

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 87-30

AN ORDINANCE AMENDING TITLE 17 IMPROVEMENT
DISTRICTS, AMENDING SENIOR CITIZEN EXEMPTIONS
AND PROVIDING FOR UTILITY CONNECTIONS.

WHEREAS, the Homer City Council has determined that the City should provide a method for deferral of local improvement district assessments for senior citizens in need of financial assistance, and;

WHEREAS, under agreements for the financing of local improvement districts, the City is required to adopt a mandatory connection ordinance, and;

WHEREAS, the Homer City Council has determined that property owners provided access to water and sewer utilities should be required to connect to the utilities within a reasonable time period.

NOW, THEREFORE, the City of Homer ordains:

Section 1.

HMC Section 17.20.080 is hereby repealed in its entirety and reenacted to read:

17.20.080 Alternative methods of payment - Deferred payments. A property owner meeting certain requirements as hereinafter set forth may defer payment of assessments, including principal and interest under the following conditions:

- a. Criteria for Eligibility. The property owner must:
1. Be at least sixty-five years of age within twelve months from the effective date of the adoption of the assessment roll;
 2. Have an annual family income that would qualify under the United States Department of Housing and Urban Development designation of lower income families adjusted for Alaska and the Kenai-Cook Inlet Region;
 3. Actually reside within the boundaries of the property assessed on which is located only his permanent abode which is a single-family residence;
 4. Own or have a life tenancy in the assessed real estate;
 5. No real property may be exempted which the City determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption.

- b. Availability of Funds. Deferred assessments shall be funded by specific appropriations made by the Homer City Council from available City funds. To determine availability of funds, the Director of Finance shall provide the Homer City Council a financial report as to the availability of funds for appropriation in accordance with criteria outlined below. This report will accompany the Application for Deferment.
 - 1. Water and sewer deferred assessments shall be funded by the appropriate utility operating fund.
 - 2. Road improvement deferred assessments shall be funded from the Homer Accelerated Roads Program funds.
 - 3. In the event that funds are not available in the appropriate utility or program funds, the Homer City Council may elect to loan either the utility or program funds from the General Fund to cover the applicable deferred assessments.
- c. Application for Deferment. A person seeking a deferment of assessment shall file an application with the Director of Finance and furnish suitable proof that the applicant meets the criteria set forth in subsection "a" of this section. Based upon the availability of funds, the Homer City Council shall approve or disapprove the application at a regular Council Meeting. A claimant receiving the exemption must file with the City by March 15 of each subsequent year a separate application proving eligibility as of January 1 in order to retain the exemption. Within the same year the City for good cause shown may waive the claimant's failure to make timely application and approve the application as if timely filed.
- d. Security Required. Every property owner who qualifies and obtains a deferment of assessment under this section shall execute a mortgage, deed of trust or other appropriate security agreement in favor of the City, together with a promissory note payable on demand, to secure the eventual payment of any assessment deferred hereby.
- e. Immediate Payment in Case of Sale or Other Transfer. If any property or interest therein, given as security under the immediately preceding section shall be sold, leased or otherwise transferred or conveyed, then the balance of any deferred assessment including principal and interest shall become due and payable within thirty days from the date of such sale, lease or transfer.

- f. Probate Proceedings. Upon the decease of any person whose assessment has been deferred, the deferral will remain in effect in the event that there is a surviving spouse. Otherwise, the entire balance of any assessment including principal and interest shall immediately become due and payable from the decedent's estate: The deferred assessment shall be preferred as against any other lien against the assessed real estate. This preference shall exist whether or not probate or intestacy proceedings are opened.
- g. Preemption by State Law. If at some future date legislation is passed by the State to exempt persons meeting some or all of the criteria set forth in subsection "a" of this section from assessments for water and sewer utilities, and the State agrees therein to reimburse municipalities for such assessments, then any mortgage or other security agreement required under subsection "d" of this section shall become null and void and of no further effect.

Section 2.

HMC Chapter 17.04 Improvement Districts is hereby amended by adding Section 17.04.150 Connection Required, to read:

HMC 17.04.150 Connection Required. Owners of property within an approved water and/or sewer local improvement district that contains an occupied building shall connect to the utility within one year from the date of final approval of the assessment roll by the Homer City Council.



CITY OF HOMER

John P. Calhoun
 John P. Calhoun, Mayor

Patti J. Whalin
 Patti J. Whalin, City Clerk

First Reading _____
 Public Hearing 1/25/88
 Second Reading 2/8/88
 Effective 2-9-88
 Reviewed and approved as to form
 this day of , 198 .

 A. Robert Hahn, Jr.
 City Attorney