



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** May 19, 2022

Staff Contact: Hope Sullivan, AICP, Community Development Director

Agenda Title: For Possible Action: Discussion and possible action regarding Hardship Determinations related to the Fiscal Year ("FY") 2023 South Carson Neighborhood Improvement District ("SCNID") assessment for applicants meeting the required conditions, and whether to direct the City Engineer to postpone the assessment for any approved Hardship Determination applicants in accordance with NRS 271.360. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Board of Supervisors adopted Ordinance No. 2021-8 establishing the SCNID for the purpose of paying a portion of the cost of ongoing maintenance of the South Carson Complete Streets Project. The Board of Supervisors must consider applications for Hardship Determinations before ratifying the annual SCNID assessment roll. Property owners whose annual income is less than 50% of the median Carson City area annual income qualify for a Hardship Determination. Property owners approved for a Hardship Determination may have their SCNID assessment deferred in accordance with NRS 271.360 and the NRS Chapter 271 Hardship Determination Policy and Procedures adopted by the Board of Supervisors.

Agenda Action: Formal Action / Motion **Time Requested:** 5 minutes

Proposed Motion

[If a qualifying Hardship Determination application is received]: I move to approve the Hardship Determination(s) for the property owner(s) of APN(s) _____.

Board's Strategic Goal

Economic Development

Previous Action

April 21, 2022 - The Board of Supervisors adopted a resolution estimating the cost to be paid by the SCNID assessment and the assessment roll for FY 2023 for the purpose of paying for maintenance of the South Carson Complete Streets Project, fixing the time and place to hear protests regarding the assessment for May 19, 2022, and directing staff to provide notice of the public hearing.

Background/Issues & Analysis

The Board of Supervisors established the SCNID on June 17, 2021 to assess property owners to help pay for the ongoing maintenance of the South Carson Complete Streets Project improvements. NRS Chapter 271 provides for the annual procedures for implementing a NID assessment. The associated items on this agenda include the required actions to implement the annual assessment of properties within the SCNID. Notification of the SCNID assessment, the procedures for applying for Hardship Determination, and procedures for making complaints, protests and objections were sent out to each property owner within the SCNID. As of May 5, 2022, when this staff report was submitted, no applications for Hardship Determination were received.

For questions regarding this item, please contact Hope Sullivan, Community Development Director, at 283-7922 or hsullivan@carson.org.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 271; Board of Supervisors' NRS Chapter 271 Hardship Determination Policy and Procedures

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: SCNID Special Assessment account 2370083-415100.

Is it currently budgeted? Yes

Explanation of Fiscal Impact: The approval of a hardship will result in the postponement of payment of the assessment by the property owner.

Alternatives

If no qualifying applications for Hardship Determinations are presented, no action is required.

Attachments:

[NIDHardshipDeterminationPo.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)



POLICY AND PROCEDURE

**SUBJECT:
NRS CHAPTER 271 HARDSHIP DETERMINATION**

1.0 PURPOSE:

The purpose of this policy is to establish a procedure to allow a person whose property is included within the boundaries of an improvement or assessment district to apply for a hardship determination pursuant to the provisions of NRS Chapter 271.

2.0 APPLICABILITY:

This policy applies to the Downtown NID (Neighborhood Improvement District) and any subsequent NID created for the purposes of maintaining corridor improvements or any other purpose allowed by NRS Chapter 271.

3.0 POLICIES AND PROCEDURES:

3.1 Eligibility. Any person whose property is included within the boundaries of an improvement district may apply for a Hardship Determination.

3.2 Procedure.

3.2.1 A person who wishes to apply for a Hardship Determination (“applicant”) must file an application with the Carson City Human Services Department (“Department”), located at 900 E. Long Street, Carson City, Nevada, 89706, no later than three days prior to the hearing on the assessment roll for the NID. The application must be made on the form provided by the Department. The standards of eligibility to be applied by the Department in evaluating whether an applicant qualifies for a hardship determination include the following: the applicant must have property located within the NID and the applicant must have an income equal to or less than 50% of the area median income for Carson City, adjusted for household size, as determined by the United States Department of Housing and Urban Development.

