

Roscommon Township Ordinance
Township Special Assessment Hardship Deferment Ordinance
Adopted February 3, 2015; Effective February 3, 2015

AN ORDINANCE TO DEFINE HARDSHIP; TO PERMIT DEFERMENT OF SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS; TO PROVIDE FOR A LIEN ON PROPERTY SUBJECT TO DEFERMENT; AND TO PROVIDE FOR TERMINATION OF DEFERMENT AND PAYMENT OF ACCRUED ASSESSMENTS.

THE TOWNSHIP OF ROSCOMMON, COUNTY OF ROSCOMMON ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the “Township Special Assessment Hardship Deferment Ordinance.”

Section 2. Authority. Pursuant to Section 9a of 1954 P.A. 188, as amended, the Township Board shall, in accordance with the provisions of this Ordinance, have authority to permit by reason of hardship the partial or total deferment of payment of special assessments imposed under said Act for the following types of improvements:

- a. The construction, improvement, and maintenance of storm or sanitary sewers or the improvement and maintenance of, but not the construction of new or expanded, combined storm and sanitary sewer systems.
- b. The construction, improvement, and maintenance of water systems.
- c. The construction, improvement, and maintenance of public roads.
- d. The construction, maintenance, and improvement of bicycle paths.
- e. The construction, maintenance, and improvement of erosion control structures or dikes.
- f. The construction, improvement, and maintenance of a lake, pond, river, stream, lagoon, or other body of water or of an improvement to the body of water. This subdivision includes, but is not limited to, dredging.

Section 3. Definitions. The following words or terms when used herein shall be deemed to have the meaning set forth below:

- a. “Hardship” refers to a condition in which the combined income of all owners of a Principal Residence meet the federal poverty income guidelines updated periodically in the Federal Registry by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).
- b. “Principal Residence” means principal residence or qualified agricultural property as those terms are defined in MCL 211.7dd.
- c. “Income” means the sum of federal adjusted gross income as defined in the Internal Revenue Code plus all income specifically excluded or exempt from the computations of the federal adjusted gross income except that a deduction for a carry back or carryover of a net operating loss shall not exceed federal modified taxable income as defined in section 172 (b) (2) of the Internal Revenue Code. The term does not include the first \$300.00 of gifts in cash or kind from nongovernmental sources or the first \$300.00 received from awards, prizes, lottery, bingo, or other gambling winnings. Income does not include surplus foods, relief in kind supplied by a governmental agency, payments or credits under this act, any governmental grant that has to be used by the claimant for rehabilitation of the Primary Residence, amounts deducted from monthly social security or railroad retirement benefits for Medicare premiums, or contributions by an employer to life, accident, or health insurance plans. Income does not include energy assistance grants and energy assistance tax credits. A person who is enrolled in an accident or health insurance plan may deduct from income the amount the person has paid in premiums in the tax year for that insurance plan for the person’s family.

Section 4. Applications for Hardship.

- a. Applications for a hardship deferment shall be made on a form approved by the Township Board and shall be filed, fully completed, with the Township Assessor not less than 60 days prior to the due date of the annual installment of the special assessment payment for which deferment is requested. An application shall be signed under oath in

the presence of the Township Assessor or his or her designee(s) by each party having a fee, life estate, or land contract vendee or subcontract vendee interest in the subject property.

- b. All applicants must submit with the application copies of the following documents:
 1. The applicant(s)'s most recently filed Federal Income Tax Return—1040 or 1040A, if applicable.
 2. The applicant(s)'s most recently filed State Income Tax Return—MI-1040, if applicable.
 3. The applicant(s)'s most recently filed Homestead Property Tax Claim—MI-1040CR, if filed.
 4. Proof of the applicant(s)'s ownership of the subject property (e.g., copy of deed, land contract).

Section 5. Determination of Hardship Deferment.

