

REFERENCE TITLE: water and energy; improvement district.

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2742**

Introduced by  
Representative Sierra

AN ACT

AMENDING SECTIONS 11-496 AND 48-572, ARIZONA REVISED STATUTES; AMENDING  
TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7;  
RELATING TO SPECIAL TAXING DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-496, Arizona Revised Statutes, is amended to  
3 read:

4 11-496. Public records copy; proceeds of sale; agent duties;  
5 surcharge; special district assessments; deposit

6 A. In addition to the fee prescribed by section 39-121.01,  
7 subsection D, paragraph 1 or section 39-121.03, subsection A, the county  
8 treasurer may impose a surcharge of not more than twenty-five ~~per cent~~  
9 PERCENT of the fee charged for furnishing a copy, printout or photograph.

10 B. A county treasurer who is designated as a registrar pursuant to  
11 section 35-491 may impose a surcharge of not more than twenty-five ~~per~~  
12 ~~cent~~ PERCENT of the average fee charged by commercial bank trust  
13 departments during the previous calendar year for discharging registrar,  
14 transfer and paying agent duties.

15 C. The county treasurer may impose and collect a fee for expenses  
16 directly related to the collection of THE FOLLOWING:

17 1. Special assessments for a community facilities district pursuant  
18 to section 48-721. ~~and~~

19 2. SPECIAL ASSESSMENTS FOR a revitalization district pursuant to  
20 section 48-6815. ~~and for collecting~~

21 3. Municipal fire and emergency services fees from owners of record  
22 in certain areas of the county as prescribed in section 9-500.23.

23 4. SPECIAL ASSESSMENTS FOR A SPECIAL ASSESSMENT PROGRAM AS  
24 PRESCRIBED IN AN AGREEMENT ENTERED INTO PURSUANT TO SECTION 48-755.

25 D. The county treasurer shall deposit monies collected pursuant to  
26 this section in the taxpayers' information fund established by section  
27 11-495.

28 Sec. 2. Section 48-572, Arizona Revised Statutes, is amended to  
29 read:

30 48-572. Purposes for which public improvements may be  
31 undertaken; powers incidental to public  
32 improvements

33 A. When the public interest or convenience requires, the governing  
34 body of a municipality may:

35 1. Order the whole or any portion, either in length or width, of  
36 one or more of the streets of the municipality graded or regraded, paved  
37 or repaved, or otherwise improved or reimproved.

38 2. Order the construction, reconstruction or repair of any tunnel,  
39 subway, viaduct or conduit in, on, under or over any street, or land of  
40 the municipality or any land on, under or over which the municipality may  
41 have an easement or right-of-way therefor.

42 3. Order the construction or reconstruction of railroads,  
43 sidewalks, crosswalks, curbs, gutters, culverts, bridges, tunnels,  
44 siphons, manholes, steps, parkings and parkways and also pipes, hydrants  
45 and appliances for fire protection.

1           4. Order construction, reconstruction or acquisition of sewers,  
2 ditches, drains, conduits, pipelines and channels for sanitary and  
3 drainage purposes, or either or both, with outlets, cesspools, manholes,  
4 catch basins, flush tanks, septic tanks, connecting sewers, ditches,  
5 drains, conduits, channels and other appurtenances in, under, over or  
6 through any street, or any land of the municipality or any right-of-way  
7 granted or obtained for such purpose, either within or without the limits  
8 of the municipality.

9           5. Order construction, reconstruction or acquisition of waterworks,  
10 ditches, canals, channels, conduits, pipelines and siphons, together with  
11 the necessary or usual appurtenances for carrying ~~storm water~~ STORMWATER  
12 or water from irrigation ditches, watercourses, streams or springs into,  
13 through or out of the municipality, in, under, over or through any street,  
14 or any land of the municipality or any right-of-way granted or obtained  
15 for such purpose, either within or without the limits of the municipality.

16           6. Order construction, reconstruction or acquisition of breakwater  
17 levees or walls, docks, wharves, marinas, boat harbors and related  
18 facilities.

19           7. Order construction, reconstruction or acquisition of lighting  
20 plants and poles, wires, conduits, lamps, standards and other appliances  
21 for the purpose of lighting and beautifying the streets improved.

22           8. Order the whole or any portion of any off-street parking area  
23 and entrances thereto of the municipality graded or regraded, paved or  
24 repaved, or otherwise improved or reimproved, order lighting plants and  
25 poles, wires, conduits, lamps, standards, and other appliances for the  
26 purpose of lighting, landscaping and beautifying the streets or off-street  
27 parking areas and entrances thereto to be improved and order construction  
28 on such land of parking structures that may have any portion at, above or  
29 below grade. If in connection with any lot or parcel within a proposed  
30 assessment district adequate off-street parking facilities have been  
31 provided, such lot or parcel shall be excluded from the assessment  
32 district and shall not be assessed for such improvements if, within the  
33 time and in the manner provided in section 48-579, subsection C, the owner  
34 or owners file a written objection to the extent of the assessment  
35 district. For purposes of this paragraph in cities having a zoning code  
36 or ordinance, unless the off-street parking facilities provided meet or  
37 exceed the requirements of the zoning code or ordinance for a lot or  
38 parcel of that size in that zone, then such off-street parking facilities  
39 shall not be deemed adequate. In cities not having a zoning code or  
40 ordinance, the facilities provided shall not be deemed adequate unless  
41 parking space for one motor vehicle is provided for each three hundred  
42 square feet of floor space in the building served by such off-street  
43 parking site. If any lot or parcel within a proposed assessment district  
44 organized for improvements provided for in this paragraph is zoned and  
45 used exclusively for ~~single family~~ SINGLE-FAMILY residential purposes,

1 such lot or parcel shall be excluded from the assessment district and  
2 shall not be assessed for such improvements if, within the time and in the  
3 manner provided in section 48-579, subsection C, the owner or owners file  
4 a written objection to the extent of the assessment district.

5 9. Order the construction or reconstruction of any work incidental  
6 to or connected with the improvements set forth in this subsection.

7 10. Pursuant to section 48-622, and notwithstanding any other law,  
8 construct, acquire or improve a wastewater treatment facility, drinking  
9 water facility or nonpoint source project with monies borrowed from or  
10 financial assistance, including forgivable principal, provided by the  
11 water infrastructure finance authority of Arizona.

