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Summary: Enhanced Redevelopment Act for Counties

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[5/15/2013](file:///p:\pprever\2013-14\4122_20130515.docx)

**A** **BILL**

TO AMEND CHAPTER 7, TITLE 31 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX INCREMENT FINANCE ACT FOR COUNTIES, SO AS TO REDESIGNATE THE CHAPTER THE “ENHANCED REDEVELOPMENT ACT FOR COUNTIES”, TO DEFINE TERMS, TO ALLOW A REDEVELOPMENT PROJECT TO BE FUNDED WITH A PERCENTAGE OF SALES TAX REVENUE WITHIN THE DISTRICT SO LONG AS THE PERCENTAGE IS APPROVED BY THE LOCAL GOVERNING BODY AND THE STATE BUDGET AND CONTROL BOARD, TO SPECIFY THE MANNER IN WHICH SURPLUS FUNDS ARE DISTRIBUTED, AND TO PROVIDE THE MANNER IN WHICH THE REDEVELOPMENT PLAN IS ADOPTED AND ITS REVENUES ARE EXPENDED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 7, Title 31 of the 1976 Code is amended to read:

“CHAPTER 7

ENHANCED REDEVELOPMENT ACT ~~TAX INCREMENT FINANCING~~ FOR COUNTIES

Section 31‑7‑10. This chapter may be cited as the ‘~~Tax Increment Financing~~ Enhanced Redevelopment Act for Counties’.

Section 31‑7‑20. (A) The General Assembly finds that:

(1) Section 14(10), ~~of~~ Article X of the Constitution of South Carolina provides that the General Assembly may authorize by general law that indebtedness for the purpose of redevelopment within counties may be incurred and that the debt service of such indebtedness be provided from the added increments of tax revenues to result from the project.

(2) An increasing demand for public services must be provided from a limited tax base. Incentives must be provided for redevelopment in areas which are, or threaten to become, predominantly slum or blighted.

(3) There exist in many counties of this State blighted, conservation, and sprawl areas; the sprawl and conservation areas are rapidly deteriorating and declining and may soon become blighted areas if their decline is not checked; the stable economic and physical development of the blighted areas, conservation areas, and sprawl areas are endangered by the presence of blighting factors as manifested by progressive and advanced deterioration of structures, by the overuse of housing and other facilities, by a lack of physical maintenance of existing structures, by obsolete and inadequate community facilities, and a lack of sound community planning, by obsolete platting, diversity of ownership, excessive tax, and special assessment delinquencies, or by a combination of these and other factors; that as a result of the existence of blighted areas, areas requiring conservation, and sprawl areas, there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment, unmarketability of property, growth in delinquencies and crime, and substandard housing conditions and zoning law violations in such areas together with an abnormal exodus of families and businesses so that the decline of these areas impairs the value of private investments and threatens the sound growth and the tax base of taxing districts in such areas, and threatens the health, safety, morals, and welfare of the public.

(4) In order to promote and protect the health, safety, morals, and welfare of the public, blighted conditions need to be eradicated and conservation measures instituted, sprawl areas controlled, and redevelopment of such areas undertaken; to remove and alleviate adverse conditions it is necessary to encourage private investment and restore and enhance the tax base of the taxing districts in such areas by the redevelopment of project areas. The eradication of blighted areas and treatment and improvement of sprawl areas and conservation areas by redevelopment projects is declared to be essential to the public interest.

(5) The use of incremental tax revenues derived from the tax rates of various taxing districts in redevelopment project areas for the payment of redevelopment project costs is of benefit to the taxing districts because taxing districts located in redevelopment project areas would not derive the full benefits of ~~an~~ increased property values and tax revenues ~~assessment base~~ without the benefits of tax increment financing, all surplus tax revenues are turned over to the taxing districts in redevelopment project areas, and all taxing districts benefit from the removal of blighted conditions, the eradication of conditions requiring conservation measures, and control of sprawl conditions.

