


Title: Waiver of Special Tax Bills	
AR No. 7-3	Approved by: City Manager Brian Platt 
Effective Date: 8/22/2022	Supersedes: AR No. 7-3 (7/24/02), (5/01/11), (3/03/15) and (12/23/15)

1.0 PURPOSE:

To establish standards and procedures for the discharge and abatement of the lien on the real property pursuant to Section 56-547 and Section 48-83 of the Code of Ordinances and Section 67-410.1(5), RSMo.

2.0 ORGANIZATIONS AFFECTED:

Departments of City Planning and Development, Finance, Law, Neighborhoods, Housing and Community Development, and the City Manager's Office.

3.0 POLICY:

3.1 This administrative regulation outlines the procedures for the discharge and abatement of the lien on the real property in order to encourage investment on properties where liens deter development.

3.2 The lien waiver set forth in this administrative regulation shall not be granted to a property owner who owned the property at the time the dangerous building was demolished by the City or at the time the nuisance code violation was abated by the City, except in the case of a building that was declared dangerous prior to the owner's acquisition of the property and the notice to proceed with demolition was issued within six months of the owner's acquisition of the property.

3.3 Pursuant to Section 56-547 (3) and Section 48-83 (3), of the City's Code of Ordinances, the discharge of all or any portion of the special tax bill and the waiver of the resulting lien shall be made only upon a determination that a public benefit will be gained by doing so. The determination of public benefit shall be made according to procedures and standards established by this administrative regulation and by ordinance.

4.0 STANDARDS FOR THE DETERMINATION OF PUBLIC BENEFIT:

4.1 In order to ensure that waiver of special tax bills is used for the benefit of the community and in conformance with the state and City's enabling legislation, the following benefits will be considered when evaluating waivers of special tax bills:

4.1.1 Financial Benefits. The City should receive tax revenues and a reduction in expenditures for nuisance abatement and enforcement activities for the property as a result of the incentives generated by the

waiver.

4.1.2 Non-Financial Benefits. The City will consider removal of blight, owner occupancy, environmental remediation, overall support for City developmental initiatives, policies and goals, plans such as the Citywide Business Plan, and the redevelopment of commercial and industrial areas.

5.0 LIEN WAIVER REVIEW COMMITTEE:

5.1 Each request for the waiver of the lien(s) must be reviewed by a Lien Waiver Review Committee (Committee) appointed by the City Manager from the following City departments: City Planning and Development, Finance, Neighborhoods, Housing and Community Development, and the City Manager's Office.

5.2 The Committee must report its written determinations to the City Manager or the Council in accordance with the procedures and standards established by this administrative regulation.

5.3 The City Planning and Development Department, Neighborhoods Department and any other department directed by the City Manager will provide support staff to the Committee. A representative of the City Attorney's Office shall attend all meetings held by the Committee.

6.0 PROCEDURES:

6.1 Application Requirements

6.1.1 Any proposed development should be consistent with adopted land use plans and must comply with all applicable laws and regulations.

6.1.2 All applicants must identify the intended purpose(s) for a parcel before any portion of the lien is waived. If an applicant is seeking waivers on multiple parcels, the applicant must identify the intended purpose for each parcel.

6.1.2(a) The applicant should be prepared to submit for the Committee's consideration documentation of any plans of the intended purpose for the parcel as well as any documentation of rehabilitation or renovation work already completed on the parcel.

6.1.2(b) This documentation can include but is not limited to submission of a plan, scope of work, timeline, evidence of financing or efforts to secure financing, pictures of completed work, evidence of resources spent to undertake rehabilitation or renovation work.

6.1.3 All information required by the application(s) must be completed and included when the application is submitted.

6.1.4 Eligibility for waivers is considered on a per parcel basis. The minimum and maximum cumulative amount of liens referenced in § 56-547(1) and § 48-83(1) must be met per parcel.