12 11. PURSUANT TO ARTICLE 7 OF THIS CHAPTER, PROVIDE FOR OR AUTHORIZE  
13 THE CONSTRUCTION, INSTALLATION OR MODIFICATION OF ENERGY EFFICIENCY  
14 IMPROVEMENTS, WATER CONSERVATION IMPROVEMENTS, RENEWABLE ENERGY  
15 IMPROVEMENTS OR RESILIENCY IMPROVEMENTS ON QUALIFYING PROPERTY THROUGH THE  
16 ESTABLISHMENT OF A C-PACE PROGRAM AS DEFINED IN SECTION 48-751.

17 B. In addition to all powers specifically granted by or reasonably  
18 inferred under ~~the provisions of~~ this article, cities and towns, acting  
19 through their governing bodies, may:

20 1. Join with other cities or towns, ~~or~~ any improvement district or  
21 sanitary district, ~~or the~~ THIS state, or any of its departments or  
22 agencies, OR the federal government or any of its departments, agencies or  
23 instrumentalities, in PROVIDING FOR OR AUTHORIZING the construction,  
24 operation or maintenance of improvements authorized by this section,  
25 INCLUDING BY ESTABLISHING A C-PACE PROGRAM AS DEFINED IN SECTION 48-751.  
26 THIS PARAGRAPH DOES NOT AUTHORIZE A CITY, TOWN OR COUNTY TO ENTER INTO A  
27 FINANCING AGREEMENT FOR THE DIRECT FINANCING OF A QUALIFYING IMPROVEMENT  
28 AS DEFINED IN SECTION 48-751.

29 2. Join with any other city, town, improvement district or sanitary  
30 district in improving streets running on or along the boundaries of the  
31 city or town and levy assessments or issue bonds for the proportionate  
32 part of the city or town of the cost of the improvement. A municipality  
33 that proposes to levy an assessment for the proportionate part of the ~~city~~  
34 ~~or town~~ COST OF THE IMPROVEMENT shall prepare a notice of intent to  
35 establish or increase the assessments pursuant to section 9-499.15,  
36 subsection B, paragraph 4.

37 3. Accept from ~~the~~ THIS state, ~~or~~ THE federal government, or any  
38 agency, department or instrumentality of either, grants for or in aid of  
39 the construction of any of the improvements provided by this article, and  
40 enter into contracts with this state, the federal government, or any  
41 agency, department or instrumentality of either or both, for the  
42 construction or supervision of construction by this state, the federal  
43 government, or any agency, department or instrumentality of either or  
44 both, of any such improvements, in accordance with the plans,  
45 specifications, rules and regulations of this state, the federal

1 government, or any agency, department or instrumentality of either or  
2 both, but reserving to the city or town the right to assess against the  
3 property benefited by the improvement, and located within the city or  
4 town, that portion of the cost of the improvement that does not qualify  
5 for aid under the state or federal grant.

6 Sec. 3. Title 48, chapter 4, Arizona Revised Statutes, is amended  
7 by adding article 7, to read:

8 ARTICLE 7. WATER CONSERVATION, ENERGY EFFICIENCY,  
9 RENEWABLE ENERGY AND RESILIENCY IMPROVEMENT DISTRICT

10 48-751. Definitions

11 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 1. "AUTHORIZING COUNTY" MEANS A COUNTY THAT FORMS A C-PACE PROGRAM  
13 PURSUANT TO THIS ARTICLE.

14 2. "AUTHORIZING MUNICIPALITY" MEANS A CITY OR TOWN THAT FORMS A  
15 C-PACE PROGRAM PURSUANT TO THIS ARTICLE.

16 3. "CAPITAL PROVIDER" MEANS A PRIVATE ENTITY OR ITS DESIGNEE,  
17 SUCCESSOR OR ASSIGN THAT FINANCES OR REFINANCES A QUALIFYING IMPROVEMENT  
18 PURSUANT TO THIS ARTICLE.

19 4. "ENERGY EFFICIENCY IMPROVEMENT" MEANS A DEVICE INTENDED TO  
20 DECREASE ENERGY CONSUMPTION OR DEMAND THROUGH THE USE OF EFFICIENCY  
21 TECHNOLOGIES, PRODUCTS OR ACTIVITIES THAT REDUCE OR SUPPORT THE REDUCTION  
22 OF ENERGY CONSUMPTION.

23 5. "FINANCING AGREEMENT" MEANS THE AGREEMENT UNDER WHICH A PRIVATE  
24 PROPERTY OWNER AGREES TO REPAY A CAPITAL PROVIDER FOR THE SPECIAL  
25 ASSESSMENT FINANCING, INCLUDING DETAILS OF FINANCE CHARGES, FEES, DEBT  
26 SERVICING, ACCRUAL OF INTEREST AND PENALTIES AND TERMS RELATING TO  
27 TREATMENT OF PREPAYMENT AND PARTIAL PAYMENT, OF THE SPECIAL ASSESSMENT  
28 FINANCING.

29 6. "GOVERNING BODY" MEANS THE BODY CONSTITUTED BY LAW TO BE THE  
30 LEGISLATIVE DEPARTMENT OF THE AUTHORIZING MUNICIPALITY OR AUTHORIZING  
31 COUNTY.

32 7. "LOCAL GOVERNMENT" MEANS AN AUTHORIZING MUNICIPALITY OR  
33 AUTHORIZING COUNTY.

34 8. "LOCAL PROGRAM AUTHORITY" MEANS AN OFFICIAL OR AGENCY DESIGNATED  
35 BY A LOCAL GOVERNMENT TO PERFORM CERTAIN OBLIGATIONS RELATED TO ENTERING  
36 INTO SPECIAL ASSESSMENT AGREEMENTS, IMPOSING SPECIAL ASSESSMENTS AND  
37 ENFORCEMENT AND COLLECTION OF SPECIAL ASSESSMENTS UNDER THIS ARTICLE.

38 9. "NOTICE OF ASSIGNMENT OF SPECIAL ASSESSMENT" MEANS A WRITTEN  
39 NOTICE IN THE FORM PRESCRIBED BY THE LOCAL GOVERNMENT FOR RECORDING IN  
40 CONNECTION WITH THE ASSIGNMENT OF A SPECIAL ASSESSMENT BY A LOCAL  
41 GOVERNMENT TO THE APPLICABLE CAPITAL PROVIDER AND EACH SUBSEQUENT  
42 ASSIGNMENT OF THE SPECIAL ASSESSMENT.

1           10. "NOTICE OF SPECIAL ASSESSMENT LIEN" MEANS A WRITTEN NOTICE OF A  
2 SPECIAL ASSESSMENT LIEN IN THE FORM PRESCRIBED BY THE LOCAL GOVERNMENT FOR  
3 RECORDING IN CONNECTION WITH THE EXECUTION OF A SPECIAL ASSESSMENT  
4 AGREEMENT.