(B) The General Assembly intends to implement the authorization granted in ~~Article X, Section 14~~ Section 14, Article X of the Constitution of this State. The authorization in this chapter provides for this State an essential method for financing redevelopment. The governing bodies of the counties are vested with all powers consistent with the Constitution necessary, useful, and desirable to enable them to accomplish redevelopment in areas which are or threaten to become blighted and to sufficiently meet all constitutional requirements pertaining to incurring indebtedness for the purpose of redevelopment and funding the debt service of such indebtedness from the added increment of tax revenues to result from such redevelopment as provided in Section 14(10), ~~of~~ Article X of the Constitution of this State. The indebtedness incurred pursuant to Section 14(10), ~~of~~ Article X of the Constitution is exempt from all debt limitations imposed by Article X. The powers granted in this chapter must be in all respects exercised for the benefit of the inhabitants of the State, for the increase of its commerce, and for the promotion of its welfare and prosperity.

(C) All action taken by any county in carrying out the purposes of this chapter shall perform essential governmental functions.

(D) Pursuant to the authorization granted in ~~Article VIII, Section 13,~~ Section 13, Article VIII of the Constitution of this State, if a redevelopment project area is located in more than one county, the powers granted herein may be exercised jointly.

Section 31‑7‑25. The General Assembly further finds that:

Vast expanses of land located at considerable distances from municipalities and urban and suburban development in counties, while having served the people of this State and its economy when originally developed and maintained over the generations as agricultural property, contributing food, fiber, timber, and pulpwood, now, in an evolving economy and amidst a much smaller, yet vastly more efficient agricultural economy, is in need of redevelopment to provide multiple uses utilizing the redevelopment tools provided in this chapter, with suitable modifications to provide for the particular requirements to redevelop areas formerly developed only for agricultural use.

Section 31‑7‑30. Unless the context clearly indicates otherwise:

(1) ‘Blighted area’ means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of a county where:

if improved, industrial, commercial, and residential buildings or improvements, because of a combination of five or more of the following factors: age; dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; excessive vacancies; overcrowding of structures and community facilities; presence of or potential environmental hazard; lack of ventilation, light, storm drainage, or sanitary facilities; inadequate utilities; inadequate transportation infrastructure; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; lack of community planning, are detrimental to the public safety, health, morals, or welfare; or

(2) ‘Conservation area’ means any vacant or improved area within the boundaries of a redevelopment project area located within the territorial limits of a county that is not yet a blighted area but, because of a combination of three or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; presence of or potential environmental hazard; lack of ventilation, light, storm drainage, or sanitary facilities; inadequate utilities; inadequate transportation infrastructure; excessive land coverage; depreciation of physical maintenance; lack of community planning; agricultural foreclosures; static or declining agricultural land rental rates; depopulation; area‑wide economic decline; or static per capita income, is detrimental to the public safety, health, morals, or welfare and may become a blighted area.

(3) ‘Sprawl area’ means a vacant or improved area within the boundaries of a redevelopment project area located within the territorial limits of ~~the unincorporated area of~~ a county that is not yet a blighted area nor a conservation area but, because of the existence of one or more of the following conditions, has the potential to become blighted or in need of conservation:

(a) The sprawl area is an unincorporated urban zone, UUZ, which is an area within the unincorporated portion of the county issuing the finding and has a population density equal to or greater than the average population density of the incorporated municipalities within the territorial limits of the county issuing the finding.

(b) The sprawl area is a linear service zone, LSZ, which is an area within the ~~unincorporated portion of the~~ territorial limits of a county issuing the finding which is or is likely to become an area no more than two miles wide at its widest point and no less than three miles in length and which, due to development within the zone, represents an impediment to vehicular and pedestrian traffic so that the county finds its existence a detriment to the:

( i) economic health and well‑being of the county;

(ii) health or safety of the persons living, working, or traveling through the zone; or

(iii) efficient provision of governmental services both within and without the zone.

(c) The sprawl area is a rural redevelopment zone, RRZ, which is an area within the ~~unincorporated portion of the~~ territorial limits of a county issuing the finding which consists primarily of vacant land which, if provided with certain environmental, energy, transportation, or communications infrastructure, could be developed as a planned community consisting of a minimum of one thousand contiguous acres of land, inclusive of flooded land or other forms of redevelopment, without regard to minimum acreage requirements, suitable for planned communities, other residential clusters, light industry, tourism and recreation facilities, retail centers, and locations suitable for manufacturing facilities.

(4) ‘Municipality’ means an incorporated municipality of this State.

(5) ‘Obligations’ means bonds, notes, or other evidence of indebtedness issued by the county to carry out a redevelopment project or to refund outstanding obligations.

