citizen”** means an individual aged 65 years or older or who will be age 65 years or older in the year in which they receive the deferral;
- (u) **“taxpayer”** means the person whose name is shown on the tax roll for each taxable property.

Tax Deferral Program established

- 4 The Low-Income Municipal Property Tax Deferral Program is established.

Authorizations

- 5(1) The City Manager or designate is authorized to establish any procedures and application forms required for the administration of the Low-Income Municipal Property Tax Deferral Program.
- (2) The City Manager or designate in their sole discretion conclusively determines compliance with the eligibility criteria for tax deferrals under this Bylaw.
- (3) All eligibility decisions made by the City are final and cannot be appealed.
- (4) Taxpayers who are not approved due to not meeting eligibility requirements, or taxpayers whose benefits are cancelled because eligibility requirements ceased to be met or who voluntarily withdraw from the Program may reapply if they can demonstrate that they meet the eligibility requirements.
- (5) Council approval of all deferrals under the Program is required through the passing of a bylaw.

Tax Deferral

- 6(1) Subject to subsections (2) and (3), where a taxpayer is approved under the Program, the taxpayer may choose to defer one of the following amounts of municipal property taxes for the property in the current year:
- (a) the incremental increase;
 - (b) \$600;
 - (c) \$1,200.
- (2) The amounts deferred pursuant to subsection (1) may not exceed the total municipal property taxes levied on the property in the current year.
- (3) Cumulative deferred taxes on a property may not exceed 50% of the property's assessed value.
- (4) Subject to subsection 11(3), cumulative deferred taxes are not subject to interest or penalty.

Eligibility requirements

- 7(1) In order for a taxpayer's property to qualify for the Program, all of the following eligibility requirements set forth in this section must be met:
- (a) the property that is subject to the deferral must be residential property located in the City;
 - (b) the taxpayer applying for the deferral must be an individual;
 - (c) the taxpayer applying for the deferral must be the registered owner of the property either in their own name or as a joint owner with another person and if there is joint ownership both registered owners are required to apply for the deferral;
 - (d) at least one of the taxpayers applying for the deferral must reside at the property and the property must be that taxpayer's principal residence;
 - (e) there must be at least one individual residing at the property and for whom the property is a principal residence that meets one of the following requirements:
 - (i) is a senior citizen;

- (ii) is a person living with a disability;
 - (f) the individuals residing at the property that is subject to the deferral must have a gross household income that is less than or equal to the before-tax low-income cut-off for a community of Regina's size and the relevant household size published by Statistics Canada for the most recent year;
 - (g) the taxpayer applying for the deferral must be in good standing with the City or actively maintaining scheduled payments on a payment plan for outstanding taxes, utility bills, fees or fines owing to the City.
- (2) Notwithstanding subsection (1), the City may refuse to approve a taxpayer's application for deferral where the taxpayer is in default of any taxes, utilities, fees or fines owing to the City, is in default of any obligation under any other municipal program or is in active or pending litigation with the City.
 - (3) Notwithstanding that a taxpayer received a tax deferral in a previous year, taxpayers are required to apply annually to receive a tax deferral under the Program.

Tax lien

- 8(1) In order to ensure the repayment of cumulative deferred taxes under the Program, the City may register a tax lien against the property.
- (2) The tax lien shall remain on the title of the property for as long as there are cumulative deferred taxes unpaid with respect to the property.
- (3) The tax lien shall be removed by the City upon repayment of the cumulative deferred taxes.

Repayment of deferred taxes

- 9(1) Subject to subsection (2), the cumulative deferred taxes are due and payable and shall be repaid to the City if any of the following circumstances occur:
 - (a) the property is transferred or sold;
 - (b) there is no longer a senior citizen or a person living with a disability residing at the property as their principal residence;
 - (c) the taxpayer that applied for the deferral owes money to the City or has not maintained scheduled payments on a payment plan for outstanding taxes, utility bills, fees or fines owing to the City;

- (d) the City becomes aware that the taxpayer has provided false or misleading information on their application under the Program.
- (2) Notwithstanding clause 9(1)(b), cumulative deferred taxes do not become due and payable where a senior citizen or person living with a disability no longer lives at the property if there is another individual residing at the property that is a senior citizen or person living with a disability and for whom the property is a principal residence.
- (3) Where the circumstances in clause 9(1)(b) occur, the taxpayer may apply to delay repayment of the cumulative deferred taxes until the property is transferred or sold.
- (4) Approval of an application to delay repayment made pursuant to subsection (3) may only be granted in exceptional circumstances and only where at least one resident of the property at the time that the circumstances in clause (1)(b) occurs has lived at the property as their principal residence for at least one year prior and that resident wishes to continue to live at the property.
- (5) If a taxpayer is granted the ability to delay repayment in accordance with subsection (4), the taxpayer will not be allowed to defer any additional new taxes unless the eligibility criteria in section 7 is met.
- (6) If a taxpayer is granted the ability to delay repayment in accordance with subsection (4), the cumulative deferred taxes are due and payable and shall be repaid to the City when the resident referred to in subsection (4) is no longer residing at the property as their principal residence or the property is transferred or sold.

