

Advisor's Brief: Submission 02-03-0207
Date: March 8, 2007
Policy: Inverse Ad Valorem & Eminent Domain
Focus: Mandated Commercial Improvement

Summary

This proposed policy would authorize certain municipalities to create Uniform Urban Renaissance Code Standards. The creation of such standards would grant local units the power to make special annual assessments on blighted real commercial property failing to meet the standards, and the power to repair blighted property to meet the standards at a cost to the property owner.

Current Law

Under existing law, legislative approval required for special purpose taxing.

Powers granted through eminent domain neither grant nor restrict the temporary taking of blighted property for the purposes of repair or improvement.

Proposed Policy

This proposed policy would grant special assessment authority and "limited taking powers" to municipalities with populations in excess of 200,000 that adopt Uniform Urban Renaissance Code Standards. Local units whom amend real commercial property code standards for their locale in a manner which establishes minimum exterior facade requirements will be granted the right to levy annual assessments by parcel on blighted commercial property failing to meet the Standards based on the cost of reasonable and necessary repairs and improvements to meet them. It would also grant powers to the municipality to take and repair at a reasonable and necessary cost, blighted commercial property to bring it up to the adopted Standards and assess the cost (special assessment) against the owner of the property.

Property owners would be notified that noncompliance with the newly adopted codes would result in a special assessment being placed on the tax rolls of the county as a lien upon the property and collected in the same manner as the county's taxes are collected. Such notice would identify the owner of record of the real property, contain the property address, describe the property sufficiently to identify it, and recite the amount of the obligation secured by lien. The special assessment lien would be second only to State and County liens.