- a. To be eligible for consideration of a special assessment hardship deferment, an applicant(s) must at a minimum satisfy both of the following:
 1. The applicant(s) must have a fee, life estate, land contract or subcontract vendee interest in the subject property and use the property as a primary residence.
 2. The gross household income of the applicant(s), as reported on the applicant(s) tax returns from the previous tax year, shall not exceed the threshold amounts of the federal poverty guidelines for the year in which the application is submitted, which are updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).
- b. Hardship deferment applications shall be reviewed by the Township Board and, after due deliberation, the Township Board shall determine whether there has been an adequate showing of financial hardship.
 1. The Township Assessor shall notify the applicant(s) in writing of the time and date of the Township Board meeting at which the Township Board will first consider the applications(s) and invite the applicant(s) to be present at the meeting. The notice shall be delivered in person or mailed by first class mail to the applicant(s) not less than seven days prior to the date of the Township Board meeting. Any applicant present may be required to answer pertinent questions of the Township Board at such time and shall be allowed to make any relevant comments or statements to the Township Board the applicant may wish to submit at the meeting.
 2. The Township Board may require the applicant(s):
 - i. To be physically present at a Township Board meeting to answer any questions of the Township Board; and
 - ii. To provide any additional information that the Township Board reasonably deems necessary for a determination of the applicant(s)'s financial status.
- c. The Township Board shall consider, in addition to the gross household income of the applicant(s), all revenue and nonrevenue producing assets of the applicant(s) in determining whether relief shall be granted. Applicants will be evaluated based on data submitted to the Township Board by the applicants and on information gathered from any other source by the Township Board.

Section 6. Deferment.

- a. Any deferment granted by the Township shall be for the current annual special assessment installment only.
- b. In the event that the Township Board makes a finding of hardship justifying deferment, the Township Board shall fix the amount of partial or total deferment of the special assessment and, in doing so, shall require an annual filing of financial status by each applicant, providing that upon a material change in the financial status of the applicant, the applicant shall immediately notify the Township Supervisor so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

1. A change in the financial status of any applicant that removes the basis for a financial hardship;
 2. A conveyance of any interest in the premises by any of the applicants, including execution of a new security interest in the premises or an extension thereof; or
 3. A death of any of the applicants.
- c. As a condition of granting a partial or total hardship deferment hereunder, the Township Board shall require that the owners of the premises shall, within one month after the Board's determination of hardship, execute and deliver to the Township as the secured party, a recordable security instrument in a form satisfactory to the Township covering the premises, and such other documents as are deemed necessary by the Township Board to secure payment of an amount necessary to cover the deferred special assessment.

Section 7. Lien. Any deferred assessment shall constitute a lien against the subject property until paid. The lien, if not paid when due, shall be collectible in the same manner as delinquent special assessment by placement on the township annual tax roll.

Section 8. Termination of Deferment; Collection. Upon termination of the deferment of a special assessment pursuant to Section 6, the deferred payments shall become immediately due and payable. Payment shall include interest computed for the period of deferment at the rate set in the resolution confirming the related special assessment roll.

Section 9. Repeal, Savings Clause. All ordinances, resolution or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 10. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 11. Publication and Recordation. This Ordinance shall be published in full in the Houghton Lake Resorter, a newspaper of general circulation in the Township of Roscommon, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

Section 12. Effective Date. This Ordinance shall be effective upon its adoption.

Clerk's Certification

I do hereby certify that the Township Special Assessment Hardship Deferment Ordinance was adopted at the regular meeting of the Roscommon Township Board on February 3, 2015. The Ordinance was published once in the Houghton Lake Resorter, a newspaper of general circulation in the Township on February 19, 2015, and shall take effect immediately. The vote was as follows:

Motion by Nielsen, support by Milburn, to adopt the Application for One Year Financial Hardship Deferral of Special Assessment with the 2015 Federal Poverty Guidelines as established. All yes motion carried.

Mary Ann Hose: yes
Treasurer

Carie Milburn: yes
Trustee

Barbara J. Stevenson: yes
Clerk

Diane F. Randall: yes
Supervisor

Steve Nielsen: yes
Trustee

Ss/Barbara J. Stevenson, Clerk
Roscommon Township