Duty to notify

- 10 Every taxpayer under the Program or representative of the taxpayer where the taxpayer is deceased shall notify the City within 60 days of the following:
 - (a) any of the circumstances in subsection 9(1) occurring;
 - (b) when the resident referred to in subsection 9(6) stops residing at the property as their principal residence.

Notice to repay cumulative deferred taxes

- 11(1) Where the City becomes aware that one of the circumstances in subsection 9(1) or 9(6) has occurred, the City shall send out a notification to the taxpayer or a representative of the taxpayer where the taxpayer is deceased showing the amount of cumulative deferred taxes that are required to be paid.

- (2) Cumulative deferred taxes shall be due and payable to the City within 30 days after the notification referred to in subsection (1) is sent out.
- (3) If any of the cumulative deferred taxes remain unpaid after 30 days, the City may impose penalties on the taxes outstanding at the rates established by *The Regina Administration Bylaw, No. 2003-69*.

Voluntary repayment

- 12(1) Taxpayers may, at any time, repay all or a portion of the cumulative deferred taxes, notwithstanding that none of the events described in subsection 9(1) have occurred.
- (2) Nothing in subsection (1) shall preclude a taxpayer from re-applying under the Program in the future if the taxpayer can meet the requirements set out in section 7.

Offence

- 13(1) No person shall:

- (a) contravene or fail to comply with any provision of this Bylaw;
 - (b) furnish the City with false or misleading information on an application under the Program; or
 - (c) fail to notify the City within 60 days of any of the circumstances occurring in subsection 9(1) or 9(6).
- (2) Every person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of no less than \$2,000 and not exceeding \$10,000 or in default of payment, to imprisonment for a term not exceeding 90 days.

Validity

- 14 A decision by a court that any part of this Bylaw is illegal, void, or unenforceable severs that part from this Bylaw, and is not to affect the balance of the Bylaw.

Coming into force

- 15(1) Subject to subsection (2), this Bylaw comes into force on the day of passage.

- (2) Any tax deferrals approved under the Program in 2022 shall come into effect January 1, 2023.

READ A FIRST TIME THIS 15th DAY OF June 2022.

READ A SECOND TIME THIS 15th DAY OF June 2022.

READ A THIRD TIME AND PASSED THIS 15th DAY OF June 2022.

Mayor

City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

ABSTRACT

BYLAW NO. 2022-33

THE LOW-INCOME MUNICIPAL PROPERTY TAX DEFERRAL PROGRAM BYLAW, 2022

PURPOSE:	The purpose of this Bylaw is to establish a municipal property tax deferral program for low-income households that include either a senior citizen or person living with a disability.
ABSTRACT:	This Bylaw establishes a municipal property tax deferral program for low-income households that include either a senior citizen or person living with a disability. Individuals residing at the property that is subject to the deferral must have a gross household income that is less than or equal to the before-tax low-income cut-off for a community of Regina's size and the relevant household size published by Statistics Canada for the most recent year. Taxpayers that are eligible and approved under the program may apply for a deferral of taxes for the property in the amount of the incremental increase between the base tax year and the current year, \$600 or \$1,200. Repayment of the deferral of taxes is required where: the property is sold or transferred; the senior citizen or person with a disability is no longer a resident of the property; the taxpayer has outstanding bills owing to the city and is not current on those bills or payment plan; and if the taxpayer provides misleading information on their application. There are some exceptions where a taxpayer can apply to delay repayment. The deferred taxes are secured by registering a lien on a property subject to deferral. Taxpayers can repay taxes at any time.
STATUTORY AUTHORITY:	Clause 8(1)(b) and section 244 of <i>The Cities Act</i> .
MINISTER'S APPROVAL:	N/A
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	Public notice is required pursuant to clause 244(2)(e). Public notice was provided in the Leader Post on May 14, 2022 and

on the City's public notice board and website on May 16, 2022.

REFERENCE: Executive Committee, May 25, 2022, EX22-67 and City Council, June 1, 2022, CR22-68

AMENDS/REPEALS: New bylaw

CLASSIFICATION: Administrative

INITIATING DIVISION: Financial Strategy & Sustainability

INITIATING DEPARTMENT: Assessment & Property Revenue Services