(6) ‘Property tax baseline assessment’ means the total of the most recently ascertained equalized assessed values of all taxable real property within the redevelopment project area as of the date a county approves a redevelopment plan pursuant to Section 31‑7‑80.

(7) ‘Property tax baseline assessment for any specified taxing district’ means the total of the most recently ascertained equalized assessed values of all taxable real property within the redevelopment project area and also within the designated taxing district as of the date a county approves a redevelopment plan pursuant to Section 31‑7‑80. If the taxing district encompasses the entire redevelopment project area, the property tax baseline assessment for any specified taxing district relating to the taxing district is equal to the property tax baseline assessment of the redevelopment project area.

(8) ‘Property tax increment for any specified taxing district’ means that portion of taxes, if any, which is attributable to the increase in the current total equalized assessed valuation of all taxable real property in the redevelopment project area and also within the specified taxing district over and above the property tax baseline assessment for the same taxing district.

~~(6)~~(9) ‘Redevelopment plan’ means the comprehensive program of the county for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions which qualified the redevelopment project area as a blighted area, conservation area, or sprawl area, or combination of two or three of them, and to enhance the tax bases of the taxing districts which extend into the project redevelopment area. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include, but not be limited to, estimated redevelopment project costs including long‑term project maintenance, as applicable, the anticipated sources of funds to pay costs, the nature and term of any obligations to be issued, the most recent equalized assessed valuation of the project area, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment project area. A redevelopment plan established by Chapter 10, ~~of~~ Title 31 is deemed a redevelopment plan for purposes of this paragraph.

~~(7)~~(10) ‘Redevelopment project’ means any buildings, improvements, including street, road, and highway improvements, water, sewer and storm drainage facilities, parking facilities, tourism and recreation‑related facilities, energy production or transmission infrastructure, communications technology, and public transportation infrastructure including, but not limited to, rail and airport facilities. Any project or undertaking authorized under Section 6‑21‑50 also may qualify as a redevelopment project under this chapter. All the projects are to be publicly owned. A redevelopment project for purposes of this chapter also includes affordable housing projects where all or a part of new property tax revenues generated in the tax increment financing district are used to provide or support publicly owned affordable housing in the district or is used to provide infrastructure projects to support privately owned affordable housing in the district. The term “affordable housing” as used herein means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed eighty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

~~(8)~~(11) ‘Redevelopment project area’ means an area designated by the county, which is not less in the aggregate than one and one‑half acres and in respect to which the county has made a finding that there exist conditions that cause the area to be classified as a blighted area, a conservation area, or a sprawl area, or a combination of two or three of them. The total aggregate amount of all redevelopment project areas of any one county may not exceed five percent of the total acreage of the county but this limit does not apply with respect to these parts of a redevelopment project area comprised of a conservation area or a RRZ sprawl area.

~~(9)~~(12) ‘Redevelopment project costs’ means and includes the sum total of all reasonable or necessary costs incurred or estimated to be incurred and any costs incidental to a redevelopment project. The costs include, without limitation:

(a) costs of studies and surveys, plans, and specifications; professional service costs including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;

(b) property assembly costs including, but not limited to, acquisition of land and other property, real or personal, or rights or interest therein, demolition of buildings, and the clearing and grading of land;

(c) costs of rehabilitation, reconstruction, repair, or remodeling of a redevelopment project;

(d) costs of the construction and long‑term maintenance of a redevelopment project;

(e) financing costs including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued under the provisions of this chapter accruing during the estimated period of construction of any redevelopment project for which the obligations are issued and including reasonable reserves related thereto;

(f) relocation costs, including relocation or removal costs of federal, state, or local government facilities or activities, to the extent that a county determines that relocation costs must be paid or required by federal or state law.

(13) ‘Sales tax initial baseline amount’ or ‘initial sales tax baseline amount’ means the total sales taxes collected pursuant to Section 12‑36‑910 for sales occurring in the redevelopment project area during the twelve month period immediately preceding the month in which a county approves a redevelopment plan pursuant to Section 31‑7‑80.

(14) ‘Sales tax current baseline amount’ or the ‘current sales tax baseline amount’ for any fiscal year means the product obtained by multiplying the sales tax initial baseline amount by a fraction in which the denominator is the total sales tax collected statewide pursuant to Section 12‑36‑910 during the fiscal year immediately preceding the county’s approval of a redevelopment plan pursuant to Section 31‑7‑80, and the numerator is the total sales tax collected statewide pursuant to Section 12‑36‑910 during the most recently completed fiscal year.