5           11. "PROGRAM" OR "C-PACE PROGRAM" MEANS A SPECIAL ASSESSMENT  
6 PROGRAM THAT IS ESTABLISHED UNDER THIS ARTICLE.

7           12. "PROGRAM ADMINISTRATOR" MEANS AN OFFICIAL OR AGENCY DESIGNATED  
8 BY A LOCAL GOVERNMENT TO ADMINISTER A PROGRAM OR A PRIVATE AND INDEPENDENT  
9 THIRD PARTY DESIGNATED BY A LOCAL GOVERNMENT TO ADMINISTER A PROGRAM,  
10 PROVIDED THAT THE ADMINISTRATION PROCEDURES USED CONFORM TO THE  
11 REQUIREMENTS OF THIS ARTICLE.

12           13. "PROGRAM GUIDEBOOK" MEANS A COMPREHENSIVE DOCUMENT THAT  
13 ESTABLISHES APPROPRIATE GUIDELINES, SPECIFICATIONS, APPROVAL CRITERIA AND  
14 OTHER STANDARD FORMS CONSISTENT WITH ADMINISTERING A PROGRAM AND NOT  
15 DETAILED IN THIS CHAPTER, INCLUDING FORMS FOR A SPECIAL ASSESSMENT  
16 AGREEMENT, NOTICE OF SPECIAL ASSESSMENT LIEN, NOTICE OF ASSIGNMENT OF  
17 SPECIAL ASSESSMENT AND PROJECT APPLICATION.

18           14. "PROJECT APPLICATION" MEANS AN APPLICATION SUBMITTED TO A  
19 PROGRAM ADMINISTRATOR TO DEMONSTRATE THAT THE PROPOSED IMPROVEMENTS  
20 QUALIFY FOR SPECIAL ASSESSMENT FINANCING PURSUANT TO A PROGRAM.

21           15. "PROPERTY OWNER" MEANS THE OWNER LISTED ON A QUALIFYING  
22 PROPERTY'S LEGAL DOCUMENTS ON FILE IN THE COUNTY RECORDER'S OFFICE, THE  
23 OWNER OF AN IMPROVEMENT ON A POSSESSORY RIGHT OR THE OWNER OF AN ESTATE  
24 FOR YEARS CREATED PURSUANT TO A WRITTEN GROUND LEASE AGREEMENT, GOVERNMENT  
25 PROPERTY LEASE EXCISE TAX DEVELOPMENT AGREEMENT OR SIMILAR AGREEMENT WHOSE  
26 OWNER OF RECORD, INCLUDING THIS STATE OR ANY LOCAL GOVERNMENT IN ADDITION  
27 TO A PRIVATE ENTITY, CONSENTS IN WRITING TO A SPECIAL ASSESSMENT BEING  
28 LEVIED ON THE REAL PROPERTY UNDER THIS ARTICLE.

29           16. "QUALIFYING IMPROVEMENT" MEANS A PERMANENT AFFIXED ENERGY  
30 EFFICIENCY IMPROVEMENT, RENEWABLE ENERGY IMPROVEMENT, WATER CONSERVATION  
31 IMPROVEMENT OR RESILIENCY IMPROVEMENT INSTALLED ON REAL PROPERTY AS PART  
32 OF THE CONSTRUCTION OR RENOVATION OF THE PROPERTY.

33           17. "QUALIFYING PROPERTY" MEANS BOTH OF THE FOLLOWING:

34           (a) PRIVATELY OWNED COMMERCIAL, INDUSTRIAL OR AGRICULTURAL REAL  
35 PROPERTY OR MULTIFAMILY RESIDENTIAL REAL PROPERTY WITH FIVE OR MORE  
36 DWELLING UNITS, AN IMPROVEMENT ON A POSSESSORY RIGHT, PROPERTY OWNED BY A  
37 NONPROFIT OR TAX-EXEMPT ENTITY OTHER THAN A RESIDENTIAL PROPERTY WITH ONE  
38 TO FOUR DWELLINGS.

39           (b) REAL PROPERTY OWNED BY THIS STATE OR A LOCAL GOVERNMENTAL  
40 ENTITY BUT LEASED TO A PRIVATELY OWNED ENTITY OR REAL PROPERTY  
41 IMPROVEMENTS OWNED BY A PRIVATE PARTY PURSUANT TO A WRITTEN GROUND LEASE  
42 AGREEMENT, GOVERNMENT PROPERTY LEASE EXCISE TAX DEVELOPMENT AGREEMENT OR  
43 SIMILAR AGREEMENT WHOSE OWNER OF RECORD, INCLUDING THIS STATE OR ANY LOCAL  
44 GOVERNMENT IN ADDITION TO A PRIVATE ENTITY, CONSENTS IN WRITING TO A  
45 SPECIAL ASSESSMENT BEING LEVIED ON THE REAL PROPERTY UNDER THIS ARTICLE.

1 18. "REGION" MEANS THE GEOGRAPHICAL AREA WITHIN THE CORPORATE  
2 LIMITS OF A MUNICIPALITY, THE UNINCORPORATED AREA OF A COUNTY AND THE  
3 INCORPORATED AREAS OF A COUNTY WITH THE CONSENT OF AFFECTED  
4 MUNICIPALITIES.

5 19. "RENEWABLE ENERGY IMPROVEMENT" MEANS A DEVICE OR A GROUP OF  
6 PRODUCTS OR DEVICES THAT USE LOW OR ZERO CARBON EMISSIONS ENERGY  
7 TECHNOLOGY TO GENERATE ELECTRICITY, PROVIDE THERMAL ENERGY OR REGULATE  
8 TEMPERATURE.

9 20. "RESILIENCY IMPROVEMENT" MEANS IMPROVEMENTS OR BUILDING  
10 COMPONENTS THAT INCREASE THE RESILIENCE OF A QUALIFYING PROPERTY,  
11 INCLUDING AIR QUALITY, FLOOD MITIGATION, STORMWATER MANAGEMENT, ENERGY  
12 STORAGE AND MICROGRIDS, ALTERNATIVE VEHICLE CHARGING INFRASTRUCTURE, FIRE  
13 OR WIND RESISTANCE OR INUNDATION ADAPTATION.

14 21. "SPECIAL ASSESSMENT" MEANS A VOLUNTARY ASSESSMENT IMPOSED ON A  
15 QUALIFYING PROPERTY BY A LOCAL GOVERNMENT UNDER THIS ARTICLE AND A SPECIAL  
16 ASSESSMENT AGREEMENT FOR THE TOTAL AMOUNT OF SPECIAL ASSESSMENT FINANCING.

