

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending the Bellevue City Code (BCC) Chapter 4.10 – Utility Tax Relief Program to align with City Code Chapter 24.10 – Utilities Service Charge Relief; aligning the Utility Rate Relief Program and the Utility Tax Relief Program.

WHEREAS, Chapter 4.10 of the Bellevue City Code provides Utility Tax Relief to certain qualifying utility customers and is administered contemporaneously with the Utility Rate Relief program in Chapter 24.10 of the Bellevue City Code; and

WHEREAS, on January 17, 2019, the Bellevue City Council adopted Ordinance No. 6451, repealing and replacing Chapter 24.10 of the Bellevue City Code to reflect current median income levels, to provide a uniform discount rate and income requirements to simplify application to and administration of the rate relief program; and implementing a new Emergency Assistance Program; and

WHEREAS, amending certain sections of Chapter 24.10 was necessary to more effectively administer the rate relief program and align the program with other city programs, and provide clarity for project applicants regarding program requirements; and

WHEREAS, with the amendments to the rate relief program it is now beneficial to align the contemporaneously administered Utility Tax Relief program to provide ease of application for project applications, align the programs, and provide administrative efficiencies; and

WHEREAS, this Ordinance contains amendments of certain sections of Chapter 4.10, to allow for housekeeping and other conformance amendments to align Chapter 4.10 with the prior amendments to Chapter 24.10, now, therefore,

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

Section 1. Section 4.10.055 of the Bellevue City Code is hereby amended to read as follows:

4.10.055 Utility tax relief.

There is granted to persons who meet the qualifications and requirements of BCC 4.10.060 and ~~4.10.065~~ relief from the utility occupation tax of the city as follows:

~~A. For all billings paid directly or indirectly by the person during a calendar year for service charges to any organization which paid the utility occupation tax of the city in 1995, the city shall pay to such person a "reimbursement" in an amount equal to the utility tax which applied to such billings or, in lieu thereof, at the election of the person, a minimum amount determined in accordance with subsection C of this section.~~

~~BA.~~ For all billings paid directly or indirectly by the person during a calendar year for service charges to any organization which paid the utility occupation tax of the city in 1996 2019 or subsequent years, the city is authorized to pay to such person a "reimbursement" in a maximum amount determined in accordance with subsection ~~D~~ B of this section; provided, that the total amount of all reimbursements paid pursuant to this subsection shall not exceed the total dollar amount established through the budget process.

~~C. The amount of minimum relief under subsection A of this section for calendar year 1995 is \$64.00, prorated for each month of residency in the city.~~

~~DB.~~ The amount of maximum relief under subsection ~~B~~ A of this section for a calendar year is ~~\$70.00~~ \$117.00 and shall be adjusted for calendar year ~~1997~~ 2019 and each subsequent year in accordance with BCC 4.10.070, prorated for each month of residency in the city; provided however, that for 2012 and subsequent years, such amount shall be prorated for each month that the person qualifying for the relief was a customer of the utility.

Section 2. Section 4.10.060 of the Bellevue City Code is hereby amended to read as follows:

#### 4.10.060 Utility tax relief – Qualifications.

~~A. To qualify for the relief set forth in BCC 4.10.055(A), a person must be requesting reimbursement for the effect of city utility occupation taxes imposed in 1995 and must:~~

~~1. Meet one of the following criteria:~~

~~a. Be 62 years of age or older at all times during any period for which "reimbursement" is requested; or~~

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

~~2. Have an income during the calendar year, or part thereof, for which a "reimbursement" is requested from all sources whatsoever, not exceeding 50 percent of the median income level for such calendar year for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area (PMSA) per household 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 BCC 4.10.070. As used in this subsection, "income" means:

- a. ~~"Disposable income," as that term is defined in RCW 84.36.383, as it may be amended or replaced from time to time, plus~~
- b. ~~The aggregate value of all gifts received during the calendar year for which a "reimbursement" is requested, excluding the first \$5,008.69 thereof.~~

~~The aggregate value of gifts excludable from income as provided in this section shall be adjusted for the calendar year 1997 and each subsequent calendar year in accordance with BCC 4.10.070; and~~

