

ORDINANCE NO. 017023-06-03

AN ORDINANCE MODIFYING AND RESTATING THE TERMS OF THE HAMILTON CITY COMMUNITY REINVESTMENT AREA AND REMOVING PARCELS FROM THAT AREA.

WHEREAS, pursuant to Ohio Revised Code ("ORC") Sections 3735.65 et seq., this Council, on July 3, 2012, passed its Emergency Ordinance No. EOR2012-7-57, as previously amended by Ordinance No. OR2013-2-25, passed February 27, 2013 and by Ordinance No. 2016-7-62, passed July 13, 2016 (collectively, the "Original CRA Ordinance"), in which it found that certain areas located within the City (as described and depicted in the Original CRA Ordinance, the "CRA") contained housing facilities, or structures of historical significance, wherein new housing construction and repair of existing facilities or structures were being discouraged, and that maintenance and construction of those structures would serve to encourage economic stability, maintain real property values and generate new employment opportunities, and established the CRA coextensive with the boundaries of that area to provide real property tax exemptions for certain improvements to real property within that area; and

WHEREAS, this Council desires to modify and restate the terms of the real property tax exemptions granted for certain improvements to real property in the Original CRA Ordinance to encourage the use of green building standards; and

WHEREAS, this Council further desires to remove certain parcels from the CRA due to the expansion of the Main-High Corridor Community Reinvestment Area;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the operative sections of the Original CRA Ordinance is hereby amended and restated in its entirety to read as set forth in Exhibit No. 1 attached hereto, incorporated herein, with added language denoted by bold underlining and deleted language denoted by bold strike-through.

SECTION II: The boundaries of the CRA are hereby amended and restated as depicted in Exhibit No.2 attached hereto in order to remove certain parcels from the CRA due to their inclusion in the Main-High CRA. This Council hereby confirms its findings that the area included within the CRA as set forth and shown on Exhibit No. 2 hereto, is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

SECTION III: For the purposes of fulfilling the requirements set forth under ORC Sections 3735.65 to 3735.70, this Council affirms its adoption of the findings of the Housing Survey dated October 1, 2011, on file with the Clerk of Council and reestablishes the CRA. The findings of the Housing Survey are hereby incorporated into this ordinance.

SECTION IV: The City's Economic Development Director and other appropriate officers of the City are hereby authorized to take all actions necessary to implement this ordinance. All previous actions taken by such officers are hereby ratified.

SECTION V: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

SECTION VI: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

Ordinance No. OK 2023-6-63 (cont'd)

PASSED: June 28, 2023

Effective Date: July 28, 2023

ATTEST: [Signature]
City Clerk

[Signature]

Mayor

CERTIFICATE

I, Daniel Tidyman, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. OK 2023-6-63 was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: June 28, 2023.

[Signature]
Daniel Tidyman, City Clerk
CITY OF HAMILTON, OHIO

OR 2023-6-63

Ordinance No. _____ (cont'd)

Exhibit No. 1

Section 1. The area hereinafter designated as the "City Community Reinvestment Area" (the "City CRA") constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

Section 2. Pursuant to Section 3735.66 of the Ohio Revised Code (O.R.C.), the City CRA is hereby established with that area comprised of the area depicted in Exhibit No. 1 attached hereto and incorporated herein by reference.

Section 3. All properties identified in Exhibit No. 1 as being within the designated City CRA are eligible for the incentives specified in this Ordinance, with those incentives intended to promote and expand conforming uses in that designated area. The City of Hamilton also intends to undertake supporting public improvements in the designated area.

Section 4: Within the City CRA, for residential properties, tax exemptions on the increase in the assessed valuation resulting from improvements as described in O.R.C. Section 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated housing officer; the percentage and term of those exemptions shall be as follows:

- (a) One hundred percent (100%) exemption for a period of ten (10) years for renovation of residential properties which are 50 years or older from date of application submission (based on Butler County Auditor Records or other verifiable source) and for which the cost of renovation is at least Five Thousand Dollars (\$5,000) to qualify. Demonstration of the cost of the construction is required upon application, acceptable forms of documentation include: receipts, cancelled checks, and paid contractor invoices.
- (b) Seventy five percent (75%) exemption for a period of ten (10) years for renovation of residential properties which are 25-49 years old from date of application submission (based on Butler County Auditor Records or other verifiable source) and for which the cost of renovation is at least Five Thousand Dollars (\$5,000) to qualify. Demonstration of the cost of the construction is required upon application, acceptable forms of documentation include: receipts, cancelled checks, and paid contractor invoices.
- (c) Fifty percent (50%) exemption for a period of ten (10) years for renovation of residential properties which are less than 25 years or older from date of application submission (based on Butler County Auditor Records or other verifiable source) and for which the cost of renovation is at least Five Thousand Dollars (\$5,000) to qualify. Demonstration of the cost of the construction is required upon application, acceptable forms of documentation include: receipts, cancelled checks, and paid contractor invoices.
- (d) One hundred percent (100%) exemption for a period of ten (10) years for renovation or new construction of dwellings that meet the criteria and certifications listed in the table below, as determined by the housing officer, and up to the cap, set forth in the table below, of the increase in the assessed valuation resulting from improvements, as described in O.R.C. Section 3735.67.

