

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 16-44**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 17.04.190, ENTITLED
7 "DEFERMENT OF ASSESSMENT PAYMENTS FOR LOW INCOME
8 RESIDENTS," BY PERMITTING ASSESSMENT DEFERRAL
9 APPLICANTS TO APPLY FOR A DEFERRAL IN ANY YEAR AN
10 APPLICANT IS ELIGIBLE FOR THE DEFERRAL REGARDLESS OF
11 WHETHER OR NOT THE APPLICANT APPLIED FOR DEFERRAL IN
12 THE INITIAL YEAR OF ASSESSMENT.
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14
15 WHEREAS, Eligibility for a deferral from an assessment payment under Homer City
16 Code 17.04.190(a) may arise in the initial year of an assessment or in a subsequent year the
17 assessment continues to be levied; and
18

19 WHEREAS, It is in the City's best interest to defer assessments under HCC 17.04.190 for
20 each year a person is eligible and timely requests an application even where eligibility arose
21 after the initial year of assessment.
22

23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

24
25 Section 1. Homer City Code 17.04.190, Deferment of assessment payments for low
26 income residents, is amended to read as follows:

27
28 a. Assessment payments, including payments of assessments levied in the City of
29 Homer Natural Gas Distribution Special Assessment District created by Ordinance 13-
30 02, but excluding other assessment payments for the infrastructure of a privately
31 owned utility, may be deferred under the provisions of this section. A person may
32 obtain a deferment of assessment payments under this section if the person:

33 1. Has an annual family income that is less than 125 percent of the current U.S.
34 Health and Human Services Poverty Guidelines for Alaska;

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

37 3. Is not determined by the City, after notice and hearing, to have been
38 conveyed the property primarily for the purpose of obtaining the exemption.

39
40 b. An assessment payment deferment is subject to approval by the Council. A person
41 seeking deferment of an assessment payment shall file a written application with the
42 Finance Director ~~on or before the first payment is due~~, supported by documentation

[Bold and underlined added. Deleted language stricken through.]

43 showing that the applicant meets the criteria in subsection (a) of this section. A person
44 ~~requesting receiving~~ an assessment payment deferment ~~must file with the City by April~~
45 ~~15th of each subsequent year a new application proving eligibility as of January 1st of~~
46 ~~that year in order to retain the exemption.~~ **the first year the assessment is levied**
47 **must file an application for deferment** with the City **no more than 15 days after**
48 **receiving the initial assessment. A person requesting an assessment payment**
49 **deferment under this section in any year after the first year must file an**
50 **application for deferment no later than** ~~by April 15th of each subsequent~~ **of the** year
51 **for which the deferment is sought.** ~~a new application .~~ **A person must file an**
52 **application each year for which deferment is sought and shall be required to**
53 **prove eligibility for deferment as of January 1st of each year for which a**
54 **deferment is requested.** ~~proving eligibility as of January 1st of that year in order to~~
55 ~~retain the exemption.~~ Within the same year the City for good cause shown may waive
56 the claimant's failure to make timely application and approve the application as if
57 timely filed.

58 c. Assessment payment deferments are subject to the availability of funds
59 appropriated for that purpose. An application for an assessment payment deferment
60 shall be submitted to the Council with a report from the Finance Director as to the
61 availability of funds to appropriate for the deferment. Deferred assessments are
62 funded from the following sources:

- 63 1. The appropriate utility operating fund for deferred water and sewer
64 assessment payments.
- 65 2. The accelerated roads program fund for deferred road improvement
66 assessment payments.
- 67 3. The source that the Council designates for other deferred assessment
68 payments.

69 If funds for an assessment payment deferment are not available from the appropriate
70 source, the Council may loan the necessary amount to the appropriate source from
71 the general fund.

72 d. A person who receives an assessment payment deferment shall execute a deed of
73 trust on the property subject to assessment, together with a promissory note payable
74 to the City on demand, to secure the eventual payment of the deferred payment.

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

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

80
81 Section 2. This ordinance shall be of a permanent and general character and shall be
82 included in the City code.

83
84 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of

[Bold and underlined added. Deleted language stricken through.]

85 _____, 2016.

86

CITY OF HOMER

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89

MARY E. WYTHE, MAYOR

90

91

92 ATTEST:

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94

95

96 _____
JO JOHNSON, MMC, CITY CLERK

97

98

99

100 YES:

101 NO:

102 ABSTAIN:

103 ABSENT:

104

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106 First Reading:

107 Public Hearing:

108 Second Reading:

109 Effective Date:

110

111 Reviewed and approved as to form.

112

113

114

115 _____
Mary K. Koester, City Manager

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117

118 Date: _____

119

120

120 Fiscal Note: N/A

Holly C. Wells, City Attorney

Date: _____