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**CITY OF HOMER
HOMER, ALASKA**

Burgess

ORDINANCE 13-01(A)(S)

**AN ORDINANCE OF THE HOMER CITY COUNCIL,
AMENDING HCC 17.04.190 TO PROVIDE FOR
DEFERRAL OF SPECIAL ASSESSMENTS FOR LOW
INCOME RESIDENTS.**

THE CITY OF HOMER HEREBY 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 low income residents senior citizens.

a. Assessment payments, **including payments of assessments levied in the City of Homer Natural Gas Distribution Special Assessment District created by Ordinance 13-02, but excluding other** ~~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 is less than 100 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska 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;~~

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

34. 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. 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.

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

1. The appropriate utility operating fund for deferred water and sewer assessment payments.

2. The accelerated roads program fund for deferred road improvement

47 assessment payments.

48 **3. The source that the council designates for other deferred assessment**
49 **payments.**

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

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

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

58 1. The sale or lease of the assessed property; or

59 2. The death of both the deferred assessment applicant and the applicant's
60 surviving spouse, if any.

61
62 Section 2. This Ordinance is of a permanent and general character and shall be included
63 in the City Code.

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65 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this
66 ____ day of _____, 2013.

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69 CITY OF HOMER

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72 _____
73 MARY E. WYTHE, MAYOR

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75 ATTEST:
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78 _____
79 JO JOHNSON, CMC, CITY CLERK

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81
82 AYES:
83 NOES:
84 ABSTAIN:
85 ABSENT:
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87 First Reading:
88 Public Reading:
89 Second Reading:
90 Effective Date:

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93 Reviewed and approved as to form:

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97 _____
Walt Wrede, City Manager

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99 Date: _____

City Attorney

Date: _____

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