

**NEW BUFFALO TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

HARDSHIP DEFERMENT ORDINANCE

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 TO PROVIDE FOR TERMINATION OF DEFERMENT AND PAYMENT OF ACCRUED ASSESSMENTS.

THE TOWNSHIP OF NEW BUFFALO ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

- (a) “Hardship” refers to a condition in which the combined income of all owners of a Homestead meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
- (b) “Homestead” means a dwelling or a unit in a multiple unit dwelling, owned and unoccupied real property owned by the person. Homestead includes a dwelling and an outbuilding used in connection with a dwelling, situated on the lands of another.
- (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 beginning with the 1988 tax year, 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 homestead, 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.
- (d) “Owner” means a natural person who owns or is purchasing a Homestead under a mortgage or land contract or who owns a dwelling situated on the leased lands of another or is a tenant stockholder of a cooperative housing corporation.

Section 2. Deferment for Hardship Property. The payment of special assessments assessed and due and payable on a Homestead in any year in which the Owner(s) meets the Hardship condition of this Ordinance shall be deferred, upon the request of the Owner(s) until 1 year after the Owner's death, subject to further ordered by the probate court, or until the Homestead or any part thereof is conveyed or transferred to another or a contract to sell is executed or until a request for termination is filed by the Owner(s).

Section 3. Lien. Any deferred assessment shall constitute a lien against the Homestead until paid.

Section 4. Termination of Deferment; Collection. Upon termination of the deferment of a special assessment pursuant to Section 2., 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 5. 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 6. 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 7. Publication and Recordation. This Ordinance shall be published in full in the New Buffalo Times, a newspaper of general circulation in the Township of New Buffalo 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 8. Effective Date. This Ordinance shall be effective upon its adoption.

Adopted and signed this 15th day of May, 1995