



## Legislation Text

**File #:** Ord 21-46, **Version:** 1

Amending Chapter 60 of the Administrative Code to clarify hardship deferral language.

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; and

WHEREAS, this law requires that in order to defer such assessments, cities must pass an ordinance or resolution, to permit deferral of special assessments for persons owning and homesteading property who are sixty-five (65) years of age or older; or retired by virtue of a permanent and total disability, or who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, for whom it would be a hardship to make payments on special assessments levied upon said homesteaded property; and

WHEREAS, the City adopted an ordinance pursuant to Minnesota Statutes, Section 435.193, Saint Paul Administrative Code Chapter 64, which states any person sixty-five (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 the payments, owning and homesteading property, and which person meets the qualifications of hardship as defined herein, may defer certain assessments; and

WHEREAS, the Council now desires to add military persons to its eligibility list and to clarify the procedures to be followed and the types of assessments that are eligible for deferral, leaving unchanged the definition of hardship; and

WHEREAS, the Council is amending a number of ordinances to clarify which assessments qualify for hardship deferral now, therefore,

The City of Saint Paul does ordain, that Administrative Code Chapter 60 is hereby amended to read as follows:

### SECTION 1

Section 60.03. is hereby amended to read as follows:

Sec. 60.03. - Assessment Procedure.

1. (a) *Resolution approving total, setting date for public hearing.* In the event that property services costs are not paid as ordered in the invoice, the matter ~~shall~~ will be referred to the ~~division of real estate section~~ The division of real estate section ~~shall~~ will notify the city council of the amounts owed by individual properties for property services including the addresses of the individual properties and the property services provided to each individual property, the property services provided, and the amount to be assessed. ~~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 property services costs. The date of the public hearing shall be at least twenty (20) days after the adoption of said resolution.~~ 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 property service 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 a daily 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 property 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 in the case of unpaid fees for coordinated trash collection, nuisance abatements or other assessments imposed under Chapter 40 or Chapter 45, of the provisions for deferred assessments under Minnesota Statutes, Sections 435.193 to 435.195, and that the procedure, property service fees defined in this chapter are eligible for deferral pursuant to the requirements outlined in St. Paul Legislative Code Chapter 64.07; 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) *Notice to owner and interested parties, if applicable.* At least ten (10) days before the hearing, notice thereof shall will be sent. Such notice shall and inform the recipient of the notice:

- (1) Of the procedures he or she must follow under the charter in order to appeal the assessments to the district court; and

(2c) Except in the case of unpaid fees for coordinated trash collection, of the provisions for deferred assessments under Minnesota Statutes, Sections 435.193 to 435.195, and that the procedure property service fees defined in this chapter are eligible for deferral pursuant to the requirements outlined in St. Paul Legislative Code Chapter 64.07. This provision does not apply to nuisance abatements or other assessments imposed under Chapter 40 or Chapter 45, or to any other assessments unless expressly permitted by the authorizing ordinance.

(d) *Public hearing; adoption of assessment roll.* On the date of the public hearing, the council ~~shall meet to~~ will consider the adoption of the proposed property 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 property services costs, and ~~shall,~~ by resolution, adopt the property services costs as a special assessment against the properties which utilized the property services. Special assessments levied hereunder ~~shall be~~ are payable in a single installment.

- (e) For assessments for unpaid fees for coordinated trash collection 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 and as approved by the council in the resolution adopting the assessment roll. 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.
- (f) *Certification to county for collection with taxes.* After adoption by resolution of the property services costs and assessment rates therefore, the city clerk ~~shall~~ will transmit a certified copy of said resolution to the county department of property taxation to be extended on the proper tax list of the county and collected the following year along with current taxes.
- (g) *Appeal.* ~~Within twenty (20) days after adoption of the resolution adopting the property services costs, any person aggrieved may appeal to the district court in the manner set forth in chapter 14 of the City Charter.~~

## SECTION 2

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