- 3. ~~Have been a resident of the dwelling unit within the city 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.~~

BA. To qualify for the relief set forth in BCC 4.10.055(BA), a person must be requesting reimbursement for the effect of city utility occupation taxes imposed in ~~1996~~ 2019 or subsequent tax years and must:

- 1. Have an income during the calendar year immediately preceding the program year, or part thereof, for which a "reimbursement" is requested from all sources whatsoever, not exceeding 50 percent of the median income level for such calendar year for the ~~Seattle-Bellevue-Everett Primary Metropolitan Statistical Area (PMSA)~~ Housing and Urban Development (HUD) Fair Market Rent (FMR) Area per household as published by the Secretary of Housing and Urban Development or show satisfactory evidence of the prior year's qualifying income and certify that income in the reimbursement calendar year immediately preceding the program year has not changed. If the annual update of the ~~PMSA~~ HUD FMR is not available, the median income level shall be determined by adjusting the prior year median income level in accordance with BCC 4.10.070. As used in this subsection, "income" means:

- a. "Disposable income," as that term is defined in RCW 84.36.383, as it may be amended or replaced from time to time, plus all disability compensation, plus
- b. The aggregate value of all gifts received during the calendar year immediately preceding the program year for which a "reimbursement" is requested, excluding the first ~~\$5,008.69~~ \$8,433.00 thereof.

The aggregate value of gifts excludable from income as provided in this section shall be adjusted for the calendar year ~~1997~~ 2019 and each subsequent calendar year in accordance with BCC 4.10.070; and

- 2. ~~Satisfy one of the following, depending on the calendar year at issue:~~

- a. ~~For the calendar years 1997 through 2011, have been a resident of the dwelling unit within the city 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; or~~

~~b. For the calendar year 2012 or any subsequent year h~~Have been a resident of the dwelling unit receiving service from the 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.

Section 3. Section 4.10.065 of the Bellevue City Code is stricken in its entirety.

~~4.10.065 Claim filing procedures for 1995 and prior years.~~

~~A. All claims for relief under BCC 4.10.055(A) and 4.10.060(A) must be made annually and filed 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 BCC 4.10.055(A) and 4.10.060(A) shall be submitted to the Bellevue utilities department as part of the claim for relief.~~

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

~~D. The administering department shall adopt rules and regulations to implement this section and BCC 4.10.055, 4.10.060 and 4.10.070.~~

Section 4: Section 4.10.068 of the Bellevue City Code shall be amended to read as follows:

4.10.068 Claim filing procedures ~~for 1996 and subsequent years.~~

A. All claims for relief under BCC 4.10.055(BA) and 4.10.060(BA) must be filed with the city or its agent no later than the date established by the director of finance and asset management for the calendar year for which a "reimbursement" is requested.

B. The director of finance and asset management shall adopt rules and procedures for the filing of reimbursement claims ~~for 1996 and subsequent years~~ and for the administration of BCC 4.10.055, 4.10.060 and 4.10.068.

Section 5. Section 4.10.070 of the Bellevue City Code shall be amended to read as follows:

4.10.070 Consumer Price Index changes.

The amount of minimum relief established under BCC 4.10.055(BA) and the aggregate value of gifts, subsidies and benefits excludable from income under BCC

4.10.060 and the median income level figure utilized when the ~~Seattle-King County Primary Metropolitan Statistical Area (PMSA)~~ Bellevue Housing and Urban Development Fair Market Rent Area update is not available pursuant to BCC 4.10.060 shall be administratively adjusted on January 1st of each year by the director of the Bellevue utilities department to reflect any change in the cost of living, as defined and calculated pursuant to BCC 4.03.020(B)24.10.050. (~~Ord. 5436 § 9, 2003; Ord. 4841 § 3, 1995.~~)

Section 6. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 7. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

(SEAL)

\_\_\_\_\_  
John Chelminiak, Mayor

Approved as to form:  
Kathryn L. Gerla, City Attorney

\_\_\_\_\_  
Nicholas Melissinos, Deputy City Attorney

Attest:

\_\_\_\_\_  
Charmaine Arredondo, City Clerk

Published \_\_\_\_\_