3.2.2 After reviewing an application for a Hardship Determination, the Department shall submit a recommendation of approval or denial to the Board of Supervisors.

- 3.2.3 Before ratifying an assessment roll, the Board of Supervisors shall consider all applications for Hardship Determination, the Department's recommendations thereon, and make a final decision on each application consistent with the policies and standards of eligibility established by this policy. The Board of Supervisors shall direct the City Engineer to postpone an assessment in accordance with this policy for property identified in an application for a Hardship Determination which has been approved.
- 3.2.4 An applicant whose application for a Hardship Determination has been approved by the Board of Supervisors must apply for a renewal of the Hardship Determination every five years after the Board of Supervisors has approved the applicant's initial application unless the City has reason to believe a change in circumstances exists with respect to the applicant, in which case the Department may require the applicant to reapply for a Hardship Determination sooner than five years, but in no event may the Department or Board of Supervisors require an applicant to reapply for a Hardship Determination more than once per year. Applications for a renewal of Hardship Determination will be treated in the same or similar manner as an initial application for a Hardship Determination.

3.3 Postponement of Assessment.

- 3.3.1 An applicant whose application for a Hardship Determination has been approved by the Board of Supervisors shall pay the interest on the unpaid balance of the previous and current assessments at the same rate and terms as has been previously established by the Board of Supervisors for other assessments. The payment of such interest payments, including each installment thereof, is secured by a lien upon the applicant's property pursuant to NRS 271.420. The applicant's failure to make such interest payments shall entitle the City to proceed in accordance with NRS 271.545 through 271.630, including, but not limited to, instituting foreclosure proceedings against the applicant.
- 3.3.2 The assessment on property for which an application for a Hardship Determination has been approved by the Board of Supervisors will remain postponed until the earlier of any one or more of the following occurrences:
- a) The property is sold or transferred to a person other than the person to whom a Hardship Determination has been granted;
 - b) The term of the District's bonds expires, if applicable;
 - c) The applicant's application for renewal of the Hardship Determination has been denied by the Board of Supervisors;
 - d) The applicant fails to pay, in a timely manner, the interest on the unpaid balance of an assessment; or
 - e) The applicant pays all previous and current assessments.

Upon the occurrence of any of the first four items listed in this section, the applicant must begin paying off the balance of previous and current assessments and the interest thereon in no more than 20 semi-annual installments, or such lesser installments as may be specified by the Board of Supervisors, which may be prepaid at any time.

3.4 Other Provisions.

- 3.4.1 The Board of Supervisors shall not sell bonds on the basis of any assessments for which a Hardship Determination has been approved. The Surplus and Deficiency Fund ("Fund") to be established by resolution of the Board of Supervisors on or before an ordinance levying assessments is effective must be used for the payment of the costs of any projects assessed against property for which a Hardship Determination has been made. The Fund must be reimbursed when the balance of unpaid assessments are paid, including all interest paid during any applicant's period of postponement. If funds on deposit in the Fund are insufficient to pay the costs of any project assessed against property for which a Hardship Determination has been made, the Board of Supervisors shall not proceed with construction until funds have been made available to pay such costs.
- 3.4.2 All provisional order notices and notices of assessment hearings prepared by the City after the effective date of this ordinance must mention the availability of the City's Hardship Determination procedure. City officials, after the effective date of this policy, shall endeavor to make an effort to mention the City's Hardship Determination procedure whenever such official communicates in writing with property owners whose property will be assessed.
- 3.4.3 The officers of the City are hereby authorized and directed by the Board of Supervisors to take all action necessary or appropriate to effectuate the provisions of this policy.
- 3.4.4 If any section, paragraph, clause or other provision of this policy for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this policy.
- 3.4.5. This policy shall be in effect from and after its approval by the Board of Supervisors on June 2, 2016.