



AGENDA SECTION	CONSENT
MEETING DATE	NOVEMBER 23, 2020

CITY OF COLUMBIA HEIGHTS - COUNCIL LETTER

ITEM:	ADOPT RESOLUTION 2020-102 ESTABLISHING SENIOR CITIZENS OR RETIRED AND DISABLED PERSONS HARDSHIP SPECIAL ASSESSMENT DEFERRAL		
DEPARTMENT:	Public Works	CITY MANAGER'S APPROVAL:	
BY/DATE:	Kevin Hansen / November 18, 2020	BY/DATE:	<i>Kell Bonyea</i> 11/20/20
CITY STRATEGY:	N/A		
Additional Strategy?	#3: Affordability		
SHORT TERM GOAL (IF APPLICABLE):			
Additional Goal?			

BACKGROUND: In 1982 the City Council adopted a resolution allowing the deferral of assessments for senior citizens and disabled persons. The resolution established eligibility criteria including a maximum income. The income level is updated annually by resolution.

STAFF RECOMMENDATION: The attached resolution retains the criteria in the 2020 resolution and updates the previous income eligibility amount of \$37,600. The 2021 income eligibility amount is \$39,300, which is the same dollar amount used for reduced rates for senior citizens utility bills.

RECOMMENDED MOTION(S): Move to waive the reading of Resolution No. 2020-102 there being ample copies available to the public.

Move to adopt Resolution No. 2020-102, being a resolution establishing a new maximum income of \$39,300 for Senior or Retired and Disabled Persons to be eligible for special assessment deferral.

ATTACHMENT(S): Resolution 2020-102

RESOLUTION NO. 2020-102

A resolution of the City Council for the City of Columbia Heights, Minnesota,

WHEREAS, immediate payment of special assessments or installments on special assessments cast an undue hardship on some persons owning homestead properties who are 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make payments, and

WHEREAS, Minnesota Statutes 435.193 – 435.195 makes it possible for a home rule charter city to pass a resolution establishing standards and guidelines for determining the existence of a hardship and for determining the existence of a disability.

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

FINDINGS OF FACT

1. This deferral procedure shall apply only to assessments which are payable in five or more annual installments.
2. This deferral procedure shall apply only to property owned and occupied by the elderly, retired, or disabled applicant. Ownership and occupancy must be the same nature as would qualify the applicant for a homestead exemption for tax purposes.
3. This deferral procedure shall apply only to homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make payments. Permanent and total disability shall have the same definition for purposes of assessment deferral as is used for social security purposes.
4. This deferral procedure shall not be construed as to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards and guidelines herein so long as determination is made in a nondiscriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants.
5. In order to obtain a deferral of an assessment, the homeowner must make application on the forms prescribed by the City Clerk.
6. The option of the homeowner to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due and payable upon the occurrence of any of the following events:
 - a. the death of the owner, provided that the spouse is not otherwise eligible for benefits hereunder;
 - b. the sale, transfer or subdivision of the property or any part thereof;
 - c. if the property should for any reason lose its homestead status; or
 - d. if for any reason the City shall determine that there would be no hardship to require immediate or partial payment.

7. No deferral may be granted unless the homeowner makes application to the City Clerk within thirty (30) days after adoption of the assessment by the Council.
8. The deferral shall apply to only 50% of the annual installment payment. If the 50% is not paid in a timely manner, the balance of the annual installment along with all future installments shall become immediately due and payable.
9. No deferral shall be granted to any owner who has a gross annual household income from all sources in excess of \$39,300.
10. No deferral may be continued from year to year unless the owner shall file a renewal application before September 15th of each year.
11. No special assessment may be deferred for a period longer than the time set by the Council as the time over which the project is to be assessed.
12. Interest on deferred assessments shall be at the rate set by the Council in its resolution adopting the assessment roll, and such interest shall be added to the amount deferred and shall be paid in accordance with Minnesota Statute 435.195 and this Resolution.

ORDER OF COUNCIL

Passed this 23rd day of November, 2020

Offered by:

Seconded by:

Roll Call:

Donna K. Schmitt, Mayor

Attest:

Nicole Tingley, City Clerk/Council Secretary