(15) ‘Sales tax initial increment’ or ‘initial sales tax increment’ means that portion of the annual sales taxes collected pursuant to Section 12‑36‑910, for sales occurring in the redevelopment project area for the period commencing on the first day of the month immediately following the month in which a county approves a redevelopment plan pursuant to Section 31‑7‑80 and ending on the last day of the fiscal year, which exceeds that portion of the initial sales tax baseline amount attributable to an equal number of months. If a redevelopment plan is approved by a county, pursuant to Section 31‑7‑80, in the last month of the fiscal year, the initial sales tax increment is zero dollars.

(16) ‘Sales tax current increment’ or ‘current sales tax increment’ means that portion of the annual sales taxes collected pursuant to Section 12‑36‑910, for sales occurring in the redevelopment project area, which exceeds the current sales tax baseline amount for all fiscal years after the fiscal year in which the redevelopment plan is approved by a county pursuant to Section 31‑7‑80.

~~(10)~~(17) ‘Taxing districts’ means the State of South Carolina, counties, incorporated municipalities, schools, special purpose districts, and public and any other municipal corporations or districts with the power to levy taxes. Taxing districts include school districts which have taxes levied on their behalf.

~~(11)~~(18) ‘Vacant land’ means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings.

~~(12)~~(19) ‘County’ means any county in the State.

Section 31‑7‑40. Within five years after the date of adoption of an ordinance providing for the approval of a redevelopment plan pursuant to Section 31‑7‑80, a county or the State may issue initial obligations under this chapter to finance the redevelopment project. These obligations may be secured by the special tax allocation ~~fund~~ funds set forth in Section ~~31‑7‑100~~ 31‑7‑70 for the redevelopment project area ~~may be issued to provide for redevelopment project costs. The obligations, when so issued,~~ and must be retired in the manner provided in the ordinance authorizing the issuance of the obligations or as specified by the State Budget and Control Board by the receipts of incremental taxes ~~levied~~ or from other revenues the sources of which do not include taxes or licenses as specified in Section 31‑7‑110 ~~against the taxable property included in the area and other revenue as specified in Section 31‑7‑110 designated by the county which source does not involve revenues from any tax or license~~. In the ordinance the county may pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 31‑7‑70 to the payment of the redevelopment project costs and obligations. ~~Any~~ However, a pledge of ~~funds~~ amounts in the special tax allocation ~~fund~~ funds must provide for distribution to the taxing districts of monies not required for payment of project costs and securing of the obligations and the excess funds are surplus funds. In the event a county only pledges a portion of the monies in the special tax allocation fund for the payment of redevelopment project costs or obligations, any funds remaining in the special tax allocation fund after complying with the requirements of the pledge are also considered surplus funds. All surplus funds must be distributed ~~annually~~ as they are identified to the taxing districts in the redevelopment project area by being paid by the county to the county treasurer. The county treasurer ~~shall~~ immediately shall thereafter make distribution to the respective taxing districts and any other funding sources in the same ~~manner and~~ proportion as the total amount contributed by that district or source to the special tax allocation fund bears to the total amount contributed to the special tax allocation fund by all districts and other sources combined, as of the date when the distribution of surplus funds are made ~~as the most recent distribution by the county treasurer to the affected districts of real property taxes from real property in the redevelopment project area~~. In addition to obligations secured by the special tax allocation fund, the county may pledge for a period not greater than the term of the obligations toward payment of the obligations any part of the revenues remaining after payment of operation and maintenance, of all or part of any redevelopment project. The obligations may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding thirty years from their respective dates, may bear such rate or rates of interest as the governing body shall determine, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without premium, may be declared or become due before the maturity date thereof, may provide for the replacement of mutilated, destroyed, stolen, or lost bonds, may be authenticated in such manner and upon compliance with such conditions, and may contain such other terms and covenants, as may be provided by the governing body of the county. If the governing body determines to sell any obligations the obligations must be sold at public or private sale in such manner and upon such terms as the governing body considers best for the interest of the county.

