

**PENN MANOR SCHOOL DISTRICT  
LANCASTER COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SCHOOL DIRECTORS OF PENN MANOR SCHOOL DISTRICT, LANCASTER COUNTY, PENNSYLVANIA, PROVIDING PROPERTY TAX REBATES TO CERTAIN SENIOR CITIZENS, WIDOWS, WIDOWERS, AND DISABLED PERSONS WITH FIXED AND LIMITED INCOMES; ESTABLISHING UNIFORM STANDARDS AND QUALIFICATIONS FOR ELIGIBILITY TO RECEIVE A REBATE; AND PROVIDING PENALTIES FOR FRAUDULENT CLAIMS.

WHEREAS, the Board of School Directors ("Board") of the Penn Manor School District, Lancaster County, Pennsylvania ("School District") considers it to be a matter of sound public policy to make special provisions for property tax rebates to that class of senior citizens, widows, widowers and disabled person who are real property taxpayers and who are without adequate means of support to enable them to remain in peaceable possession of their homes and to relieve their economic burden; and

WHEREAS, pursuant to this Resolution, the Board is demonstrating a willingness to help the above individuals.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. **Definitions.** The following words and phrases, when used in this Resolution, shall have the meanings ascribed to them in this Section 1, except where the context clearly indicates or requires a different meaning.

(a) "Act" means Chapter 13 (Senior Citizens Property Tax and Rent Rebate Assistance) of the Taxpayer Relief Act, Act 1 of Special Session 2006.

(b) "Claimant" means a person who files a claim for property tax rebate under the Act and, during the 2009 calendar year, (i) was sixty-five (65) years of age or over, or whose spouse (if a member of the household) was sixty-five (65) years of age or over, (ii) was a widow or widower and was fifty (50) years of age or over, or (iii) was a permanently disabled person eighteen (18) years of age or over. For the purposes of this Resolution, the term "widow" or "widower" shall mean the surviving wife or surviving husband, as the case may be, of a deceased individual and who has not remarried, and the term "permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely.

(c) "Claim Form" means the form attached hereto as Exhibit B and the additional information required to be filed with the Business Manager of the School District as set forth on such form.

(d) "Rebate Percentage Factor" shall be the percentage set forth in Exhibit A next to the Claimant's Total Income.

(e) "Total Income" shall mean all income of a Claimant and Claimant's spouse from whatever source derived, including, but not limited to:

- (i) Salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief;
- (ii) 50% of railroad retirement benefits;
- (iii) 50% of all benefits received under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), except Medicare benefits;
- (iv) All benefits received under State unemployment insurance laws and veterans' disability payments;
- (v) All interest received from the Federal or any state government, or any instrumentality or political subdivision thereof;
- (vi) Realized capital gains and rentals;
- (vii) Workers' compensation;
- (viii) The gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$5,000 of the total of death benefit payments; and
- (ix) Gifts of cash or property, other than transfers by gift between members of a household, in excess of a total value of \$300.

Notwithstanding the foregoing, the term does not include surplus food or other relief in kind supplied by a governmental agency, property tax or rent rebate or inflation dividend.

(f) "Property Tax Paid" shall be the property taxes paid to the School District during the 2009/2010 School District Fiscal Year and set forth on Line 14 of Form PA-1000 2009 prepared and filed by the Claimant with the Pennsylvania Department of Revenue.

- (g) "School District Fiscal Year" means July 1<sup>st</sup> to the following June 30<sup>th</sup>.
- (h) "Resolution" means this Resolution.

## 2. Property Tax Rebate.

(a) Subject to the other provisions of this Resolution, during the 2010/2011 School District Fiscal Year, the School District shall pay a property tax rebate to each Claimant equal to the Claimant's Property Tax Paid times the applicable Rebate Percentage Factor.

(b) Notwithstanding the foregoing, a Claimant with Total Income greater than \$15,000 shall not be eligible for a property tax rebate and any property tax rebate to be paid by the School District to an otherwise eligible Claimant in the 2010/2011 School District Fiscal Year shall be limited to the lesser of:

- (i) The excess of property taxes paid to the School District by the Claimant in the 2009/2010 School District Fiscal Year over the property tax rebate paid to the

Claimant under the Act during the 2010/2011 School District Fiscal Year by reason of the payment of such property taxes to the School District; and

(ii) Six Hundred Fifty Dollars (\$650.00).

3. **Filing.** To claim and receive the property tax rebate provided for under Section 2 from the School District, the Claimant must file a claim for the property tax rebate with the Business Manager of the School District on or before the end of the 2010/2011 School District Fiscal Year. Only one Claimant from a homestead during the 2010/2011 School District Fiscal Year shall be entitled to a property tax rebate from the School District. If two or more persons are able to meet the qualifications for a Claimant, the rebate shall be paid to the Claimant(s) who received the property tax rebate under the Act.

4. **Claim Form.**

(a) When filing for a property tax rebate from the School District, Claimant shall timely file with the Business Manager of the School District a Claim Form (and all required additional information which shall include evidence of the rebate amount received from the Commonwealth of Pennsylvania). Appropriate evidence of the rebate amount received from the Commonwealth of Pennsylvania shall include a copy of the rebate check received from the Pennsylvania Department of Revenue or a copy of the Claimant's bank statement reflecting the deposit of the rebate amount.

(b) The following is an example to illustrate the requirements of Sections 2 through 4. The example is for illustration purposes only.