17 22. "SPECIAL ASSESSMENT AGREEMENT" MEANS A WRITTEN AGREEMENT  
18 BETWEEN THE APPLICABLE LOCAL GOVERNMENT AND THE PROPERTY OWNER IN THE FORM  
19 PRESCRIBED BY THE LOCAL GOVERNMENT SETTING FORTH THE TERMS AND CONDITIONS  
20 OF THE SPECIAL ASSESSMENT AND ALLOWING THE LOCAL GOVERNMENT TO IMPOSE A  
21 SPECIAL ASSESSMENT ON THE QUALIFYING PROPERTY TO REPAY THE SPECIAL  
22 ASSESSMENT FINANCING.

23 23. "SPECIAL ASSESSMENT FINANCING" MEANS FINANCING AND REFINANCING  
24 PROVIDED BY A CAPITAL PROVIDER PURSUANT TO A FINANCING AGREEMENT FOR  
25 QUALIFYING IMPROVEMENTS UNDER THIS ARTICLE.

26 24. "SPECIAL ASSESSMENT LIEN" MEANS A LIEN TO SECURE THE SPECIAL  
27 ASSESSMENT THAT REMAINS ON THE QUALIFYING PROPERTY UNTIL PAID IN FULL.

28 25. "TREASURER" MEANS THE PERSON OR OFFICIAL WHO PERFORMS THE  
29 DUTIES OF THE TREASURER OF A COUNTY IN WHICH A C-PACE PROGRAM IS  
30 ESTABLISHED.

31 26. "WATER CONSERVATION IMPROVEMENT" MEANS MEASURES, EQUIPMENT OR  
32 DEVICES THAT DECREASE THE CONSUMPTION OF OR DEMAND FOR WATER, ADDRESS SAFE  
33 DRINKING WATER OR ELIMINATE LEAD FROM WATER USED FOR DRINKING OR COOKING.

34 48-752. Establishing a program

35 A. TO ESTABLISH A PROGRAM, A GOVERNING BODY MUST ADOPT A RESOLUTION  
36 OR ORDINANCE TO ESTABLISH THE PROGRAM.

37 B. BEFORE ADOPTING A RESOLUTION OR ORDINANCE TO ESTABLISH A  
38 PROGRAM, A GOVERNING BODY SHALL HOLD A PUBLIC HEARING TO CONSIDER  
39 ESTABLISHING THE PROGRAM.

40 C. THE RESOLUTION OR ORDINANCE TO ESTABLISH THE PROGRAM SHALL  
41 INCLUDE:

42 1. A STATEMENT THAT THE FINANCING OF QUALIFYING IMPROVEMENTS,  
43 REPAYED BY SPECIAL ASSESSMENTS, IS IN THE INTEREST OF THE PUBLIC HEALTH,  
44 SAFETY AND WELFARE.

1           2. A STATEMENT THAT THE LOCAL GOVERNMENT INTENDS TO AUTHORIZE  
2 DIRECT FINANCING BETWEEN PROPERTY OWNERS AND CAPITAL PROVIDERS AS THE  
3 MEANS TO FINANCE QUALIFYING IMPROVEMENTS.

4           3. A STATEMENT THAT THE LOCAL GOVERNMENT INTENDS TO AUTHORIZE  
5 SPECIAL ASSESSMENTS, ENTERED INTO VOLUNTARILY BY A PROPERTY OWNER WITH THE  
6 LOCAL GOVERNMENT BY MEANS OF A WRITTEN SPECIAL ASSESSMENT AGREEMENT, AS  
7 THE MEANS TO REPAY THE SPECIAL ASSESSMENT FINANCING.

8           4. A DESCRIPTION OF THE LOCAL GOVERNMENT'S PROCEDURES FOR BILLING  
9 AND COLLECTION OF SPECIAL ASSESSMENTS, INCLUDING WHETHER A PROGRAM  
10 ADMINISTRATOR OR CAPITAL PROVIDER IS RESPONSIBLE FOR BILLING AND  
11 COLLECTION THE SPECIAL ASSESSMENT.

12           5. A STATEMENT THAT THE ENFORCEMENT METHOD FOR A DELINQUENT SPECIAL  
13 ASSESSMENT IS THE PROCEDURE PRESCRIBED BY SECTION 48-755.

14           6. A STATEMENT IDENTIFYING, AUTHORIZING AND DIRECTING THE LOCAL  
15 PROGRAM AUTHORITY TO DO THE FOLLOWING:

16           (a) EXECUTE SPECIAL ASSESSMENT AGREEMENTS AND OTHER DOCUMENTS ON  
17 BEHALF OF THE LOCAL GOVERNMENT RELATED TO PROJECT APPLICATIONS APPROVED BY  
18 THE PROGRAM ADMINISTRATOR PURSUANT TO THIS ARTICLE.

19           (b) BILL AND COLLECT SPECIAL ASSESSMENT INSTALLMENTS UNLESS  
20 OTHERWISE DELEGATED.

21           (c) ENFORCE DELINQUENT SPECIAL ASSESSMENTS IN THE MANNER SET FORTH  
22 IN SECTIONS 48-601 THROUGH 48-607, INCLUDING ISSUING DEEDS IN THE SAME  
23 MANNER THAT A SUPERINTENDENT MAY ISSUE SUCH DEEDS.

24           (d) UNDERTAKE ANY OTHER OBLIGATIONS THAT THE LOCAL GOVERNMENT  
25 ASSIGNS TO THE LOCAL PROGRAM AUTHORITY.

26           7. AN INCORPORATION BY REFERENCE OF THE PROGRAM GUIDEBOOK AND  
27 PROVISION AUTHORIZING THE PROGRAM GUIDEBOOK TO BE AMENDED BY THE LOCAL  
28 GOVERNMENT.

29           8. A DESCRIPTION OF THE TYPES OF QUALIFYING IMPROVEMENTS THAT MAY  
30 BE SUBJECT TO SPECIAL ASSESSMENTS.

31           9. A DESCRIPTION OF THE BOUNDARIES OF THE REGION IN WHICH  
32 QUALIFYING PROPERTY OWNERS MAY FINANCE QUALIFYING IMPROVEMENTS.

33           10. A DESCRIPTION OF PROPOSED ARRANGEMENTS FOR THE ADMINISTRATION  
34 OF THE PROGRAM.

35           D. A PROGRAM MAY BE AMENDED IN ACCORDANCE WITH THE RESOLUTION OR  
36 ORDINANCE THAT ESTABLISHES THE PROGRAM.

