

REFERENCE TITLE: water and energy; improvement district

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2646

Introduced by
Representatives Hernandez C: Hernandez A, Quiñonez

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. "C-PACE PROGRAM" OR "PROGRAM" MEANS A SPECIAL ASSESSMENT PROGRAM
20 THAT IS ESTABLISHED PURSUANT TO THIS ARTICLE.

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

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

31 7. "GOVERNING BODY" MEANS THE BODY OR BOARD THAT BY LAW CONSTITUTED
32 AS THE LEGISLATIVE DEPARTMENT OF THE AUTHORIZING MUNICIPALITY OR
33 AUTHORIZING COUNTY.

34 8. "LOCAL GOVERNMENT" MEANS AN AUTHORIZING MUNICIPALITY OR
35 AUTHORIZING COUNTY.

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

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

1 11. "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 12. "PROGRAM ADMINISTRATOR" MEANS AN OFFICIAL OR AGENCY DESIGNATED
6 BY A LOCAL GOVERNMENT TO ADMINISTER A C-PACE PROGRAM OR A PRIVATE AND
7 INDEPENDENT THIRD PARTY DESIGNATED BY A LOCAL GOVERNMENT TO ADMINISTER A
8 PROGRAM, PROVIDED THAT THE ADMINISTRATION PROCEDURES USED CONFORM TO THE
9 REQUIREMENTS OF THIS ARTICLE.

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

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

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

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

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

32 (a) PRIVATELY OWNED COMMERCIAL, INDUSTRIAL OR AGRICULTURAL REAL
33 PROPERTY OR MULTIFAMILY RESIDENTIAL REAL PROPERTY WITH FIVE OR MORE
34 DWELLING UNITS, AN IMPROVEMENT ON A POSSESSORY RIGHT, PROPERTY OWNED BY A
35 NONPROFIT OR TAX-EXEMPT ENTITY OTHER THAN A RESIDENTIAL PROPERTY WITH NOT
36 MORE THAN FOUR DWELLINGS.

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

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

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

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

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

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

35 48-752. C-pace program; establishment

36 A. TO ESTABLISH A C-PACE PROGRAM, A GOVERNING BODY MUST ADOPT A
37 RESOLUTION OR ORDINANCE TO ESTABLISH THE PROGRAM.

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

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

43 1. A STATEMENT THAT THE FINANCING OF QUALIFYING IMPROVEMENTS,
44 REPAYED BY SPECIAL ASSESSMENTS, IS IN THE INTEREST OF THE PUBLIC HEALTH,
45 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 COLLECTING SPECIAL ASSESSMENTS, INCLUDING WHETHER A PROGRAM
10 ADMINISTRATOR OR CAPITAL PROVIDER IS RESPONSIBLE FOR BILLING AND
11 COLLECTING 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; project application;
38 financing agreement; fees

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

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:

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

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.