



**City of Henderson
Kentucky**
**Application For
Assessment Moratorium Certificate**

NOTE:
This form must be filed with the City Manager's office, 222 1st Street Henderson, KY. at least 30 days prior to restoration or repair work begins.

Henderson County Kentucky

Date Submitted _____

1. Name(s) and mailing address of owner-applicant(s) in whose name title is vested:

2. Location and description of property:
 Commercial Residential (CBD only) Zoning Designation: _____
 a. Location _____
 b. Age of property _____
 c. General description of property _____

 d. General description of proposed use _____

 e. Time schedule for completion of project _____

 f. List the fixed building equipment and a statement of the economic advantages expected from the moratorium and construction employment _____

 g. Applicant's estimate of Total Costs of rehabilitation or repair \$ _____
 h. Applicant's estimate of fair cash value of property as of the date of application \$ _____

AFFIDAVIT AND OATH

I/We _____
 hereby swear (affirm) under penalty of perjury that I/we am/are the owner(s) of the property for which this assessment moratorium is sought; and that all information contained in this application is true and correct.

_____ Signature of Applicant	_____ Date
_____ Signature of Applicant	_____ Date
_____ Signature of Applicant	_____ Date

RESERVED FOR OFFICIAL USE

Property Valuation Administrator's Appraisal \$ _____

 Date

This application is: Approved Disapproved
 (Attach resolution of approval or letter of denial) _____
 Date
 (ORDINANCE AND PROCESS/POLICY ATTACHED)



City of Henderson

Assessment Moratorium Program

The purpose of this program is to encourage the repair, rehabilitation and restoration of buildings 25 years old or older for commercial use in certain zones, and existing residential buildings 25 years old or older in the Central Business District. The City of Henderson will freeze city property values at the pre-rehabilitation level for a period of five years, on properties that meet certain criteria and will be undergoing rehabilitation.

The following must be met to qualify for the property assessment moratorium program: the building must be 25 years old or older with its primary purpose and use, the operation of a commercial business enterprise in the Central Business (CBD), General Business (GB), Highway Commercial (HC), Residential Office (RO), Neighborhood Business (NB), Riverfront (RF-2), Audubon Commercial District (ACD), Gateway Zone #1 (GZD#1), or Henderson Innovative Planning (HIP) districts; **OR** an existing residential building that is 25 years old or older in the Central Business (CBD) district ***An application form must be submitted to the City Manager's office a minimum of 30 days before any construction/demolition work begins.***

The application will be reviewed by city staff and upon verification that the project meets the Program standards will be forwarded to the Henderson County Property Valuation Administrator (PVA) for current assessment of the property's value. The application is then returned to the City for review and action by the Henderson City Commission. The moratorium becomes effective on the next assessment date after approval and remains in effect for five years, unless voided for noncompliance.

Improvements must be completed within two years unless a written request for extension is received and granted by the Henderson City Commission. **Upon completion of the work, the owner must notify the City Manager's office and request a property reassessment from the Henderson County Property Valuation Administrator.**

A tax moratorium may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property. Any property granted an assessment moratorium may be eligible for another moratorium if three years have passed since the previous moratorium's expiration. On the next assessment date following the expiration, cancellation or revocation of an assessment or reassessment moratorium, the property will be assessed on the basis of its full fair cash value.

Application process

The following documentation/procedures are required for an Assessment Moratorium request to be considered:

1. Submit a completed Assessment Moratorium Application to the City Manager's office, P. O. Box 716, Henderson, KY 42419-0716 or 222 First Street, Henderson, Kentucky, a minimum of 30 days before commencing the restoration.
2. Staff review and, if applicable, PVA notification for assessment of the property (**NOTE:** the PVA office has up to 30 days to complete their assessment).
3. PVA assesses property.
4. Action by City Commission upon submission of PVA assessment (City Commission meetings are conducted the second and fourth Tuesday of each month).
5. Notification to Applicant, Code Enforcement and PVA of action taken by City Commission.
6. Construction/demolition permits issued.
7. Work begins.
8. Applicant notifies City Manager's office when project is completed and requests a property reassessment from the PVA office.
9. PVA re-assesses property.

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PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS

Sec. 21-91. - Moratorium program established.

There is hereby established a program for the granting of property assessment or reassessment moratoriums for qualifying units of real property located in the following zoning districts in the City of Henderson as shown on the city's official zoning map:

- (a) General Business (GB).
- (b) Highway Commercial ("HC").
- (c) Residential Office (RO).
- (d) Neighborhood Business (NB).
- (e) Riverfront (RF-2).
- (f) Audubon Commercial District (ACD).
- (g) Gateway Zone District #1 (GZD#1).
- (h) Henderson Innovative Planning District (HIP).

For a building to qualify in the above-stated districts, it must be twenty-five (25) years or older and must have as its primary purpose and use the operation of a commercial business enterprise.

Real Property located in the Central Business zoning district is eligible for property assessments or reassessments under this Chapter. To qualify, the building must be twenty-five (25) years or older and must have its primary purpose either the use of the operation of a commercial business enterprise or for use as a residential property.

(Ord. No. 17-94, 4-26-94; Ord. No. 03-12, 1-24-12; Ord. No. 04-15, 3-24-15; Ord. No. 32-18, 10-27-18)

Sec. 21-92. - Administering agencies.

The administering agencies for this moratorium program shall be the appropriate legislative body, or the Henderson city commission, or a body to be designated by them.

(Ord. No. 17-94, 4-26-94)

Sec. 21-93. - Moratoriums to be limited to five-year period.