37           48-753. Special assessment agreements; application; financing  
38 agreement; fees

39           A. LOCAL PROGRAM AUTHORITIES MAY ENTER INTO SPECIAL ASSESSMENT  
40 AGREEMENTS WITH PROPERTY OWNERS TO SECURE SPECIAL ASSESSMENT FINANCING  
41 UNDER THIS ARTICLE. BEFORE ENTERING INTO A SPECIAL ASSESSMENT AGREEMENT,  
42 A PROPERTY OWNER SHALL SUBMIT A PROJECT APPLICATION TO THE PROGRAM  
43 ADMINISTRATOR ON A FORM PRESCRIBED BY THE PROGRAM GUIDEBOOK. THE  
44 APPLICATION SHALL INCLUDE:

45           1. FOR AN EXISTING QUALIFYING PROPERTY EITHER:



1 (a) WHERE ENERGY EFFICIENCY IMPROVEMENTS, WATER CONSERVATION  
2 IMPROVEMENTS OR RENEWABLE ENERGY IMPROVEMENTS ARE PROPOSED, CERTIFICATION  
3 BY A LICENSED PROFESSIONAL ENGINEER OR OTHER PROFESSIONAL LISTED IN THE  
4 PROGRAM GUIDEBOOK STATING THAT THE PROPOSED IMPROVEMENTS WILL RESULT IN  
5 EITHER A MORE EFFICIENT USE OR THE CONSERVATION OF ENERGY OR WATER, THE  
6 REDUCTION OF GREENHOUSE GAS EMISSIONS OR THE ADDITION OF RENEWABLE SOURCES  
7 OF ENERGY OR WATER.

8 (b) WHERE RESILIENCY IMPROVEMENTS ARE PROPOSED, CERTIFICATION BY A  
9 LICENSED PROFESSIONAL ENGINEER STATING THAT THE QUALIFIED IMPROVEMENTS  
10 WILL RESULT IN IMPROVED RESILIENCE.

11 2. FOR CONSTRUCTION OF A NEW QUALIFYING PROPERTY, CERTIFICATION BY  
12 A LICENSED PROFESSIONAL ENGINEER STATING THAT THE PROPOSED IMPROVEMENTS  
13 WILL ENABLE THE PROPERTY TO EXCEED THE ENERGY EFFICIENCY, WATER  
14 CONSERVATION, RENEWABLE ENERGY OR RESILIENCE REQUIREMENTS OF THE  
15 APPLICABLE BUILDING CODES.

16 3. CERTIFICATION THAT THE PERSON REQUESTING THE PROPOSED QUALIFYING  
17 IMPROVEMENTS IS THE PROPERTY OWNER AND THAT THERE ARE NO DELINQUENT TAXES  
18 OR ASSESSMENTS ON THE PROPERTY.

19 4. THE NAME OF THE CAPITAL PROVIDER PROVIDING THE SPECIAL  
20 ASSESSMENT FINANCING AND THE PROPOSED TERMS OF THE FINANCING AGREEMENT,  
21 INCLUDING:

22 (a) THE SPECIAL ASSESSMENT FINANCING AMOUNT.

23 (b) THE INTEREST RATE.

24 (c) THE ADMINISTRATIVE FEES PAID TO THE LOCAL GOVERNMENT.

25 (d) A SCHEDULE OF THE SPECIAL ASSESSMENT INSTALLMENTS.

26 (e) THE NUMBER OF YEARS THE SPECIAL ASSESSMENT SHALL BE IMPOSED ON  
27 THE PROPERTY.

28 (f) THE DELINQUENT INTEREST RATE OR PENALTIES.

29 (g) THE CONDITIONS BY WHICH THE PROPERTY OWNER MAY PREPAY AND  
30 PERMANENTLY SATISFY THE DEBT OWED PURSUANT TO THE FINANCING AGREEMENT AND  
31 REMOVE THE SPECIAL ASSESSMENT LIEN FROM THE PROPERTY.

32 5. WRITTEN CONSENT FROM ANY HOLDER OF A LIEN, MORTGAGE OR SECURITY  
33 INTEREST IN THE QUALIFYING PROPERTY THAT THE PROPERTY MAY PARTICIPATE IN  
34 THE PROGRAM AND THAT THE SPECIAL ASSESSMENT LIEN SHALL HAVE PRIORITY  
35 SUPERIOR TO ALL LIENS, CLAIMS AND TITLES EXCEPT FOR GENERAL PROPERTY TAXES  
36 AND PRIOR SPECIAL ASSESSMENTS.

37 B. BEFORE ENTERING INTO A SPECIAL ASSESSMENT AGREEMENT, THE LOCAL  
38 PROGRAM AUTHORITY SHALL RECEIVE FROM THE PROGRAM ADMINISTRATOR  
39 CERTIFICATION THAT THE PROPOSED IMPROVEMENTS, QUALIFYING PROPERTY AND  
40 PROPERTY OWNER QUALIFY FOR SPECIAL ASSESSMENT FINANCING PURSUANT TO THE  
41 PROGRAM.

42 C. SPECIAL ASSESSMENT FINANCING SHALL BE PROVIDED BY CAPITAL  
43 PROVIDERS AND DISBURSED DIRECTLY BY CAPITAL PROVIDERS TO FUND QUALIFYING  
44 IMPROVEMENTS SUBJECT TO A FINANCING AGREEMENT.

1 D. A FINANCING AGREEMENT SHALL SPECIFY THAT, NOTWITHSTANDING THE  
2 OBLIGATION OF THE LOCAL GOVERNMENT OR TREASURER PURSUANT TO SECTION 48-755  
3 TO REMIT A SPECIAL ASSESSMENT INSTALLMENT RECEIVED FROM A PROPERTY OWNER  
4 TO THE APPLICABLE CAPITAL PROVIDER, THE LOCAL GOVERNMENT OR TREASURER IS  
5 NOT LIABLE IN ANY WAY FOR THE DEBT OF THE PROPERTY OWNER, IS NOT A  
6 THIRD-PARTY OBLIGOR AND IS NOT PLEDGING OR LENDING CREDIT TO THE PROPERTY  
7 OWNER OR THE CAPITAL PROVIDER.

