

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 16-44(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 17.04.190, ENTITLED "DEFERMENT OF ASSESSMENT PAYMENTS FOR LOW INCOME RESIDENTS," BY PERMITTING ASSESSMENT DEFERRAL APPLICANTS TO APPLY FOR A DEFERRAL IN ANY YEAR AN APPLICANT IS ELIGIBLE FOR THE DEFERRAL REGARDLESS OF WHETHER OR NOT THE APPLICANT APPLIED FOR DEFERRAL IN THE INITIAL YEAR OF ASSESSMENT.

WHEREAS, Eligibility for a deferral from an assessment payment under Homer City Code 17.04.190(a) may arise in the initial year of an assessment or in a subsequent year the assessment continues to be levied; and

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

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

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

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

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 supported by documentation showing that the applicant meets the

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

53 c. Assessment payment deferments are subject to the availability of funds
54 appropriated for that purpose. An application for an assessment payment deferment
55 shall be submitted to the Council with a report from the Finance Director as to the
56 availability of funds to appropriate for the deferment. Deferred assessments are
57 funded from the following sources:

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

60 2. The accelerated roads program fund for deferred road improvement
61 assessment payments.

62 3. The source that the Council designates for other deferred assessment
63 payments.

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

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

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

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

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

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76 Section 2. This ordinance shall be of a permanent and general character and shall be
77 included in the City code.

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79 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 12th day of September, 2016.

80
81 CITY OF HOMER

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84 MARY E. WYTHE, MAYOR



85 ATTEST:

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89 JO JOHNSON, MMC, CITY CLERK

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93 YES: 4

94 NO: 0

95 ABSTAIN: 0

96 ABSENT: 2

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99 First Reading: 8/22/16

100 Public Hearing: 9/12/16

101 Second Reading: 9/12/16

102 Effective Date: 9/13/16

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104 Reviewed and approved as to form.

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107 Mary K. Koester

108 Mary K. Koester, City Manager

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110 Date: 9.14.16

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113 Fiscal Note: N/A

Holly C. Wells

Holly C. Wells, City Attorney

Date: 9.23.16