

Presented by: AFC
Presented: 09/12/2022
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-42

An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Higher Density Housing.

WHEREAS, A.S. 29.45.050(m) gives municipalities the option of providing tax exemptions for economic development property and requires a statement that if this ordinance is adopted, it may be repealed by the voters through referendum; and

WHEREAS, the Housing Action Plan and Juneau Economic Development Plan identify tax abatement incentives to encourage development of workforce, senior, and downtown housing; and

WHEREAS, an Assembly goal is to develop more housing in the community, which can be incentivized with a broader tax abatement program.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC 69.10.023 Property tax incentives for economic development property, is amended to read:

69.10.023 Property tax incentives for economic development property.

(a) *Purpose.* This section authorizes property tax exemptions for the following on a property that meets the definition of economic development property in A.S. 29.45.050(m):

- (1) Assisted living for senior citizens: At least 15 new residential units on one lot of assisted living for senior citizens. The term residential units includes the assisted living residential units for senior citizens and only those building spaces that are necessary and incidental to the assisted living of senior citizens that qualify for inclusion in the exemption like common space, support space, and shared facilities. A residential unit qualifies for the exemption even if a non-senior citizen resides in the unit with a senior citizen. The property is located entirely within the urban service area as defined by Title 49. An assisted living for senior citizens tax exemption runs with the land for the duration of the exemption so long as all of the tax-exempt residential units remain under a single common ownership. The tax abatement terminates on the following January 1 for any residential unit sold,

during the prior year, to an individual owner that terminates the common unit ownership.

- (2) **Downtown multifamily:** At least four new residential units on one lot in the Downtown Juneau Residential Tax Abatement Map, dated January 20, 2021. Such units must not be used as short-term rentals during the property tax abatement period. A downtown multifamily tax exemption runs with the land for the duration of the exemption so long as all of the tax-exempt residential units remain under a single common ownership. The tax abatement terminates on the following January 1 for any residential unit sold, during the prior year, to an individual owner that terminates the common unit ownership. No new downtown multifamily tax exemption applications may be accepted or granted after October 1, 2032.
- (3) **High-density residential:** At least four new residential units on one lot and the residential development meets or exceeds 75% of the maximum density for the lot as allowed by Title 49. Such units must not be used as short-term rentals during the property tax abatement period. The property is located entirely within the urban service area as defined by Title 49. A high-density tax exemption runs with the land for the duration of the exemption so long as all of the tax-exempt residential units remain under a single common ownership. The tax abatement terminates on the following January 1 for any residential unit sold, during the prior year, to an individual owner that terminates the common unit ownership. No new high-density tax exemption applications may be accepted or granted after October 1, 2032.

(b) *Reserved.*

(c) *Exclusions.* Repair and rehabilitation property as defined in CBJC 69.10.025 for which an exemption application has been filed or granted is not eligible for this housing tax incentive. Submission of an application for exemption pursuant to this section shall automatically terminate any existing CBJC 69.10.025 application or designation for the property.

(d) *Application.* An application for an exemption under this section shall be made in writing to the assessor's office prior to issuance of a building permit for the residential units. Applications made after issuance of a building permit for the residential units shall not be accepted, or rejected if accepted. The application shall at a minimum contain the following:

- (1) *Name.* The name of the applicant;
- (2) *Address.* The legal description and street address of the property for which the application is made;
- (3) *New residential units.* Drawings of the residential units that the applicant will construct, including a floor plan that includes approximate square footages;
- (4) *Existing structures.* Drawings showing the square footage of all existing structures and structures to be constructed on the property;