8 E. COSTS CAPITALIZED INTO THE SPECIAL ASSESSMENT FINANCING  
9 PRINCIPAL AMOUNT MAY INCLUDE:

- 10 1. THE COST OF MATERIALS AND LABOR NECESSARY FOR INSTALLATION OR  
11 MODIFICATION OF A QUALIFYING IMPROVEMENT.  
12 2. PERMIT FEES.  
13 3. INSPECTION FEES.  
14 4. CAPITAL PROVIDER'S FEES.  
15 5. PROGRAM ADMINISTRATIVE FEES.  
16 6. PROJECT DEVELOPMENT AND ENGINEERING FEES.  
17 7. THIRD-PARTY REVIEW FEES  
18 8. VERIFICATION REVIEW FEES.  
19 9. CAPITALIZED INTEREST.  
20 10. INTEREST RESERVES.  
21 11. ESCROW FOR PREPAID PROPERTY TAXES AND INSURANCE.  
22 12. ANY OTHER FEES OR COSTS THAT MAY BE INCURRED BY THE PROPERTY  
23 OWNER THAT ARE INCIDENT TO THE INSTALLATION, MODIFICATION OR CONSTRUCTION  
24 OF A QUALIFYING IMPROVEMENT ON A SPECIFIC OR PRO RATA BASIS.

25 F. A FINANCING AGREEMENT MAY AUTHORIZE THE PROPERTY OWNER TO  
26 DIRECTLY PURCHASE THE RELATED EQUIPMENT AND MATERIALS FOR THE INSTALLATION  
27 OR MODIFICATION OF A QUALIFIED IMPROVEMENT OR CONTRACT DIRECTLY, INCLUDING  
28 THROUGH LEASE, POWER PURCHASE AGREEMENT OR OTHER SERVICE CONTRACT, FOR  
29 INSTALLING OR MODIFYING A QUALIFIED IMPROVEMENT.

30 G. NOTWITHSTANDING AMOUNTS RETAINED BY A LOCAL GOVERNMENT OR  
31 TREASURER PURSUANT TO SECTION 48-755, A LOCAL GOVERNMENT OR PROGRAM  
32 ADMINISTRATOR MAY CHARGE PROGRAM ADMINISTRATIVE FEES THAT SHALL REFLECT  
33 THE REASONABLE COSTS OF THE LOCAL GOVERNMENT OR PROGRAM ADMINISTRATOR TO  
34 PROVIDE ADMINISTRATIVE SERVICES UNDER THIS SECTION FOR THE PROGRAM BUT MAY  
35 NOT EXCEED THE LESSER OF ONE PERCENT OF THE PRINCIPAL AMOUNT OF THE  
36 SPECIAL ASSESSMENT FINANCING OR \$50,000.

37 48-754. Special assessment; imposition; amount; collection;  
38 lien

39 A. ON ENTERING INTO A SPECIAL ASSESSMENT AGREEMENT, THE LOCAL  
40 PROGRAM AUTHORITY SHALL RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN ON THE  
41 SUBJECT PROPERTY IN THE COUNTY RECORDER'S OFFICE OF THE COUNTY IN WHICH  
42 THE PROPERTY IS LOCATED.

43 B. THE RECORDING OF THE NOTICE OF SPECIAL ASSESSMENT LIEN PURSUANT  
44 TO SUBSECTION A OF THIS SECTION SHALL INCLUDE ALL OF THE FOLLOWING:

- 45 1. THE LEGAL DESCRIPTION OF THE PROPERTY.

- 1           2. THE COUNTY ASSESSOR'S PARCEL NUMBER OF THE PROPERTY.
- 2           3. THE NAME OF EACH PROPERTY OWNER.
- 3           4. THE DATE ON WHICH THE SPECIAL ASSESSMENT LIEN WAS CREATED.
- 4           5. THE PRINCIPAL AMOUNT OF THE SPECIAL ASSESSMENT LIEN.
- 5           6. THE TERM OF THE SPECIAL ASSESSMENT LIEN.
- 6           7. A COPY OF THE SPECIAL ASSESSMENT AGREEMENT.
- 7           C. A SPECIAL ASSESSMENT LIEN IS EFFECTIVE FOR THE PERIOD IN WHICH
- 8 THE SPECIAL ASSESSMENT IS IMPOSED AND HAS PRIORITY SUPERIOR TO ALL LIENS,
- 9 CLAIMS AND TITLES EXCEPT FOR GENERAL PROPERTY TAXES AND PRIOR SPECIAL
- 10 ASSESSMENTS.
- 11           D. A SPECIAL ASSESSMENT LIEN RUNS WITH THE LAND, AND THAT PORTION
- 12 OF THE SPECIAL ASSESSMENT LIEN THAT HAS NOT YET BECOME DUE IS NOT
- 13 ACCELERATED OR ELIMINATED BY FORECLOSURE OF THE SPECIAL ASSESSMENT LIEN OR
- 14 ANY LIEN FOR TAXES OR OTHER ASSESSMENTS IMPOSED BY THIS STATE OR A LOCAL
- 15 GOVERNMENT OR DISTRICT AGAINST THE PROPERTY ON WHICH THE SPECIAL
- 16 ASSESSMENT LIEN IS IMPOSED, THE FORECLOSURE OF THE QUALIFYING PROPERTY OR
- 17 THE BANKRUPTCY OR INSOLVENCY OF THE PROPERTY OWNER.
- 18           E. ON RECORDING THE NOTICE OF SPECIAL ASSESSMENT LIEN, THE LOCAL
- 19 PROGRAM AUTHORITY SHALL EXECUTE AND RECORD A NOTICE OF ASSIGNMENT OF
- 20 SPECIAL ASSESSMENT FROM THE LOCAL GOVERNMENT TO THE APPLICABLE CAPITAL
- 21 PROVIDER ON THE SUBJECT PROPERTY IN THE COUNTY RECORDER'S OFFICE OF THE
- 22 COUNTY IN WHICH THE PROPERTY IS LOCATED. THE NOTICE OF ASSIGNMENT OF
- 23 SPECIAL ASSESSMENT SHALL CONTAIN ALL OF THE FOLLOWING:
- 24           1. THE LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE SPECIAL
- 25 ASSESSMENT LIEN.
- 26           2. THE COUNTY ASSESSOR'S PARCEL NUMBER OF THE PROPERTY.
- 27           3. THE GRANTOR'S NAME, WHICH IS THE LOCAL GOVERNMENT IMPOSING THE
- 28 SPECIAL ASSESSMENT LIEN.
- 29           4. THE GRANTEE'S NAME, WHICH IS THE APPLICABLE CAPITAL PROVIDER AND
- 30 THE CAPITAL PROVIDER'S SUCCESSORS AND ASSIGNS.
- 31           5. THE DATE ON WHICH THE NOTICE OF ASSIGNMENT OF SPECIAL ASSESSMENT
- 32 WAS CREATED.
- 33           6. THE AMOUNT AND TERMS OF THE SPECIAL ASSESSMENT ASSIGNED.
- 34           F. ON EXECUTION OF A NOTICE OF ASSIGNMENT OF SPECIAL ASSESSMENT,
- 35 THE APPLICABLE CAPITAL PROVIDER SHALL HAVE AND POSSESS THE DELEGABLE
- 36 POWERS AND RIGHTS AT LAW OR IN EQUITY AS THE LOCAL GOVERNMENT WOULD HAVE
- 37 IF THE SPECIAL ASSESSMENT HAD NOT BEEN ASSIGNED WITH REGARD TO:
- 38           1. THE PRECEDENCE AND PRIORITY OF THE SPECIAL ASSESSMENT LIEN.
- 39           2. THE PROCEEDS OF SPECIAL ASSESSMENT INSTALLMENTS.
- 40           3. ACCRUAL OF PENALTIES AND FEES RELATED TO THE SPECIAL ASSESSMENT.
- 41           G. THE ASSIGNEE OF A SPECIAL ASSESSMENT ENFORCED BY THE LOCAL
- 42 GOVERNMENT PURSUANT TO SECTION 48-755, SUBSECTION E HAS THE RIGHT TO
- 43 ENFORCE THE SPECIAL ASSESSMENT AND SPECIAL ASSESSMENT LIEN PURSUANT TO
- 44 SECTION 48-755, SUBSECTION E, PARAGRAPH 5.

