

Sec. 54-3. - Special assessment deferral.

(a) *Special assessment deferral.* Pursuant to Minn. Stat. §§ 435.193 through 435.195, senior citizens, ~~and~~ retired disabled homeowners and a person who is a member of the Minnesota National Guard or other military reserve who is ordered into active military service may defer special assessments levied against homestead property owned by the applicant if they meet the criteria of this section.

(b) *Eligibility.*

(1) Any person 65 years of age or older or totally and permanently disabled, as determined by the Social Security Administration and, ~~may defer special assessments levied against real property for public improvements if the following conditions are met: a person who is a member of the Minnesota National Guard or other military reserve who is ordered into active military service, as defined in section 190.05, subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments~~

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(24) *Ownership.* The applicant must be a fee simple owner of the property or must be a contract vendee for fee simple ownership. If the ownership interest is split between multiple parties, all parties must be applicants. The applicants must provide either a recorded deed or contract for deed with the application to establish a qualified ownership interest as required in this section.

(32) *Homestead.* The property must be the applicant's principal place of domicile and classified on the city's and county's real estate tax rolls as the applicant's homestead.

(43) ~~Net income.~~ The total of the applicant's household net income and the household net income of all other joint tenants, tenants in common or contract vendees entitled to the property may not exceed 80 percent of the latest median family income as determined by the department of housing and urban development.

(54) *Total net assets.* The total net assets of the applicant may not exceed \$150,000.00 and such total net assets shall include the homestead. The homestead value shall be determined by using the city assessor's value as determined for taxing purposes for the year preceding the year in which the application is made.

(c) *Interest on deferred assessment.* All deferred special assessments shall be subject to and charged simple interest at the prevailing interest rate applicable at the time the assessment was originally levied. Such interest shall be payable upon termination of the deferral status.

(d) *Termination of deferral status.* The special assessment payments deferred pursuant to the eligibility requirements set forth by this section, together with any interest upon such deferred assessment, shall become immediately payable effective upon the occurrence of any of the following events:

(1) *Sale of property.* The subject property is sold, transferred, subdivided, or in any way conveyed to another by the fee owner qualified for deferral status.

(2) *Death of owner.* The death of the fee owner qualified for deferral status unless a surviving joint tenant, tenant in common, or contract vendee is eligible for the deferral benefit provided under this section.

(3) *Non-homestead property.* The subject property loses its homestead status for any reason.

(4) *No hardship.* The city council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment.

(e) *Filing for deferral status/fee.* All eligible applicants must file an application on a form provided by the finance director. All applicants must attach to their application their last federal and state income tax returns which they had to file according to the law. The individual application must be filed on or before September 15th of the year preceding the year for which deferral status is requested in order to implement the deferral status for such year. All deferral applications must be made on forms approved by the city and submitted to the finance director. The applicant shall be charged a fee as determined by a resolution of the city council.

(Ord. No. 601 2nd series, § 1, 10-20-2008; Ord. No. 723 2nd Series, § 1, 8-8-2017)

Editor's note— Ord. No. 601, § 1, adopted October 20, 2008, amended § 54-3 in its entirety to read as herein set out. Formerly, § 54-3 pertained to deferral for senior citizens and retired disabled, and derived from the Code of 1976, § 2.43, and Ord. No. 385 2nd series, § 1, adopted January 5, 1998.

State Law reference— Authority to defer special assessment, Minn. Stat. § 435.193; termination of deferment, Minn. Stat. § 435.195.