

TITLE: AN ORDINANCE TO PROVIDE FOR THE DEFERRAL OF SPECIAL ASSESSMENTS FOR STREET, CURB AND GUTTER, STORM DRAINS AND RELATED IMPROVEMENTS WHERE THE PROPERTY OWNER IS A SENIOR CITIZEN AS DEFINED HEREIN AND OTHERWISE QUALIFIES PURSUANT TO THIS ORDINANCE, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: PURPOSE

The purpose of this ordinance is to permit qualified senior citizens to have deferred the special assessments that may be levied against their residences for street, curb and gutter, storm drains and related improvements.

Section 2: SENIOR CITIZEN DEFINED

A senior citizen is one who is 65 years of age or more on or before the 1st day of January of the year in which the assessment in question is to be levied.

Section 3: QUALIFICATION OF SENIOR CITIZENS

To qualify for the senior citizens assessment deferral program:

(a) The property to be assessed must be owned by a senior citizen or if owned by a husband and wife, then only one of them needs to be a senior citizen.

(b) The property to be assessed must be the residence of the senior citizen.

(c) The senior citizen shall have an income from all sources not to exceed THREE THOUSAND SIX HUNDRED DOLLARS (\$3,600.00), and if he is married then their joint income shall not exceed FOUR THOUSAND ONE HUNDRED DOLLARS (\$4,100.00), and further not to exceed an increase of more than FOUR HUNDRED DOLLARS (\$400.00) for each additional dependent that is living with them during the calendar year preceding the one in which the assessment is to be levied.

Section 4: DEFERRAL OF ASSESSMENT TO THE EXTENT THAT FUNDS ARE CONVENIENTLY AVAILABLE TO THE CITY

A qualified senior citizen may choose to have deferred the special assessment for street, curb and gutter, storm drains and related improvements that are to be levied against his residence. Such assessment shall bear interest at the rate of seven percent (7%) per annum from the date that it is levied against the residence and until paid and shall become due when the property ceases to be the residence of the senior citizen or his spouse. This may be by reason of the sale or rental of the property or the death of both the senior citizen and his spouse or for any other reason whatsoever.

Section 5: FINANCING OF PLAN

For the purpose of financing this plan, there is hereby reserved and committed not to exceed twenty percent (20%) of the uncommitted assets of the improvement projects fund. Senior citizen assessment deferrals will be granted by the city on a first come first serve basis during each year to the extent that funds are available from the source hereinabove set forth.

Section 6: NOTICE OF AVAILABILITY OF DEFERRED ASSESSMENTS

The City Recorder is authorized and directed after the initiation of a street improvement project, curb and gutter, storm drains and related improvements and upon the mailing of the engineer's estimate of cost of a project to include therewith a written notice advising all persons whom might be affected by this plan of its terms and provisions.

Section 7: APPLICATION FOR SENIOR CITIZEN DEFERRAL

A senior citizen may make application for senior citizens assessment deferral on a project affecting him at any time after the engineer's estimate of cost has been mailed but in no event later than the time fixed for application to pay assessments and installments. Such application for senior citizens street assessments deferrment shall be filed on a form to be provided by the City Recorder.

Section 8: INVESTIGATION OF STATUS OF LAND AND SENIOR CITIZENS

As frequently as appears appropriate the staff shall review the County Records relating to deferred special assessments and shall also make such investigations as appear appropriate to learn of any other material changes in the status of the use of the subject land. The City Recorder shall also have authority to require income reports from participating senior citizens at least annually. Failure of a senior citizen enjoying a deferred street, curb and gutter, storm drain or related improvements assessment status to furnish

information as required by the City Recorder shall result in loss of deferrment and in such case such assessment shall be paid on the same schedule as though no senior citizen deferred street assessment status had been granted.

Section 9: ASSESSMENT TO BE A LIEN

Any special assessment that is deferred by the terms of this ordinance shall become a lien on the land just as though this ordinance had not been adopted. When such assessment becomes due by the terms of Section 4 of this ordinance, it may be enforced and collected as provided in state law for the collection of assessments or by any other means provided by law.

Section 10: ELECTION

A qualified senior citizen who elects to have a special assessment deferred pursuant to the provisions of this Ordinance, shall enter into a Contract to be prepared by the City Attorney.

Section 11: ANNUAL REPORT OF COUNCIL

The City Manager is hereby directed to prepare an annual report of the city's experiences under this ordinance, including the cost thereof, and any recommendations for change and present the same to the City Council at its first regular meeting in February of each year.

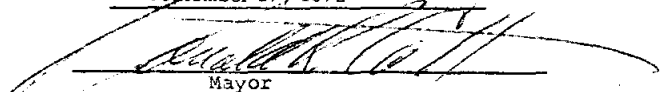
Section 12: EMERGENCY CLAUSE

That inasmuch as it is deemed necessary for the public health, peace and safety of the citizens of the City of Albany, that the provisions shall be immediately operative, it is hereby declared that an emergency exists and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.


Passed by the Council: September 27, 1972

Approved by the Mayor: September 27, 1972

Effective Date: September 27, 1972

  
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Mayor

ATTEST:

  
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City Recorder