1 H. WHEN THE UNDERLYING SPECIAL ASSESSMENT FINANCING HAS BEEN  
2 SATISFIED, THE APPLICABLE CAPITAL PROVIDER SHALL NOTIFY THE LOCAL PROGRAM  
3 AUTHORITY AND THE LOCAL PROGRAM AUTHORITY SHALL RECORD A RELEASE OF THE  
4 SPECIAL ASSESSMENT LIEN BY THE LOCAL GOVERNMENT.

5 48-755. Special assessment; collection; enforcement

6 A. SPECIAL ASSESSMENTS SHALL BE COLLECTED IN INSTALLMENTS AT SUCH  
7 TIMES AND PURSUANT TO THE TERMS OF THE SPECIAL ASSESSMENT AGREEMENT.

8 B. SPECIAL ASSESSMENTS INSTALLMENTS DUE UNDER THIS ARTICLE SHALL BE  
9 BILLED AND COLLECTED AS FOLLOWS:

10 1. THE LOCAL PROGRAM AUTHORITY SHALL EITHER DIRECTLY OR THROUGH THE  
11 PROGRAM ADMINISTRATOR BILL AND COLLECT THE SPECIAL ASSESSMENT INSTALLMENTS  
12 OR SHALL DELEGATE THE BILLING AND COLLECTION OF SPECIAL ASSESSMENT  
13 INSTALLMENTS TO THE CAPITAL PROVIDER.

14 2. SPECIAL ASSESSMENT INSTALLMENTS COLLECTED OR RECEIVED BY THE  
15 LOCAL PROGRAM AUTHORITY OR PROGRAM ADMINISTRATOR SHALL BE HELD IN A  
16 SEGREGATED ACCOUNT AND REMITTED TO THE APPLICABLE CAPITAL PROVIDER.

17 3. DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS SHALL INCUR INTEREST  
18 AND PENALTIES AS SPECIFIED IN THE FINANCING AGREEMENT AND AS SET FORTH IN  
19 SECTION 48-605.

20 4. NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION:

21 (a) THE LOCAL GOVERNMENT AND THE TREASURER OF THE COUNTY IN WHICH  
22 THE PROGRAM REGION IS LOCATED MAY VOLUNTARILY ENTER INTO AN AGREEMENT FOR  
23 THE TREASURER TO COLLECT SPECIAL ASSESSMENT INSTALLMENTS IMPOSED BY THE  
24 LOCAL GOVERNMENT IN THE MANNER AND BY THE OFFICERS AS PROVIDED BY LAW FOR  
25 THE COLLECTION AND ENFORCEMENT OF GENERAL TAXES.

26 (b) THE LOCAL GOVERNMENT AND THE TREASURER MAY PROVIDE BY SUCH  
27 AGREEMENT FOR THE PAYMENT OF THE COUNTY TREASURER'S COLLECTION EXPENSES  
28 DIRECTLY RELATED TO THE LEVY OF SPECIAL ASSESSMENT INSTALLMENTS AND, IF SO  
29 PROVIDED, THE LEVY OF THE SPECIAL ASSESSMENT INSTALLMENTS MUST INCLUDE  
30 ADDITIONAL AMOUNTS ADDED TO THE SPECIAL ASSESSMENT INSTALLMENT AMOUNTS FOR  
31 COMPENSATION OF THE TREASURER THAT SHALL BE DIRECTLY RELATED TO THE ACTUAL  
32 EXPENSES OF COLLECTION. THE COMPENSATION RECEIVED BY THE COUNTY TREASURER  
33 PURSUANT TO THE AGREEMENT SHALL BE GOVERNED BY SECTION 11-496.

34 (c) SPECIAL ASSESSMENT INSTALLMENTS COLLECTED BY THE TREASURER  
35 PURSUANT TO THIS PARAGRAPH SHALL BE REMITTED TO THE LOCAL PROGRAM  
36 AUTHORITY AND SHALL THEN BE REMITTED TO THE APPLICABLE CAPITAL PROVIDER.

37 (d) A DELINQUENT SPECIAL ASSESSMENT INSTALLMENT COLLECTED BY THE  
38 TREASURER PURSUANT TO THIS PARAGRAPH SHALL INCUR INTEREST AND PENALTIES IN  
39 THE SAME MANNER AS GENERAL PROPERTY TAXES AND SHALL BE RETAINED BY THE  
40 TREASURER, NOTWITHSTANDING THAT INTEREST AND PENALTIES SPECIFIED IN THE  
41 FINANCING AGREEMENT RELATED TO A DELINQUENT SPECIAL ASSESSMENT INSTALLMENT  
42 MAY BE CERTIFIED BY THE LOCAL PROGRAM AUTHORITY TO THE TREASURER AND SHALL  
43 BE ADDED TO THE SUBSEQUENT ANNUAL SPECIAL ASSESSMENT INSTALLMENT AND  
44 COLLECTED ON THE SUBSEQUENT ANNUAL SPECIAL ASSESSMENT INSTALLMENT FOR THE  
45 BENEFIT OF THE CAPITAL PROVIDER.