A certified copy of the ordinance authorizing the issuance of the obligations must be filed with the treasurer of each county in which any portion of a redevelopment project is situated and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A county also may issue its obligations to refund in whole or in part obligations previously issued by the county under the authority of this chapter, whether at or prior to maturity, and all references in this chapter to ‘obligations’ are considered to include these refunding obligations. The debt incurred by a county pursuant to this chapter is exclusive of any statutory limitation upon the indebtedness a taxing district may incur. All obligations issued pursuant to this chapter shall contain a statement on the face of the obligation specifying the sources from which payment is to be made and shall state that the full faith, credit, and taxing powers are not pledged for the obligations.

The trustee or depositary under any indenture may be such persons or corporations as the governing body designates, or they may be nonresidents of South Carolina or incorporated under the laws of the United States or the laws of other states of the United States.

Section 31‑7‑50. The proceeds from obligations issued under authority of this chapter must be applied only for the purpose for which they were issued. Any premium and accrued interest received in any such sale must be applied to the payment of the principal of or the interest on the obligations sold. Any portion of the proceeds not needed for redevelopment project costs must be applied to the payment of the principal of or the interest on the obligations.

Section 31‑7‑60. The obligations authorized by this chapter and the income from the obligations and all security agreements and indentures executed as security for the obligations made pursuant to the provisions of this chapter and the revenue derived from the obligations are exempt from all taxation in the State of South Carolina except for inheritance, estate, or transfer taxes and all security agreements and indentures made pursuant to the provisions of this chapter are exempt from all state stamp and transfer taxes.

Section 31‑7‑70. (A) A county~~, within five years after the date of~~ must create a special tax allocation fund for the payment of redevelopment project costs and obligations following the adoption of an ordinance providing for approval of a redevelopment plan pursuant to Section 31‑7‑80, ~~may issue obligations under this chapter to finance the redevelopment project upon adoption of an ordinance providing~~ provided that:

(1) ~~after the issuance of the obligations; and~~ a property tax increment exists;

(2) a sales tax increment exists; or

(3) the municipality has issued obligations based on projected property tax or sales tax increments.

~~(2)~~ (B) If after the total equalized assessed valuation of the taxable real property in a redevelopment project area exceeds the certified ~~“total initial equalized assessed value” established in accordance with Section 31‑7‑100(B) of all taxable real property in the project area~~ property tax baseline assessment, the ad valorem taxes, if any, arising from the levies upon taxable real property in the project area ~~by taxing districts and tax rates determined in the manner provided in Section 31‑7‑100(B) each year after the obligations have been issued until obligations issued under this chapter have been retired and redevelopment project costs have been paid~~ must be divided as follows:

~~(a)~~(1) that portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the ~~total initial equalized assessed value of all taxable real property in the redevelopment project area~~ property tax baseline assessment must be allocated to and when collected must be paid by the county treasurer to the respective affected taxing districts in the manner required by law in the absence of the adoption of the redevelopment plan; and

~~(b)~~(2) the property tax increment of any taxing district that did not consent to the redevelopment plan pursuant to Section 31‑7‑80(C) also must be allocated to and when collected must be paid by the county treasurer to such taxing district in the manner required by law in the absence of the adoption of the redevelopment plan; and

(3) ~~that portion, if any, of taxes which is attributable to the increase in the current total equalized assessed valuation of all taxable real property in the redevelopment project area over and above the total initial equalized assessed value of taxable real property in the redevelopment project area~~ the property tax increment of any taxing district that consented to the redevelopment plan pursuant to Section 31‑7‑80(C) must be allocated to and when collected must be paid to the county which shall deposit the taxes into a special fund called the special tax allocation fund of the county for the purpose of paying redevelopment project costs and obligations incurred in the payment of the costs and obligations. The county may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of the costs and obligations. The county treasurer shall maintain a record of the amounts deposited in the special tax allocation fund attributable to each taxing district or other source.

(C) If there is an initial sales tax increment or current sales tax increment in future fiscal years, the Department of Revenue shall calculate the amount of the initial sales tax increment or current sales tax increment that is equal to the percentage approved by the State Budget and Control Board to be applied toward the funding of a redevelopment plan, and shall, no later than the end of the first quarter following the conclusion of the fiscal year, transfer the amount of sales tax revenue to the county for deposit only in the special tax allocation fund created by the county for the payment of the redevelopment project costs and obligations.

(D) Any ordinance adopted based on acts of the county occurring before the effective date of this chapter must incorporate by reference and adopt those prior acts undertaken in accordance with the procedures of this chapter as if they had been undertaken pursuant to this chapter.

