

2012 Bill 5

Fifth Session, 27th Legislature, 61 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 5

SENIORS' PROPERTY TAX DEFERRAL ACT

MRS. JABLONSKI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 5

2012

SENIORS' PROPERTY TAX DEFERRAL ACT

(Assented to , 2012)

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Preamble

WHEREAS the Government of Alberta acknowledges the many contributions of Alberta seniors;

WHEREAS it is in the interests of all Albertans that seniors be able to remain in their homes; and

WHEREAS it is desirable for the Government of Alberta to establish a program for the payment of seniors' property taxes through home equity loans;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

- 1 In this Act,

- (a) “eligible property owner” means an individual who meets the eligibility requirements referred to in section 2;
- (b) “eligible residence” means a property that is an eligible property owner’s primary residence and in respect of which the eligible property owner is liable to pay qualifying property tax;
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (d) “municipal authority” means a municipal authority as defined in the *Municipal Government Act*;
- (e) “property tax deferral loan” means a property tax deferral loan referred to in section 4;
- (f) “qualifying property tax” means a tax or levy referred to in section 3.

Eligible property owners

2 The following individuals are eligible to apply for a property tax deferral loan:

- (a) an individual who is a resident of Alberta, has attained the prescribed age, is an owner of an eligible residence and meets any other eligibility requirements provided for by the regulations;
- (b) an individual who
 - (i) is a surviving family member, as provided for by the regulations, of an individual referred to in clause (a) who had a property tax deferral loan that was outstanding in the year of that individual’s death,
 - (ii) immediately before the death of the individual referred to in clause (a) resided in the eligible residence in respect of which the property tax deferral loan was made, continues to reside in that eligible residence and is an owner of the eligible residence, and

- (iii) meets any other eligibility requirements provided for by the regulations.

Qualifying property taxes

3 The following taxes and levies imposed in respect of an eligible residence qualify for payment under section 4(2):

- (a) subject to the regulations, a tax under Part 10 of the *Municipal Government Act*;
- (b) any other tax or levy prescribed by the regulations.

Property tax deferral loan

4(1) An eligible property owner may apply, in accordance with the regulations, for a property tax deferral loan for the purpose of paying the qualifying property taxes on the eligible property owner's eligible residence.

(2) Where the Minister approves an application under subsection (1), the Minister shall pay to the applicable municipal authority the qualifying property taxes that are the subject of the application.

(3) The amount of qualifying property taxes paid under subsection (2) constitutes a property tax deferral loan made by the Crown in right of Alberta to the eligible property owner.

(4) The amount of a property tax deferral loan under subsection (3), together with interest, is a debt owing by the eligible property owner to the Crown in right of Alberta.

(5) A property tax deferral loan is subject to the terms and conditions provided for by the regulations.

(6) The Minister, in consultation with the Minister of Finance, shall periodically determine the rate of interest applicable to property tax deferral loans based on an estimate of the Government's cost of funding property tax deferral loans under this Act, including the cost of making and administering the loans.

Security

5(1) The amount of a debt owing under section 4(4) is a charge on and a security interest in the eligible residence in respect of which the qualifying property taxes were paid.

- (2) A charge and security interest under subsection (1) may be
- (a) registered against the eligible residence as provided for by the regulations, and
 - (b) enforced as provided for by the regulations.

Repayment of property tax deferral loan

6(1) Subject to subsection (2), the amount of a property tax deferral loan that is outstanding, together with interest, becomes due and payable to the Crown in right of Alberta on the earliest of the following:

- (a) subject to the regulations, the date of the death of the eligible property owner to whom the loan was made;
- (b) subject to the regulations, the date of the transfer or sale of the eligible residence in respect of which the loan was made;
- (c) a date set by the Minister, on the occurrence of an event or circumstance provided for by the regulations.

(2) The Minister may demand immediate repayment of a property tax deferral loan, together with interest, if the Minister is satisfied that the individual to whom the loan was made gave false, inaccurate or misleading information to the Minister in respect of the loan.

Regulations

7 The Lieutenant Governor in Council may make regulations

- (a) prescribing an age for the purposes of section 2(a) and respecting other eligibility requirements for the purposes of section 2(a);
- (b) respecting the individuals who are surviving family members of an individual for the purposes of section 2(b)(i) and respecting other eligibility requirements for the purposes of section 2(b)(iii);
- (c) respecting the exclusion of taxes for the purposes of section 3(a) and prescribing taxes or levies for the purposes of section 3(b);

- (d) respecting applications for property tax deferral loans;
- (e) respecting terms and conditions for the purposes of section 4(5);
- (f) respecting the registration of a charge and security interest under section 5 against an eligible residence, respecting the priority of the charge and security interest on registration and respecting the enforcement of a charge and security interest;
- (g) respecting circumstances in which section 6(1)(a) and (b) do not operate;
- (h) respecting events or circumstances for the purposes of section 6(1)(c);
- (i) providing for the amount of a rebate or other benefit to which an eligible property owner is entitled in respect of property taxes under a government or other program to be deducted from the amount owing under a property tax deferral loan;
- (j) respecting the collection, use and disclosure of personal information for the purposes of this Act;
- (k) defining any word or expression used but not defined in this Act;
- (l) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the intent and purpose of this Act.

Coming into force

- 8** This Act comes into force on Proclamation.