*Example:* Claimant files for a property tax rebate under the Act with the Pennsylvania Department of Revenue by filing Form PA-1000 2009 (Property Tax or Rent Rebate Claim) in connection with property taxes paid in 2009. On July 15, 2010, Claimant receives a property tax rebate from the Commonwealth of Pennsylvania in connection with such filing. Claimant may now file for a property tax rebate with the School District by submitting a Claim Form to the School District (with a copy of the Form PA-1000 2009 (Property Tax or Rent Rebate Claim) filed with the Pennsylvania Department of Revenue and evidence of the rebate amount received) on or before June 30, 2011.

5. **Incorrect Claim.** Whenever the Business Manager of the School District finds a claim to have been incorrectly determined, the Business Manager shall redetermine the correct amount of the claim and notify the Claimant of the reason for the redetermination and the amount of the corrected claim.

6. **Fraudulent Claim; Conveyance to Obtain Benefits.**

(a) In any case in which a claim is excessive and was filed with fraudulent intent, the claim shall be disallowed in full and a penalty of twenty-five percent (25%) of the amount claimed shall be imposed. The penalty and the amount of the disallowed claim, if the claim has been paid, shall bear interest at the rate of one-half (½) of one (1%) percent per month from the date of the claim until repaid. The Claimant and any person who assisted in the

preparation of filing of a fraudulent claim shall be subject to criminal prosecution in accordance with applicable provisions and penalties as provided in the Pennsylvania Crimes Code.

(b) A claim shall be disallowed if the Claimant received title to the homestead primarily for the purpose of receiving a property tax rebate.

7. **Petition for Redetermination.** Any Claimant whose claim for a property tax rebate is either denied, corrected or otherwise adversely affected by the Business Manager of the School District, may file with the Board a petition for redetermination within ninety (90) days after the date of mailing or written notice by the Business Manager of such action. Such petition shall set forth the grounds upon which the Claimant alleges that such action of the Business Manager is erroneous or unlawful, in whole or in part, and shall be accompanied by an affidavit of affirmation that the facts contained therein are true and correct. The Board shall hold such hearings as may be necessary for the purpose of redetermination and each Claimant who has duly filed such petition for redetermination shall be notified by the Board of the time when, and the place where, such hearing in his or her case will be held. The determination of the Board after such hearings and any required further review shall be final.

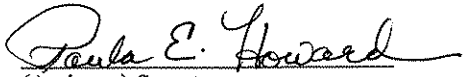
8. **Severability.** The provisions of this Resolution are severable; if any word, phrase, clause, sentence, section or provision of this Resolution is for any reason held to be unconstitutional or illegal or invalid, the decision of any Court shall not affect or impair any of the remaining provisions of this Resolution. It is hereby declared to be the intent of the Board of the School District that this Resolution would have been adopted had such unconstitutional or illegal or invalid word, phrase, clause, sentence, section or provision thereof not been included herein.

9. **Effective Date.** This Resolution shall be effective solely for the 2010/2011 School District Fiscal Year and shall be deemed repealed for all School District Fiscal Years thereafter.

RESOLVED by the Board this 8<sup>th</sup> day of February, 2010.

Attest:

PENN MANOR SCHOOL DISTRICT

  
(Assistant) Secretary

By:   
(Vice) President

(SEAL)

**EXHIBIT A**

Rebate Percentage Factor Table

<b>Total Income</b>	<b>Rebate Percentage Factor</b>
0 to \$5,499	100%
\$5,500 to \$5,999	90%
\$6,000 to \$6,499	80%
\$6,500 to \$6,999	70%
\$7,000 to \$7,499	60%
\$7,500 to \$7,999	50%
\$8,000 to \$8,499	40%
\$8,500 to \$8,999	35%
\$9,000 to \$9,999	25%
\$10,000 to \$11,999	20%
\$12,000 to \$12,999	15%
\$13,000 to \$15,000	10%
\$15,001 or over	Not Eligible

**EXHIBIT B**

**PENN MANOR SCHOOL DISTRICT**

**PROPERTY TAX REBATE  
Tax Year - 2010/2011**

**FILING INSTRUCTIONS**

WHERE TO FILE: Manor Middle School, P.O. Box 1001, Millersville, PA 17551

WHEN TO FILE: After July 1, 2010 but before June 30, 2011

Please print legibly or type

**PART A – Personal Information**

Name of Claimant:

Address of Claimant:

Tax Bill Number:

Birth date of Claimant:

Social Security Number of Claimant:

**PART B – Form PA-1000 2009 (Property Tax or Rent Rebate Claim)**

Insert amount from **Line 12** on Form PA-1000 2009 (Total Income) | \$

*Inserted amount may not exceed \$15,000*

**PART C – Calculation of Property Tax Rebate from School District**

(a)	Insert total property taxes paid to School District	\$
(b)	Insert amount from <b>Line 14</b> on Form PA-1000 2009 (Property Tax Rebate)	\$
(c)	Subtract line (b) from line (a)	\$

(d)	Insert Percentage Rebate Factor (see Rebate Percentage Table)	
(e)	Multiple line (a) by line (d)	\$

(f)	Property Tax Rebate from the School District (insert the lessor of line (c) and line (e))	
		<i>Inserted amount on line (f) may not exceed \$650</i>

**PART D – Required Information**

(a)	Copy of Form PA-1000 2009 (Property Tax or Rent Rebate Claim) filed with the PA Dept. of Revenue
(b)	Evidence of receipt of amount set forth in Part C, Line (b)

*I declare that this form is true, correct and complete, that the documents required and attached hereto under Part D are true and correct copies of those documents, and that to the best of my knowledge and belief this is the only claim filed by members of my household.*

\_\_\_\_\_  
Claimant's Signature

\_\_\_\_\_  
Signature of Preparer (if other than Claimant)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number