All moratoriums shall be for a period of five (5) years, and each shall become effective on the assessment date next following the issuance of the moratorium certificate.

(Ord. No. 17-94, 4-26-94)

Sec. 21-94. - Applications for moratorium certificates.

Applications shall be made to the administering agency for a property assessment or reassessment moratorium certificate as follows:

- (1) The application shall be on a form prescribed by the department of revenue and shall be filed in the manner prescribed by the administering agency.

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- (2) The application shall be filed with the administering agency thirty (30) days before commencing the restoration.
- (3) The application shall contain the following:
 - a. A general description of the property;
 - b. A general description of its proposed use;
 - c. The general nature and extent of restoration, repair, rehabilitation or stabilization to be undertaken;
 - d. A time schedule for undertaking and completing the project; and
 - e. If the property is a commercial facility, the application shall also contain a descriptive list of the fixed building equipment which will be a part of the facility and a statement of the economic advantages expected from the moratorium, including expected construction employment.

(Ord. No. 17-94, 4-26-94)

Sec. 21-95. - Assessment reassessment of property by property administrator on receipt of application.

The property valuation administrator and the administering agency shall maintain a record of all applications for a property assessment or reassessment moratorium. The PVA shall assess or reassess the property within thirty (30) days of receipt of the application. This assessment shall be the value for which taxes are not to be raised for five (5) years.

(Ord. No. 17-94, 4-26-94)

Sec. 21-96. - Time limitation for completion of improvement; by applicant extensions.

The applicant shall have two (2) years in which to complete the improvements unless granted an extension by the administering agency and the appropriate legislative body. In no case shall the application be extended beyond two (2) additional years. This provision shall not preclude normal reassessment of the property.

(Ord. No. 17-94, 4-26-94)

Sec. 21-97. - Inactive applications rendered void; when.

Any application not acted upon by the applicant shall become void two (2) years from the date of application and shall be purged from the files of the property valuation administrator and the administering agency.

(Ord. No. 17-94, 4-26-94)

Sec. 21-98. - Assessment of property following expiration, cancellation, etc. of moratorium.

On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, property shall be assessed on the basis of its full fair cash value.

(Ord. No. 17-94, 4-26-94)

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Sec. 21-99. - Verification of completed project prerequisite to issuance of moratorium certificate.

The applicant shall notify the administering agency when the project is complete, and the administering agency shall then conduct an onsite inspection of the property for purposes of verifying improvements. Only after the project is complete and the improvements verified shall the moratorium certificate be issued by the administering agency.

(Ord. No. 17-94, 4-26-94)

Sec. 21-100. - Transfer or assignment of moratorium certificate to new owner or lessee.

An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property.

(Ord. No. 17-94, 4-26-94)

Sec. 21-101. - Eligibility for subsequent moratorium certification; reapplication.

Any property granted an assessment or reassessment moratorium may be eligible for a subsequent moratorium certification provided that reapplication be made no sooner than three (3) years following the expiration of the original moratorium.

(Ord. No. 17-94, 4-26-94)

Sec. 21-102. - Definitions for interpreting this article.

Definitions for interpreting this article shall be those outlined in KRS Chapter 99 relating to property assessment and reassessment moratoriums. Repair, rehabilitation, restoration or stabilization of property as used therein shall include the demolition of an existing structure and the construction of a new structure if it is more economical to do so given the condition of the existing structure, and the applicant provides a comparative cost analysis in the moratorium application justifying such demolition and reconstruction. In such cases, the assessment by the PVA for the purpose of establishing the value for the moratorium shall be based on the existing structure prior to demolition.

(Ord. No. 17-94, 4-26-94; Ord. No. 03-12, 1-24-12)

KENTUCKY REVISED STATUTES
Property Assessment and Reassessment Moratoriums

99.595 Definitions for KRS 99.595 to 99.605 and 132.452.

- (1) "Administering agency" means the agency delegated responsibility by the legislative body to implement the provisions of KRS 99.595 to 99.605 and 132.452.
- (2) "Commercial facility" means any structure the primary purpose and use of which is the operation of a commercial business enterprise and which is twenty-five (25) years old or older.
- (3) "Existing residential building" means a residential building which has been in existence for at least twenty-five (25) years and use of which is to provide independent living facilities for one (1) or more persons.
- (4) "Legislative body" means the board of aldermen in a city of the first class operating under KRS Chapter 83, the city council in a city operating pursuant to KRS 83A.130, the city commission in a city operating pursuant to KRS 83A.140, the board of commissioners in a city operating pursuant to KRS 83A.150, the fiscal court in a county, the legislative council in a consolidated local government operating pursuant to KRS Chapter 67C, and the legislative body in an urban-county government operating pursuant to KRS Chapter 67A.
- (5) "Local government" means a county, municipal, consolidated local government, or urban-county government.
- (6) "Rehabilitation" means the process of returning an existing structure to a state of utility through repair or alteration which makes possible an efficient contemporary use.
- (7) "Repair" means the reconstruction or renewal of any part of an existing structure for the purpose of maintenance.
- (8) "Restoration" means the process of accurately recovering the form and details of a structure and its setting as it appeared at a particular period of time by removal of later work or by the replacement of missing earlier work.
- (9) "Stabilization" means the process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists.
- (10) "Assessment or reassessment moratorium" means the act of deferring the value of the improvements from the taxable assessment of qualifying units of real property for a maximum period of five (5) years.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 123, effective July 15, 2002. -- Created 1982 Ky. Acts ch. 327, sec. 1, effective July 15, 1982.