- (5) *Increase in residential units.* Plans showing the construction will increase the total number of residential units on the property;
 - (6) *Acknowledgement of liability.* Applicant acknowledges that the residential units will be taxable if and when the residential units are no longer eligible for tax exemption under this section;
 - (7) *Economic development property justification.* A narrative describing how the application qualifies as economic development property consistent with A.S. 29.45.050(m);
 - (8) *Other information.* Other information as may be required by the assessor; and
 - (9) *Application requirements specific to the Downtown Juneau Residential Tax Abatement.* In an application for CBJC 69.10.023(a)(2), the property owner must agree not to rent any new residential units as short-term rentals while receiving the tax abatement. A property owner who breaches this provision forfeits the remaining property tax abatement and must reimburse the City and Borough of Juneau for the property tax abatement received since first granted plus interest at the legal maximum rate of interest allowed by state law. If the property owner does not reimburse the City and Borough within 30 calendar days of notice being mailed or served, a lien shall be recorded against the property with the new residential units.
- (e) *Provisional approval.* The assessor shall provisionally approve an application for tax exemption if:
- (1) The applicant submitted a complete application; and
 - (2) The applicant acknowledges it must
 - (i) Construct not less than the required residential units in accordance with the plans and drawings submitted with its application; and
 - (ii) Increase the total number of residential units on the property in order to receive final approval under this section.
- (f) *Final approval of exemption.* The assessor shall finally approve an application for tax exemption if:
- (1) The applicant has completed construction of residential units in accordance with the plans and drawings submitted with its application and a Certificate of Occupancy has been issued pursuant to Title 19 for each structure that contains a residential unit described in the application; and
 - (2) The total number of residential units on the property has increased.

(g) *Magnitude of exemption.* Consistent with this subsection, the total potential exemption shall not reduce the amount of taxes below the amount levied on other property for the school district's required local contribution under A.S. 14.17.410(b)(2). The taxes eligible for exemption under this section are those attributable only to the newly constructed residential units exclusive of previously existing residential units (whether remodeled or not), all non-residential improvements, and land. Except as provided by subsection (m), the magnitude of exemption shall be determined on a spatial basis as follows: the square footage of the newly constructed residential units shall be divided by the square footage of all structures on the property, then multiplied by the assessed value of all improvements on the property and by the mill rate applicable to the property.

(h) *Duration of tax exemption.* Tax exemptions approved under this section shall be for a period of 12 consecutive years beginning on January 1 of the first full calendar year after final approval of the application.

(i) *Recording of exemption.* The assessor shall memorialize the terms of an exemption granted under this section in a memorandum recorded in the Juneau Recording District and kept on file in the assessor's office.

(j) *Termination of exemption upon reduction in number of residential units.* An exemption granted under this section shall terminate immediately if and when the number of residential units on the property is less than the number existing at the time of final approval of the application under this section. An exemption granted under this section does not terminate if the property or residential unit is sold and the new owner continues to comply with this section.

(k) *Appeal.* Any decision of the assessor under this section may be appealed to the assembly in accordance with CBJC 01.50.

(l) *Annual compliance and status report.* Not later than March 31 of each year, the owner of the property for which an exemption has been granted, shall file with the assessor a report with the following information:

- (1) *Occupancy.* A statement of occupancy and vacancy of the residential units for the prior 12 months;
- (2) *Residential units remain as described.* A certification that the newly constructed residential units described in the application continue to exist and have not been converted to a non-residential use;
- (3) *Further changes.* A description of physical changes or other improvements constructed since the last report or, on first report, since the filing of the application; and
- (4) *Additional information.* Any additional information requested by the assessor.

(m) *Late-file penalty.* The failure for the owner to file the annual compliance and status report by March 31 shall result in ten percent reduction of the taxes exempted in the prior year.

(n) *Definitions.* In this section, the following definitions apply:

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services.

New residential unit means new construction and a condemned or uninhabitable existing dwelling unit that is renovated to current code for a residential dwelling unit according to CBJC Title 19.

Previously exempt property means real or personal property exempt under CBJC Title 69 in the prior calendar year but taxable in the next calendar year.

Residential unit means a dwelling unit as defined by CBJC 49.80.120 and is either owner-occupied or only leased for periods of at least one month.

Senior citizen means a person who is:

- (1) Sixty-five years or older; or
- (2) At least 60 years of age and the widow or widower of a senior citizen who qualified for an exemption under AS 29.45.030(e) and CBJC 69.10.020(1)(A)(i) and (ii).

Short-term rental means a dwelling unit that is rented, leased, or otherwise advertised for occupancy for a period of less than 30 days.

Widow or widower means a person whose spouse has died and who has not remarried.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 24th day of October, 2022.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk