

**ORDINANCE PROVIDING FOR THE DEFERMENT OF HONOR HEIGHTS
SANITARY SEWER ASSESSMENT**

BE IT ORDAINED by the Town Council of the Town of Plainville in meeting duly assembled that, pursuant to the Charter of the Town of Plainville and Section 7-253a of the Connecticut General Statutes, as amended the following Ordinance is adopted:

Chapter 332. Sewers

Article IV. Deferment of Honor Heights Sanitary Sewer Assessment

§ 332-15. Purpose.

The purpose of this Ordinance is to assist eligible elderly or disabled homeowners with payment of their sewer assessment per a Notice of Assessment dated February 5, 2024 (the “Assessment”) pertaining to the installation of new sanitary sewer infrastructure in the Honor Heights neighborhood, which includes: Provencher Drive, Hull Drive, D’Amico Drive, Hittleman Court, Washburn Drive, Shepard Lane, Casciello Drive, and Robidoux Road.

Pursuant to Section 7-253a of the Connecticut General Statutes the Town grants a deferred payment plan for eligible residents of the Town on the terms and conditions hereinafter provided.

§ 332-16. Effective Date of Deferment.

The deferred payments shall commence with the payment due on May 1, 2024, and thereafter for a period of 10 years, at two percent (2%) interest.

§ 332-17. Eligibility.

The following criteria shall be met to be eligible for a deferred payment plan:

- a) Applicants are either (a) sixty-five (65) years of age or over at the close of the preceding calendar year, or whose spouses living with them are sixty-five (65) years of age or over at the close of the preceding calendar year or sixty (60) years of age or over and the surviving spouse of a taxpayer qualified under this Ordinance at the time of his or her death, with respect to real property on which such applicants or their spouses are liable for said Assessment, or (b) under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social

Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits thereunder, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security;

- b) Applicants have been taxpayers of the Town for one (1) year immediately preceding their receipt of a deferment under this Ordinance.
- c) The levels of qualifying income for the deferment under this Ordinance shall be those set out in Sec. 811 and Sec. 12-170aa of the Connecticut General Statutes adjusted annually as provided for in said General Statutes.
- d) Applicants use the real property as their principal residence which is defined as having used the residence for not less than 184 days during each calendar year.

§ 332-18. Applications.

- a) Applicants shall provide to the Designee of the Town such information required to determine eligibility including but not limited to most recent federal tax returns or other proof of income, and complete such applications as provided by the said Designee.
- b) Initial applications, together with such information required to determine eligibility for tax relief, shall be presented to said Designee by May 15, 2024. Thereafter, applicants shall file biennially for continued deferment under this Ordinance.

§ 332-19. Determination of Eligibility for Deferment and Termination.

- a) The Designee shall review applications and information provided by applicants seeking deferment under this Ordinance. The Designee shall determine the eligibility of applicants no later than June 1 of each year and notify the Applicant.
- b) Applicants who are determined eligible for deferment under this Ordinance shall be allowed to pay the Assessment pursuant to the terms of the deferment provided they continue to meet eligibility requirements.

c) In the event the real property of a qualified applicant is sold, assigned, granted, or conveyed during the fiscal year when deferred payments are applicable, regardless of whether such transfer, assignment, grant, or conveyance was voluntary or involuntary, the deferred payments shall cease. The grantee shall be required within a period not exceeding ten (10) days immediately following the date of such conveyance to notify the Designee, or in the absence of such notice, upon determination by the Designee that such conveyance has occurred, the Designee shall within ten (10) days thereafter, mail or otherwise deliver a notice to the grantee stating the amount needed to pay the amount of any outstanding Assessment.

§ 332-20. Lien Rights.

The Town shall establish a lien on such property pursuant to C.G.S. § 7-253a, by recording a Certificate of Notice of Deferred Payment of Assessment of Benefits as provided by said Statute.

§ 332-21. No Conflict with State Statutes.

This Ordinance shall not be construed to conflict with any state statute, rule or regulation.

§ 332-22. Severability.

The provisions of this Ordinance are declared to be severable, and the invalidity of any portion thereof shall not affect the validity of the remainder.

§ 332-23. Effective Date.

This Amendment shall take effect after passage and publication.

Adopted by the Town Council March 4, 2024

Published March 8, 2024

Effective April 7, 2024