

RESOLUTION NO. 2021-07

**A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FOR CERTAIN ECONOMIC HARDSHIPS AS DESCRIBED IN EXHIBIT "A".**

**WHEREAS**, the Ferguson Township Board of Supervisors adopted Ordinance #1066 on February 16, 2021 establishing a Stormwater Management Utility Fee for all property owners in Ferguson Township; and

**WHEREAS**, the intention of the ordinance and fee is to offset the direct and indirect costs of stormwater management in Ferguson Township; and

**WHEREAS**, the Board of Supervisors is desirous of establishing a partial and full exemption process for individuals and families who demonstrate an economic hardship as described in the attached policy; and

**NOW THEREFORE**, the Ferguson Township Board of Supervisors hereby establishes a full and partial exemption process from the Stormwater Management Utility Fee for individuals and families who demonstrate and economic hardship as described in the policy attached hereto and made part of this Resolution as Exhibit "A".

**RESOLVED** this 16th day of February, 2021.

**TOWNSHIP OF FERGUSON**

By: \_\_\_\_\_

Laura Dininni, Chair  
Board of Supervisors

[SEAL]

ATTEST:

\_\_\_\_\_  
David G. Pribulka, Secretary

## **Exhibit "A"**

### **Ferguson Township Stormwater Management Utility Fee Economic Hardship Policy Adopted: February 16, 2021 Amended: \_\_\_\_\_**

#### **Purpose**

The Ferguson Township Board of Supervisors enacted Ordinance #1066 on February 16, 2021, establishing a Stormwater Management Utility Fee for the purposes of funding the Township's obligation to maintain its stormwater management infrastructure; complying with state and federal permit requirements; and to more equitably assess all property owners in accordance with each property's total impervious area. This policy is intended to provide an opportunity for individuals and families whose earnings are equal to or less than the established federal poverty guideline as described below to receive a full exemption from the stormwater management utility fee applicable to their property.

#### **Policy**

- 1) It shall be the policy of the Township to provide a full (100%) exemption to individuals and families who earn less than or equal to two hundred percent (200%) of the Federal Poverty Income Level by household size as defined by the United States Department of Health and Human Services. A fifty percent (50%) exemption shall apply to individuals and families who earn less than or equal to two hundred and fifty percent (250%) of the Federal Poverty Income Level by household size as defined by the United States Department of Health and Human Services.
- 2) Individuals and households who wish to claim this exemption must do so by filing an application with the Township no later than September 30<sup>th</sup> of each year prior to the fiscal year for which the exemption is being requested. In order to be deemed eligible, applicants must demonstrate that their maximum household earnings does not exceed the relevant maximum threshold as defined above. This shall be done by providing supporting documentation such as the most recent Form 1040, U.S. Individual Income Tax Return for all individuals in the household. Other supporting documentation may be deemed eligible by the Director of Finance.
- 3) Applications for exemption shall be filed each year in accordance with the maximum income thresholds, as may be revised. No applications shall be accepted after September 30<sup>th</sup> of each year without written authorization from the Township Manager. Applicants who fail to reapply for the exemption, or whose household income exceeds the relevant maximum income guidelines described above, shall be deemed ineligible for the exemption and will be subject to the applicable stormwater management utility fee for their respective property in the upcoming fiscal year.
- 4) By October 31<sup>st</sup> of each year, the Director of Finance shall review each application for an exemption under this policy and provide a written response to the applicant

communicating the outcome of the review. Applications which are deemed rejected or non-compliant may be appealed to the Township Manager no later than November 30<sup>th</sup> of each year. On appeal, the Township Manager shall make a determination as to whether the guidelines prescribed above have been met and whether the household is eligible for the exemption. The outcome of the appeal to the Township Manager shall be communicated to the applicant no later than December 31<sup>st</sup> of each year. The decision of the Township Manager shall be binding and not subject to further appeal under this policy.

- 5) The revenue source for the implementation of the hardship policy shall be separate and distinct from the stormwater management utility fee and shall be deposited by the Township from the General Fund into the Stormwater Fund. Nothing shall prevent the Board of Supervisors from modifying or eliminating the hardship policy. Any such modification or elimination may apply to beneficiaries of an existing hardship policy at the discretion of the Board of Supervisors.
- 6) Only residential property owners are eligible to receive an exemption under this program. Tenants of rental properties shall not be eligible to apply for this exemption on behalf of the property owner.