New Construction

Criteria	Cap
LEED Silver	\$400,000
LEED Gold/LBC Zero Energy Petal	\$500,000
LEED Platinum/LBC Full Cert	\$650,000

Renovation

Criteria	Cap
HERS Qualified	\$300,000
LEED Silver	\$500,000
LEED Gold/LBC Zero Energy Petal	\$650,000
LEED Platinum/LBC Full Cert	\$800,000

If the project meets the terms of Section 4 (a), (b), (c), or (d), and if the residential property also meets the following "visitability" standards, the period of time for the exemption shall be increased by five (5) years:

- One No Step Entrance: The dwelling unit must provide at least one "No Step Entrance" from the garage or front door. "No Step" means no greater than a one-half inch elevation change unless access is provided using a code compliant ramp. The door of the No Step Entrance shall be a minimum of thirty-two inches (32").
- One Visitable Path. The primary hallway and/or corridor from the No Step Entrance to the central gathering place of the residence (e.g. great room, living or family room) and the Visitable Bathroom shall have a continuous minimum net clear width of at least thirty-six inches (36").
- One Visitable Bathroom. The first-floor bathroom accessible by the visitable path shall have a clear floor space of at least thirty inches by forty-eight inches (30" by 48"). The door to the bathroom shall be a minimum of thirty-two inches (32") wide and shall be a pocket or barn-style sliding door.

Residential properties shall be defined as any residential property which contains not more than four (4) residential housing units. Any property containing in excess of four (4) residential housing units shall be classified as commercial.

The residential application for the tax exemption must be received by the City Housing Officer within six (6) months after the construction or renovation activity is completed.

Within the City CRA, for commercial and industrial properties, tax exemptions on the increase in the assessed valuation resulting from improvements as described in O.R.C. Section 3735.67 shall be granted upon proper application by the property owner; the percentage and term of those exemptions shall be as follows:

- (a) The percentage up to One Hundred percent (up to 100%) and term (up to 12 years) on the increase in the assessed valuation resulting from improvements for existing commercial or industrial facilities shall be negotiated on a case-by-case basis in advance of construction or remodeling, and upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000).
- (b) The percentage up to One Hundred percent (up to 100%) and term (up to 15 years) on the increase in the assessed valuation resulting from improvements for new commercial or industrial facilities shall be negotiated on a case-by-case basis in advance of construction.

Commercial and industrial properties include, but are not limited to, retail properties, office properties, distribution facilities, service facilities, research and development facilities, laboratories, and manufacturing.

The results of the negotiation as approved by City Council shall be set in writing in a Community Reinvestment Area Agreement (the "CRA Agreement") as outlined in O.R.C. Section 3735.671.

No CRA exemption shall exceed One Hundred percent (100%).

Section 5. Unless and to the extent waived in a CRA Agreement, all commercial and industrial projects are subject to a local annual monitoring fee of one percent (1%) of the amount of taxes exempted under the agreement, subject to a minimum of Five Hundred Dollars (\$500.00) up to a maximum of Twenty-Five Hundred Dollars (\$2,500.00) annually, unless waived.

Section 6. To administer and implement the provisions of this ordinance, the Economic Development Director is designated as the Housing Officer as described in ORC Sections 3735.65 through 3735.70. The Housing Officer is hereby authorized and directed, on behalf of the City, to deliver a copy of this Ordinance and a map of the City CRA to the State Director of Development, in accordance with Section 3735.66 of the Ohio Revised Code. The Housing Officer shall not grant any exemptions from taxation under this Ordinance until the Director assigns a unique designation to the City CRA.

Section 7. The Community Reinvestment Area Housing Council established by the Council of the City of Hamilton shall make an annual inspection of the properties within the City CRA for which exemption has been granted under Section 3735.67 of the Ohio Revised Code and this Ordinance, and shall also hear appeals under Section 3735.70 of the Ohio Revised Code.

Section 8. The Tax Incentive Review Council established by the Council of the City of Hamilton to review the compliance of all other Community Reinvestment Area agreements and requirements shall annually review the compliance with CRA Agreements under this Ordinance and make written recommendations to this Council as to continuing, modifying or terminating those agreement based upon the performance of the agreement.

Section 9. This Council reserves the right to re-evaluate the designation of the City CRA at which time this Council may direct the Housing Officer not to accept or process any new applications for exemptions as described in Section 3735.67 of the Ohio Revised Code, but the Housing Officer shall continue to accept final applications for projects that have received pre-approval from the Housing Officer or for which the City and the owner of the property have entered into an agreement.

Section 10. City Resolutions No. R98-8-59 and No. R2002-3-12 declaring and confirming its intention to and establishing the 1998 CRA are hereby repealed.

Exhibit No. 2

Amended City-Wide Community Reinvestment Area