(E) When obligations issued under this chapter have been retired and redevelopment project costs incurred under this chapter have been paid or budgeted pursuant to the redevelopment plan, as evidenced by resolution of the governing body of the county, all surplus funds then remaining in ~~the~~ an associated county special tax allocation fund must be paid by the county treasurer immediately to the taxing districts in the redevelopment project area or other sources who contributed revenues to the fund in the same ~~manner and~~ proportion as ~~the most recent distribution by the treasurer to the affected districts of real property taxes from real property in the redevelopment project area~~ the total amount contributed by that taxing district or source to the special tax allocation fund bears to the total amount contributed to the special tax allocation fund by all taxing districts and other sources combined, as of the date when such a distribution of surplus is to be made.

(F) Upon the payment of all redevelopment project costs, retirement of all obligations of a county issued under this chapter, and the distribution of any surplus monies pursuant to this section, the county shall adopt an ordinance dissolving the tax allocation fund for the project redevelopment area and terminating the designation of the redevelopment project area as a redevelopment project area for purposes of this chapter. Thereafter, the rates of the taxing districts must be extended and taxes levied, collected, and distributed in the manner applicable in the absence of the adoption of a redevelopment plan and the issuance of obligations under this chapter.

(G) If five years have passed from the time a redevelopment project area is designated and the county has not issued obligations under this chapter to finance the redevelopment project, upon the expiration of the five‑year term, the county shall adopt an ordinance terminating the designation of the redevelopment project area.

Section 31‑7‑75. If a municipality annexes a tract of property located in a redevelopment project area, the value of each parcel of real property therein for purposes of the ad valorem taxes of the municipality shall be that which is attributable to its initial equalized assessed value before the redevelopment project and not to the increase in its equalized assessed value due to the redevelopment project.

Section 31‑7‑80. (A) Prior to the issuance of any obligations under this chapter, the county shall set forth by way of ordinance the following:

(1) a copy of the redevelopment plan containing a statement of the objectives of a county with regard to the plan;

(2) a statement indicating the need for and proposed use of the proceeds of the obligations in relationship to the redevelopment plan;

(3) a statement containing the cost estimates of the redevelopment plan and redevelopment project and the projected sources of revenue to be used to meet the costs including estimates of tax increments and the total amount of indebtedness to be incurred;

(4) a list of all real property in the redevelopment project area and, if a county proposes to use annual sales tax increments to fund all or part of the redevelopment plan, a list of all businesses in the redevelopment project area that are currently paying sales tax pursuant to Section 12‑36‑910;

(5) the duration of the redevelopment plan;

(6) a statement of the estimated impact of the redevelopment plan upon the revenues of all taxing districts in which a redevelopment project area is located and any anticipated creation of temporary or permanent jobs as a direct result of the planned redevelopment, and, if residential development is included in the plan, the estimated impact on public school enrollment;

(7) findings that:

(a) the redevelopment project area is a blighted, conservation, or sprawl area and that private initiatives alone are unlikely to alleviate these conditions without substantial public assistance~~.~~;

(b) property values in the area would remain static, ~~or~~ decline, or be held materially below their best and highest potential without public intervention~~,~~; and

(c) redevelopment is in the interest of the health, safety, and general welfare of the citizens of the county.

(B) Before approving any redevelopment plan under this chapter, the governing body of the county must hold a public hearing on the redevelopment plan after published notice in a newspaper of general circulation in the county in which the county and any taxing district affected by the redevelopment plan is located not less than fifteen days and not more than thirty days prior to the hearing. The notice shall include:

(1) the time and place of the public hearing;

(2) the boundaries of the proposed redevelopment project area;

(3) a notification that all interested persons will be given an opportunity to be heard at the public hearing;

(4) a description of the redevelopment plan and redevelopment project; and

(5) the maximum estimated term of obligations to be issued under the redevelopment plan.

If a county intends to use annual property tax increments to fund all or part of a redevelopment plan, then not less than forty‑five days prior to the date set for the public hearing, the county shall give notice to all taxing districts of which taxable property is included in the redevelopment project area, and in addition to the other requirements of the notice set forth in the section, the notice shall request each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the public hearing.

