



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

Am. H.B. 198

130th General Assembly
(As Reported by H. State and Local Government)

Reps. Butler and Burkley, J. Adams, Boose, Brenner, Ruhl, Perales, Henne

BILL SUMMARY

- Allows the owner of record of a parcel of land to exclude the parcel from a tax increment financing incentive district, under specific circumstances, by submitting a written response to the board of county commissioners, board of township trustees, or legislative authority of the municipal corporation proposing the creation of the incentive district.
- Requires the board of county commissioners, board of township trustees, or legislative authority of a municipal corporation proposing the creation of an incentive district to include in its notice of public hearing what information must be submitted to exclude a parcel of land from the incentive district.
- Requires the board of county commissioners, board of township trustees, or legislative authority of a municipal corporation to amend its ordinance or resolution creating the incentive district, to exclude any parcel for which a written response has been submitted.
- Requires that public infrastructure improvements benefit or serve all of the parcels in the incentive district.
- Restricts the shape of an incentive district.

CONTENT AND OPERATION

Process for excluding parcels of land from incentive district TIFs

The bill establishes a procedure by which the owner of record of a parcel of land may exclude the parcel from a tax increment financing incentive district, if the owner's entire parcel of land is not within the boundaries of the district. Under continuing law, a

board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation, by adopting an ordinance or a resolution, as appropriate, may exempt from property taxes a certain percentage of any increases in the value of real property, in some cases for up to 30 years, under a tax increment financing agreement (TIF). Certain individual parcels or a group of parcels (parcel-by-parcel or "project" TIFS) may be exempted. Or a collection of "distressed"¹ parcels of land of not more than 300 acres in an "incentive district" TIF may be exempted, which is the type of TIF to which the bill applies.² Instead of paying property taxes, the owner of a parcel of land subject to a TIF agreement may be required to make annual service payments, to be used by the county, township, or municipal corporation for public infrastructure improvements.

A county, township, or municipal corporation (hereinafter, "political subdivision") that intends to apply for property tax exemptions on behalf of real property owners located within a proposed incentive district must conduct a public hearing before adopting the ordinance or resolution creating the incentive district. Before holding the public hearing, the political subdivision must give notice of the hearing and of the proposed ordinance or resolution to every real property owner whose property is located within the boundaries of the proposed incentive district.

The bill requires that the notice inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the boundaries of the district. In that case, the owner may exclude the property by submitting a written response to the political subdivision. The notice given by the political subdivision also must include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

The written response to the political subdivision must be submitted not later than 45 days after the postmark date on the notice. The response must be sent by first class mail or delivered in person at the public hearing, and must conform to any content requirements that may be established by the political subdivision and included in the notice. In the response, property owners may identify a parcel by street address, by the

¹ Parcels of land eligible for inclusion in an incentive district must show characteristics of being "distressed," for example, the parcel is in a blighted area, the area has low-income residents, or the area suffers high unemployment.

² R.C. 5709.40, 5709.73, and 5709.78.



manner in which it is identified in the ordinance, or by other means allowing the identity of the parcel to be ascertained.³

Before adopting the ordinance or resolution creating the incentive district, the bill requires the political subdivision to amend its ordinance or resolution to exclude any parcel for which a written response has been submitted. Under the bill, a political subdivision cannot file an application for property tax exemptions under continuing law⁴ for any parcel of property for which a written response for exclusion of the property from the incentive district has been submitted, and service payments may not be required from the owner of the parcel.⁵ But improvements to a parcel excluded from an incentive district under the bill's procedure may be exempted from taxation under continuing law⁶ that allows a parcel-by-parcel or project TIF to be created, pursuant to an ordinance or a resolution adopted under that law or under any other section of the Revised Code under which the parcel qualifies.

Other changes to incentive district TIFs

Improvements to benefit all parcels within the district

The bill requires that the ordinance or resolution creating an incentive district designate that the public infrastructure improvements made, to be made, or in the process of being made, will benefit or serve *all of the parcels* in the district. The bill also requires that the declaration in the ordinance or resolution that improvements to parcels are for a public purpose apply to *all of the parcels* within the district.⁷ Current law is silent as to whether *all* of the parcels in the incentive district must be benefited or served by the improvements.

Shape of an incentive district

The bill revises the definition of an incentive district to require that the district be a square, or a rectangle having two longer sides that are not more than twice the length of the two shorter sides. The bill does not change the requirement that the incentive district be an area of not more than 300 acres in size that is enclosed by a continuous

³ R.C. 5709.40(C), 5709.73(C), and 5709.78(B).

⁴ R.C. 5709.911.

⁵ R.C. 5709.40(C), 5709.73(C), 5709.78(B), and 5709.911(A).

⁶ R.C. 5709.40(B), 5709.73(B), and 5709.78(A).

⁷ R.C. 5709.40(C)(1) and (3), 5709.73(C)(1) and (3), and 5709.78(B)(1) and (3).



boundary in which a project is being, or will be, undertaken and having distress characteristics.⁸

HISTORY

ACTION	DATE
Introduced	06-05-13
Reported, H. State and Local Government	02-26-14

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⁸ R.C. 5709.40(A)(5), 5709.73(A)(4), and 5709.77(E).