1 C. IF A PROGRAM ADMINISTRATOR OR CAPITAL PROVIDER IS BILLING AND  
2 COLLECTING SPECIAL ASSESSMENT INSTALLMENTS PURSUANT TO SUBSECTION B,  
3 PARAGRAPH 1 OF THIS SECTION, IN THE EVENT OF A NONPAYMENT OF A SPECIAL  
4 ASSESSMENT INSTALLMENT, THE APPLICABLE COLLECTOR, ON OR BEFORE THE DATE OF  
5 THE YEAR REQUIRED BY THE SPECIAL ASSESSMENT AGREEMENT, SHALL SUBMIT A  
6 REPORT IN WRITING TO THE LOCAL PROGRAM AUTHORITY. THE REPORT SHALL  
7 INCLUDE:

8 1. A STATEMENT THAT THE REPORT CONTAINS A TRUE AND CORRECT LIST OF  
9 DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS THAT THE COLLECTOR HAS NOT  
10 RECEIVED.

11 2. AN ITEMIZATION OF THE AMOUNT OF THE DELINQUENT ASSESSMENT  
12 INSTALLMENTS, INCLUDING INTEREST AND PENALTIES, IF APPLICABLE.

13 D. THE REPORT REQUIRED BY SUBSECTION C OF THIS SECTION IS PRIMA  
14 FACIE EVIDENCE THAT ALL REQUIREMENTS IN RELATION TO MAKING THE REPORT HAVE  
15 BEEN SATISFIED AND THAT THE SPECIAL ASSESSMENT INSTALLMENTS AND INTEREST  
16 AND PENALTIES ON DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS ARE DUE AND  
17 UNPAID.

18 E. ON RECEIPT OF THE REPORT REQUIRED BY SUBSECTION C OF THIS  
19 SECTION BY A LOCAL PROGRAM AUTHORITY, AND EXCEPT AS OTHERWISE PROVIDED IN  
20 AN AGREEMENT BETWEEN THE LOCAL GOVERNMENT AND THE TREASURER PURSUANT TO  
21 SUBSECTION B, PARAGRAPH 4 OF THIS SECTION, THE PROCEDURES FOR COLLECTING  
22 DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS, SALE OF PROPERTY SUBJECT TO A  
23 DELINQUENT SPECIAL ASSESSMENT AND ISSUANCE AND EFFECT OF THE DEED  
24 PRESCRIBED BY SECTIONS 48-601, 48-602, 48-603, 48-604, 48-605, 48-606 AND  
25 48-607 APPLY, AS NEARLY AS PRACTICABLE, EXCEPT THAT:

26 1. THE PROVISIONS OF SECTIONS 48-601, 48-602, 48-603, 48-604,  
27 48-605, 48-606 AND 48-607 APPLY SOLELY TO THE DELINQUENT SPECIAL  
28 ASSESSMENT INSTALLMENT, RELATED INTEREST, PENALTIES AND FEES AND NOT TO  
29 THE WHOLE AMOUNT OF THE SPECIAL ASSESSMENT.

30 2. A DEED CONVEYED PURSUANT TO SECTIONS 48-601, 48-602, 48-603,  
31 48-604, 48-605, 48-606 AND 48-607 SHALL CONVEY TITLE TO THE PROPERTY  
32 DESCRIBED IN THE DEED FREE AND CLEAR OF ALL INTERESTS AND LIENS, EXCEPT  
33 FOR THE LIEN FOR GENERAL PROPERTY TAXES AND PRIOR SPECIAL ASSESSMENTS,  
34 INCLUDING THE UNPAID PORTION OF THE SPECIAL ASSESSMENT IMPOSED UNDER THIS  
35 ARTICLE.

36 3. IF THERE IS NO PURCHASER FOR ANY PROPERTY OFFERED FOR SALE, THE  
37 LOCAL PROGRAM AUTHORITY MAY FIRST OFFER THE DEED TO THE APPLICABLE CAPITAL  
38 PROVIDER IF ALL OUTSTANDING TAXES AND PRIOR ASSESSMENTS ARE PAID BY THE  
39 CAPITAL PROVIDER OR, PURSUANT TO SECTION 48-603, IT SHALL BE STRUCK OFF TO  
40 THE MUNICIPALITY IN WHICH THE PROPERTY IS LOCATED AS THE PURCHASER.  
41 NOTWITHSTANDING THE FOREGOING, THE MUNICIPALITY IS NOT BE OBLIGATED TO PAY  
42 DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS AND SUCH UNPAID SPECIAL  
43 ASSESSMENT INSTALLMENTS SHALL ACCRUE AND BE PAID TO THE APPLICABLE CAPITAL  
44 PROVIDER ON THE SALE OF THE PROPERTY.

1           4. ALL PROCEEDS OF A SALE OF THE PROPERTY OR PURCHASE OF A DEED  
2 PURSUANT TO THIS SECTION RELATED TO A DELINQUENT SPECIAL ASSESSMENT  
3 INSTALLMENT SHALL BE REMITTED TO THE APPLICABLE CAPITAL PROVIDER, EXCEPT  
4 THE LOCAL GOVERNMENT SHALL RETAIN THE ACTUAL AND REASONABLE COSTS THE  
5 LOCAL PROGRAM AUTHORITY INCURRED TO ENFORCE A DELINQUENT SPECIAL  
6 ASSESSMENT INSTALLMENT.

7           5. IF THE LOCAL PROGRAM AUTHORITY FAILS TO PERFORM, THE CAPITAL  
8 PROVIDER MAY PROCEED TO COMPEL ENFORCEMENT THROUGH ANY REMEDY ESTABLISHED  
9 BY LAW OR COMMON LAW REMEDY AVAILABLE WITHOUT BEING REQUIRED TO FOLLOW  
10 SECTION 11-622 OR 12-821.01.

11           48-756. Program administration

12           A. A LOCAL GOVERNMENT, IF AUTHORIZED PURSUANT TO A RESOLUTION OR  
13 ORDINANCE ADOPTED UNDER THIS ARTICLE, MAY ENTER INTO AN AGREEMENT WITH  
14 ANOTHER LOCAL GOVERNMENT FOR PURPOSES OF ADMINISTERING A PROGRAM PURSUANT  
15 TO SECTION 11-952.

16           B. AN AUTHORIZING COUNTY MAY ENTER INTO AN INTERGOVERNMENTAL  
17 AGREEMENT WITH AN AUTHORIZING MUNICIPALITY FOR THE PURPOSES OF  
18 ADMINISTERING A PROGRAM, CONSISTENT WITH SECTION 9-461.11, SUBSECTION E.