If a county intends to use annual sales tax increments to fund all or part of a redevelopment plan, then not less than ninety days prior to the date set for the public hearing, the county must give notice to the Department of Revenue, the Joint Bond Review Committee, and the State Budget and Control Board, and in addition to the other requirements of the notice set forth in this section, the notice shall indicate the percentage of the sales tax increment, not to exceed seventy‑five percent, that the county proposes to use for payment of redevelopment project costs or obligations.

(C) If a property taxing district receiving appropriate notice pursuant to subsection (B)(5) does not file an objection to the redevelopment plan at or prior to the date of the public hearing, the taxing district is considered to have consented to the redevelopment plan and the issuance of obligations under this chapter to finance the redevelopment project, provided that the actual term of obligations issued is equal to or less than the term stated in the notice of public hearing. The county may issue obligations to finance the redevelopment project to the extent that each affected taxing district consents to the redevelopment plan. The tax increment for a taxing district that does not consent to the redevelopment plan must not be included in the special tax allocation fund.

(D) If the State Budget and Control Board approves the use of a designated percentage of the sales tax increment prior to adoption of the county redevelopment plan, the county may issue obligations to finance the redevelopment projects identified in the redevelopment plan to the extent that the percentage of the sales tax increment responsibly allows, and any sales tax increments not needed to pay the debt service on the obligations may be used to fund redevelopment project costs designated in the redevelopment plan. In consenting to the use of the sales tax increment, the State Budget and Control Board may limit its approval to a lesser percentage of the sales tax increment than proposed by the county. Prior to approval, the State Budget and Control Board must make the following findings:

(1) the redevelopment plan includes a clear and convincing indication that the percentage of sales tax increment approved to fund the redevelopment plan is anticipated to be less than the additional sales tax revenues generated as a result of the proposed redevelopment plan;

(2) the redevelopment plan is anticipated to produce significant temporary or permanent new jobs and the new jobs, combined with additional State revenues and other benefits derived from the proposed redevelopment plan, justify investing the percentage of incremental sales tax revenues being committed; and

(3) the redevelopment plan does not include the use of any incremental sales tax revenues to fund the purchase or construction of a building or other structure with a primary purpose to serve as the location for a retail store or stores.

(E) If the redevelopment plan includes residential development and any school district consents to their property tax increment being included in the special tax allocation fund, then to the extent that the findings pursuant to subsection (A)(6) demonstrate increased public school enrollment because of this development, ~~then~~ an amount of the increment equal to the average property tax collected per pupil in the district multiplied by the estimated increased enrollment is not credited to the special tax allocation fund but is instead allocated to the affected school district as other school tax revenue.

~~(E)~~(F) Prior to the adoption of an ordinance approving a redevelopment plan pursuant to Section 31‑7‑80, changes may be made in the redevelopment plan which do not alter the exterior boundaries or do not substantially affect the general land use established in the plan or substantially change the nature of the redevelopment project, without further hearing or notice, provided that notice of the changes is given by mail to each affected taxing district and by publication in a newspaper or newspapers of general circulation within the taxing districts not less than ten days prior to the adoption of the changes by ordinance. Notice of the adoption of the ordinance must be published by the county in a newspaper having general circulation in the affected taxing districts. Any interested party may, within twenty days after the date of publication of the notice of adoption of the redevelopment plan, but not afterwards, challenge the validity of such adoption by action de novo in the court of common pleas in the county in which the redevelopment plan is located.

~~(F)~~(G) After adoption of an ordinance approving a redevelopment plan, any alteration in the exterior boundaries, general land uses established pursuant to the redevelopment plan, maximum term of maturity of obligations to be issued under the plan, or the redevelopment project must be approved by resolution of each affected taxing district in accordance with the procedures provided in this chapter for the initial approval of a redevelopment project and designation of a redevelopment project area.

Section 31‑7‑90. When there are any persons residing in the area covered by the redevelopment plan:

(1) the redevelopment plan shall include:

(a) an assessment of the displacement impact of the redevelopment project and provisions for the relocation of all persons who would be displaced by the project, provided that no residents may be displaced by a redevelopment project unless housing is made available to them pursuant to the terms of this section; and

(b) provisions for the creation of housing opportunities to the extent feasible to enable a substantial number of the displaced persons to relocate within or in close proximity to the area covered by the redevelopment plan.

(2) Prior to authorizing the demolition of any residential units in connection with a tax increment financing plan, the governing body of the county must ensure that the redevelopment plan complies with the requirements of this section and further that standard housing is made available to all persons to be displaced.

