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**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 12-60(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, REPEALING AND REENACTING HCC 17.04.190
REGARDING DEFERMENT OF SPECIAL ASSESSMENT
PAYMENTS.

WHEREAS, City of Homer Ordinance 12-15 revised HCC Chapter 17.04 to accommodate the financing of a wider range of projects, including infrastructure of privately owned utilities; and

WHEREAS, The provisions of HCC 17.04.190 regarding deferment of assessments are intended to apply only to assessments for publicly owned improvements, and not to assessments for infrastructure of privately owned utilities; and

WHEREAS, It is appropriate to amend HCC 17.04.190 to clarify the intended scope of its application.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC 17.04.190, Deferment of assessment payments for senior citizens, is amended to read as follows:

17.04.190 Deferment of assessment payments for senior citizens. a. Assessment payments, except assessment payments for the infrastructure of a privately owned utility, may be deferred under the provisions of this section. A person may obtain a deferment of assessment payments under this section if the person:

1. Will be at least 62 years of age within 12 months after the date of confirmation of the assessment roll;

2. Has 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. Owns or has a life tenancy in the assessed property, and permanently resides in a single family dwelling on the property; and

4. Is not determined by the city, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the exemption.

b. An assessment payment deferment is subject to approval by the council. A person seeking deferment of an assessment payment shall file a written application with the finance director on or before the first payment is due, supported by documentation showing that the applicant meets the criteria in subsection (a) of this section. A person receiving an assessment payment deferment must file with the city by April 15th of each subsequent year a new application proving eligibility as of January 1st of that year in order to retain the exemption.

46 Within the same year the city for good cause shown may waive the claimant's failure to make
47 timely application and approve the application as if timely filed.

48 c. Assessment payment deferments are subject to the availability of funds
49 appropriated for that purpose. An application for an assessment payment deferment shall be
50 submitted to the council with a report from the finance director as to the availability of funds to
51 appropriate for the deferment. Deferred assessments are funded from the following sources:

- 52 1. The appropriate utility operating fund for deferred water and sewer
53 assessment payments.
54 2. The accelerated roads program fund for deferred road improvement
55 assessment payments.

56 If funds for an assessment payment deferment are not available from the appropriate source, the
57 council may loan the necessary amount to the appropriate source from the general fund.

58 d. A person who receives an assessment payment deferment shall execute a deed of
59 trust on the property subject to assessment, together with a promissory note payable to the city
60 on demand, to secure the eventual payment of the deferred payment.

61 e. A deferred assessment payment shall be immediately due and payable upon the
62 earlier to occur of the following events:

- 63 1. The sale or lease of the assessed property; or
64 2. The death of both the deferred assessment applicant and the applicant's
65 surviving spouse, if any.

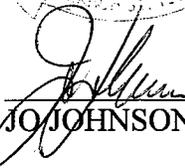
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67 Section 2. This Ordinance is of a permanent and general character and shall be included
68 in the City Code.

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70 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14th day of January,
71 2013.

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73 CITY OF HOMER

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77 MARY E. WYTHE, MAYOR

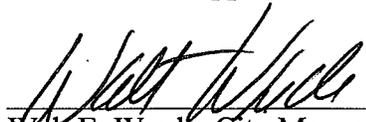
78 ATTEST:

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82 JO JOHNSON, CMC, CITY CLERK

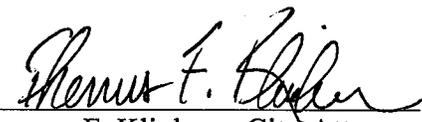
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86 YES: 5
87 NO: 0
88 ABSTAIN: 0
89 ABSENT: 1
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92 First Reading: 12/10/12
93 Public Hearing: 1/14/13
94 Second Reading: 1/14/13
95 Effective Date: 1/15/13

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97 Reviewed and approved as to form:
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100 
101 Walt E. Wrede, City Manager

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103 Date: 1/21/13
104


Thomas F. Klinkner, City Attorney

Date: 1/25/13