6.1.5 The committee will consider for review those liens which have been sent to the applicable County for collections. These liens shall only be recalled by the Finance Department if the Lien Waiver Committee or the City Council approves their waiver for immediate release.

6.1.5(a) If the Committee requires conditions to be met by the applicant before waiver, an additional condition that requires full payment of taxes, including payment of any lien(s) that are currently attached to the tax bills, will be enforced. Once all conditions are met and the time period proposed by the committee has elapsed, then the paid lien(s) will be refunded back to the applicant. If one or more of the conditions are not met by the applicant, the waiver will not be granted and the lien(s), if paid, will not be refunded to the applicant.

6.1.5(b) The Lien Waiver Committee may enter into a contract with the applicant to specify the conditions and the time needed to complete the project.

6.2 **Review Process**

6.2.1 All applications for the waiver of special tax bills will be reviewed by the Lien Waiver Committee. The Committee will meet on an as needed basis to evaluate applications.

6.2.2 Staff will provide written notification to owners of properties within 185 feet of the property for which the lien waiver is requested and solicit written comments.

6.2.3 The Committee will consider waivers of all or any portion of liens on a per parcel basis.

6.2.3(a) If an applicant requests lien waivers on multiple parcels, the Committee can hear requests for each parcel in the same hearing.

6.2.3(b) However, the Committee will make a separate determination for each parcel on whether to waive all or any portion of the cumulative amount of liens on each parcel.

6.2.4 The Committee will make final determination on demolition lien waiver requests, which fall under Chapter 56 of the Code of Ordinances, for an amount not to exceed \$35,000.00 per parcel.

6.2.5 The Committee will make final determination on all nuisance abatement lien waiver requests, which fall under Chapter 48 of the Code of Ordinances, for a cumulative amount of not less than \$500.00 per parcel and not to exceed \$5,000.00 per parcel

6.2.6 For all demolition lien waiver requests over \$35,000 per parcel, the Committee will forward a recommendation to the City Council for approval in the form of an ordinance. For all nuisance abatement lien waiver requests

over a cumulative \$5,000.00 per parcel the Committee will forward recommendation to the City Council for approval in the form of an ordinance.

6.2.7 If the applicant seeks a waiver where the total cumulative amount of the lien(s) is \$10,000 or more per parcel, the Committee shall require the applicant to enter into a contract agreeing to complete all terms, conditions and/or requirements before the lien(s) are released.

6.2.8 The Committee will provide at the end of the fiscal year a report to the City Manager and the City Council on lien waiver requests evaluated and whether or not they were granted.

6.2.9 In the event that an applicant's request is denied by the Committee, the applicant can submit a new application to the Committee, if new information is provided which was not available at the time the first application was filed.

7.0 PROJECT PERFORMANCE MONITORING:

7.1 All applicants will be required to comply with all the conditions and requirements set forth by the Committee in the administration of this program.

7.1.1 If the applicant encounters circumstances that interfere with the compliance of the conditions set forth by the Committee, they may request in writing or by e-mail minor modifications to the conditions or an extension of time of up to six months to complete the conditions of the waiver. This request may be reviewed and acted upon by the Committee Chairperson.

7.2 The Committee Chairperson is responsible for the performance monitoring of the applicant's obligations under the contract. The Neighborhoods Department will provide field verification that the conditions have been met.

7.3 After the applicant meets all conditions, the Committee will issue a letter of completion and certificate of waiver informing the applicant that the lien(s) will be released.

8.0 FEES:

8.1 The application fee will be \$200.00 per parcel, which will cover the actual costs of processing the application by researching each parcel of the waiver request and preparing for the hearing.

8.2 The Committee may consider a request to waive all or part of any application fee if any of the following qualifications are met by the applicant.

8.2.1 Applicants must acquire parcel(s) adjacent to where they reside and plan to use the property as part of their primary residence.

8.2.2 Applicant's income must be at or below 50% of the area median income.

8.2.3 Applicant is a Community Development Corporation or other non-profit organization.