



## Legislation Text

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**File #:** Ord 21-49, **Version:** 1

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Amending Chapter 62 of the Administrative Code to clarify hardship deferral language and other language clarification.

WHEREAS, per Minnesota Statutes, Section 435.193, any county, statutory or home rule charter city, or town, making a special assessment may, at its discretion, defer the payment of that assessment for any homesteaded property under certain conditions; and

WHEREAS, in order for a city to allow such deferral, it must "adopt an ordinance or resolution establishing standards and guidelines for determining the existence of a hardship and for determining the existence of a disability; and

WHEREAS, the City has adopted such a process for assessments levied under Saint Paul Legislative Code Chapter 64; and

WHEREAS, the City is seeking to create consistent procedures for assessment processes; and

WHEREAS, the city wishes to authorize hardship deferral of assessments levied under Chapter 62, as authorized under Minnesota Statutes, Sections 435.193 to 435.195, except for those fees that are due on an annual basis; now, therefore,

The City of Saint Paul does ordain, that Saint Paul Administrative Code Chapter 62, is hereby amended to read as follows:

### SECTION 1

Section 62.04. is hereby amended to read as follows:

Sec. 62.04. - Assessment procedure.

Any service charge levied or imposed under this chapter shall will be payable in one (1) single installment or, if the charge is not paid when due, said charge shall will be collected in the following manner.

- (a) *Resolution approving total, setting date for public hearing.* In the event that street maintenance services costs are not paid as ordered in the invoice, the matter shall will be referred to the ~~division of~~ real estate section to be collected as assessments. The office of financial services, real estate section shall will notify the city council of the amounts owed by individual properties for street maintenance services including the addresses of the individual properties, and the street maintenance services provided, and the amount to be assessed. ~~All amounts owed shall bear interest at a rate as determined by the city's "pool rate", as set by the treasury manager at the time the assessment is ratified by the city council plus a factor to cover the city's cost as determined by the city's real estate manager and treasury manager. Upon receipt thereof, the council shall by resolution fix a date for public hearing at which time the council shall consider adopting and levying the street maintenance services costs. The date of the public hearing shall be at least twenty (20) days after the adoption of said resolution.~~

1. In addition to the report, the real estate section will prepare a proposed assessment roll which sets forth the recommended amount to be assessed against each property, which proposed assessment roll will be maintained on file and be open to public inspection in the real estate section.
2. Upon receipt thereof, the council will by resolution fix a date for public hearing at which time the council will consider adopting and levying the street maintenance services costs. The date of the public hearing will be at least twenty (20) days after the adoption of said resolution.

(b) *Notice of council hearing.* Following the adoption of the resolution provided in paragraph (a) above, the ~~division of real estate section shall~~ will publish a notice of the hearing in the official newspaper of the city ~~and to all property owners to be assessed~~ at least five (5) days two (2) weeks prior to the public hearing. ~~The notice shall will state the following: date, time and place of hearing, the purpose of the hearing, and identify the services provided and the property to be assessed.~~

1. The date, time, and place of the public hearing;
2. The property to be assessed;
3. The purpose of the hearing including the street maintenance services provided that are subject to the proposed assessment and the amount of the proposed assessment for each individual property;
4. That the full assessment roll is on file with the City Clerk;
5. That adoption by the council of the proposed assessment may be taken at the hearing;
6. That written or oral objections to the assessment by any property owner will be considered;
7. A notice of the right to appeal the assessment to district court and the procedure that will apply to such appeal;
8. That no appeal may be taken as to the amount of any assessment, unless a written objection signed by the affected property owner is filed with the City Clerk prior to the assessment hearing or presented to the Council at the hearing.
9. Except for those assessments levied under this chapter that are due on an annual basis, a notice of the provisions of Minnesota Statutes, Section 435.193-195, and that the assessment may be eligible for a hardship deferral as set forth in Section 64.07 of the Saint Paul Administrative Code; and
10. A notice of the right to prepay the assessment, the person to whom prepayment must be made, whether partial prepayment is authorized, the time within which prepayment may be made without the assessment of interest, and the rate of interest to be accrued if the assessment is not prepaid within the required time period.

c. All amounts owed will bear interest at a rate as determined by the city's "pool rate", as set by the treasury manager at the time the assessment is ratified by the city council. For assessments for mill and overlay and seal coating, a flat fee will be charged to cover the city's costs related to the assessment as determined by the real estate manager and treasury manager. For all other assessments, an additional interest factor will be charged to cover the city's costs related to the assessment as determined by the real estate manager and treasury manager.

(c) *Notice to owner and interested parties.* ~~At least ten (10) days before the hearing, notice thereof shall~~ will be sent. ~~Such notice shall will~~ inform the recipient of the notice:

- ~~(1) Of the procedures he or she must follow under state law or the charter in order to appeal the assessments to the district court; and~~
- ~~(2) Of the provisions of Minnesota Statutes, Sections 435.193 to 435.195, and the existence of any deferment procedure established pursuant thereto.~~

(d) *Public hearing; adoption of assessment roll.* On the date of the public hearing, the council ~~shall~~ will meet to consider the adoption of the proposed street maintenance services costs. The council ~~shall~~ will

hear all interested parties concerning the proposed costs. At such meeting or at any adjournment thereof, the council may amend the proposed street maintenance services costs, and ~~shall~~ will, by resolution, adopt the street maintenance services costs as a special assessment against the properties benefited by the street maintenance services. Special assessments levied hereunder ~~shall~~ will be payable in a single or up to ten (10) annual installments as the council ~~shall~~ will designate.

- (e) *Certification to county for collection with taxes.* After adoption by resolution of the street maintenance services costs and assessment rates therefore, the office of financial services, real estate section ~~shall~~ will transmit to the county department of property ~~taxation~~ tax, records and election services to be extended on the proper tax list of the county and collected the following year along with current taxes.
- (f) *Alternative procedure.* The city at its option may exercise the powers and follow the procedures provided under either Saint Paul City Charter chapter 14, or Minnesota Statutes, Chapter 429, as the council may designate. Any notice provided under this statute ~~shall~~ will clearly state the applicable procedures.

## SECTION 2

This Ordinance will take effect and be in force thirty (30) days following its passage, approval and publication.