

Introduced Merkes  
Date: 12/16/97  
Hearing: 1/20/98  
Action: Defeated  
Vote: 0 Yes, 7 No, 2 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-78**

**AN ORDINANCE AMENDING KP.B 5.35 ALLOWING FOR  
A HARDSHIP DEFERMENT OF A UTILITY SPECIAL ASSESSMENT  
DISTRICT INSTALLMENT PAYMENT**

**WHEREAS,** the voters have approved the power for the borough to form special assessment districts for the provision of utility services; and

**WHEREAS,** the borough has formed and continues to form utility special assessment districts (USADs); and

**WHEREAS,** the property within USADs is pledged as security for payment of assessments; and

**WHEREAS,** foreclosure is the remedy for failure to pay the assessment; and

**WHEREAS,** foreclosure is a harsh result for nonpayment of an assessment, which often is a small monetary amount in relation to the value of the property assessed;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That a new section KP.B 5.35.165 shall be added to the code to read as follows:

**5.35.165 Deferred payment.**

A property owner within a special assessment district may request that an installment payment for a special assessment be deferred up to a two-year period due to financial hardship. The applicant for deferred payment shall complete a deferment application form provided by the finance department and provide information regarding applicant's assets and income as required by the finance director in order to determine whether the applicant is qualified for a deferment. The next installment payment following the deferred payment may also be deferred upon application for not more than one year. The total length of time for deferment may not exceed two consecutive years from the date the initial deferment was granted. The applicant may request deferment for two consecutive installment payments with a single application. Interest and penalty will accrue while the property is in deferment status, however, no foreclosure action will be taken. Each parcel within a special assessment district may be subject of a deferment application. The applicant must be current in their prior annual assessment payments at the time the applicant requests the deferment for an upcoming payment.

**SECTION 2.** That this ordinance shall take effect immediately upon enactment.

**FAILED TO BE ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA  
BOROUGH THIS 20TH DAY OF JANUARY, 1997.**

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Jack E. Brown, Assembly President

ATTEST:

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Linda S. Murphy, Borough Clerk