(3) Persons displaced by a redevelopment plan are entitled to the benefits and protections available under Section 28‑11‑10. The costs of the relocation are proper expenditures for the proceeds of any obligations issued under this chapter.

Section 31‑7‑100. (A) If a county by ordinance approves a redevelopment plan pursuant to Section 31‑7‑80 and if the property tax increments are to be used to fund all or part of the redevelopment plan, the auditor of the county, immediately after adoption of the ordinance pursuant to Section 31‑7‑80, upon request of the county, must determine and certify:

(1) the most recently ascertained equalized assessed value of all individual parcels of taxable real property within the redevelopment project area, as of the date of adoption of the ordinance adopted pursuant to Section 31‑7‑80, which value is the ‘initial equalized assessed value’ of the property; and

(2) the ~~total equalized assessed value of all taxable real property within the redevelopment project area and certifying the amount as the “total initial equalized assessed value” of the taxable real property within the redevelopment project area~~ property tax baseline assessment and property tax baseline assessment for each taxing district which includes any taxable real property in the redevelopment project.

(B) ~~After the county auditor has certified the total initial equalized assessed value of the taxable real property in the area, then in respect to every taxing district containing a redevelopment project area, the county auditor or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within the district for the purpose of computing the rate percent of tax to be extended upon taxable property within such district, shall in every year that obligations are outstanding for redevelopment projects in the redevelopment area ascertain the amount of value of taxable property in a project redevelopment area by including in the amount the certified total initial equalized assessed value of all taxable real property in the area in lieu of the equalized assessed value of all taxable real property in the area. The rate percent of tax determined must be extended to the current equalized assessed value of all property in the redevelopment project area in the same manner as the rate percent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this section terminates when the county adopts an ordinance dissolving the special tax allocation fund for the redevelopment project.~~ If a county and the State Budget and Control Board approve the use of sales tax increments to fund all or part of the redevelopment plan, the Department of Revenue must determine and certify the sales tax initial baseline amount for the redevelopment project area. In addition, by no later than the end of the first quarter of each fiscal year, the Department of Revenue must determine the current sales tax baseline amount for the fiscal year.

Section 31‑7‑110. Revenues received by the county from any property, building, or facility owned by the county or any agency or authority established by the county in the redevelopment project area may be used to pay redevelopment project costs or reduce outstanding obligations of the county incurred under this chapter for redevelopment project costs. If the obligations are used to finance the extension or expansion of a system as defined in Section 6‑21‑40 in the redevelopment project area, all or a portion of the revenues of the system, whether or not located entirely within the redevelopment project area, including the revenues of the redevelopment project, may be pledged to secure the obligations issued under this chapter. The county is fully empowered to use any of the powers granted by either or both of the provisions of Chapter 17, ~~of~~ Title 6 (The Revenue Bond Refinancing Act of 1937) or the provisions of Chapter 21, ~~of~~ Title 6 (Revenue Bond Act for Utilities). In exercising the powers conferred by the provisions, the county may make any pledges and covenants authorized by any provision of those chapters. The county may place the revenues in the special tax allocation fund or a separate fund which must be held by the county or financial institution designated by the county. Revenue received by the county from the sale or other disposition of real property acquired by the county with the proceeds of obligations issued under the provisions of this chapter must be deposited by the county in the special tax allocation fund or a separate fund which must be held by the county or financial institution designated by the county. Proceeds of grants may be pledged by the county and deposited in the special tax allocation fund or a separate fund.

Section 31‑7‑120. Counties and municipalities through intergovernmental agreements may jointly adopt redevelopment plans and authorize obligations as provided under the provisions of this chapter and Chapter 6 of this title. Counties by intergovernmental agreement incorporated into individual county ordinances, may establish a ~~multi‑county~~ multicounty or regional authority for both the establishing of a redevelopment plan and redevelopment projects if the documented economic impacts of projects extend beyond the boundaries of a single county. All actions to develop such plans and projects must be taken by the governing bodies of the respective counties participating in the grouping or authority pursuant to the contractual terms of the intergovernmental agreements establishing such groupings or authority.

Section 31‑7‑130. Nothing in this chapter relieves any government‑owned telecommunications service provider from any of the provisions of Sections 58‑9‑2600 through 58‑9‑2650.”

SECTION 2. This act takes effect July 1, 2013.

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