

## RESOLUTION #09-006

### Spring Lake Township, Scott County, Minnesota

#### A RESOLUTION ESTABLISHING POLICY FOR DEFERMENT OF SPECIAL ASSESSMENTS

**WHEREAS**, the Town Board (“Board”) of Spring Lake Township (“Town”) is authorized under Minn. Stat. § 435.193 to establish standards and guidelines for determining the existence of hardship for the deferment of special assessments;

**WHEREAS**, the Board has determined it is in the best interest of the Town to develop a policy to set forth the criteria for the deferment of any special assessments as well as the payment terms of the special assessments once the deferment ends.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby adopts the following as the Special Assessment Deferment Policy.

#### **I. Deferment of special assessments.**

The Board may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older or who is retired by virtue of permanent and total disability, and the Town Clerk is hereby authorized to record the deferment of special assessments where the following conditions are met:

- A. The applicant must apply for the deferment not later than 90 days after the assessment is adopted by the council.
- B. The applicant must be 65 years of age or older or retired by virtue of permanent and total disability for whom it would be a hardship to make the payments; or owned by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in MINN. STAT. 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.
- C. The applicant must be the owner of the property.
- D. The applicant must occupy the property.
- E. The average annual payment for all assessments levied against the subject property exceeds one percent of the adjusted gross income of the applicant as evidenced by the applicant’s most recent federal income tax return. The average annual payment of an assessment shall be the total cost of the assessment divided by the number of years over which it is spread.

**II. Length of Deferment.**

The deferment shall be granted for as long a period of time as the hardship exists and the conditions as aforementioned have been met. However, it shall be the duty of the applicant to notify the Town Clerk of any change in his/her status that would affect eligibility for deferment.

**III. Accrual of Interest.**

During the deferment of the special assessments, the assessments shall accrue interest at the same rate set forth in the Special Assessment Roll certified to the County.

**IV. Payment of Deferred Assessment.**

The entire amount of deferred special assessments shall be due within 60 days after loss of eligibility by the applicant. If the special assessment is not paid within 60 days, the town treasurer shall add interest thereto at the rate set forth in the original Assessment Roll certified at the County from the due date through December 31 of the following year, and the total amount of principal and interest shall be certified to the county auditor for collection with taxes the following year. If at the time of loss of eligibility there are years remaining on the term of the initial assessment, the applicant may request that the Town Clerk certify to the County Auditor for collection the unpaid special assessment and any accrued interest, which shall be payable in equal installments over the remaining years of the initial assessment term.

**V. Loss of Deferment.**

The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:

- A. The death of the owner when there is no spouse who is eligible for deferment.
- B. The sale, transfer or subdivision of all or any part of the property.
- C. Loss of homestead status on the property.
- D. Determination by the Board for any reason that there would be no hardship to require immediate or partial payment.
- E. Completion of active service in the National Guard or other military reserves as defined in MINN. STAT. 190.05, subdivision 5b or 5c.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2009.

BY THE TOWN BOARD

ATTEST

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Town Clerk