

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2010

COUNCIL BILL NO. CB10-0432
COMMITTEE OF REFERENCE:
BLUEPRINT DENVER

A BILL

For an ordinance amending Article XIV (Downtown Historic District Property Tax Rebate Incentive) of Chapter 53 (Taxation and Miscellaneous Revenue) of the Denver Revised Municipal Code.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Sections 53-530, 53-531, 53-532, and 53-534 of Article XIV (Downtown Historic District Property Tax Rebate Incentive) of Chapter 53 (Taxation and Miscellaneous Revenue) of the Denver Revised Municipal Code are hereby amended by deleting the words and figures stricken below and adding the words and figures underlined below to read and be read as follows:

ARTICLE XIV. - DOWNTOWN HISTORIC DISTRICT PROPERTY TAX REBATE INCENTIVE

Sec. 53-530. Rebate of property taxes.

For each qualifying structure in the downtown historic district, the city council may annually appropriate a rebate amount up to or equal to the local portion of real property taxes due in excess of those local property taxes due for tax year 1999 (or the first year the structure qualifies as a qualifying structure, whichever is later) for twenty years from the first tax year in which the structure qualifies for the rebate. After twenty (20) years, and for so long as the structure remains a qualifying structure, such rebate shall continue at the same dollar amount as in the twentieth year, and shall not further increase. The first tax year in which the structure qualifies for the rebate shall be deemed to be the year the structure meets the criteria of section 53-531, whether or not the owner of the structure actually receives a rebate in that or any subsequent year. "Local portion of real property taxes," for the purposes of this article, means the general fund property taxes levied against the land and improvements on a property, excluding those taxes levied by the Denver public schools and any unit of government other than the City and County of Denver. Such rebate shall not affect that portion of property taxes pledged to Denver Urban Renewal Authority (DURA).

Sec. 53-531. Qualifying structures.

To be a qualifying structure, a structure must:

- (1) Be in the downtown historic district;

- 1 (2) Be certified by the landmark preservation commission (LPC) as qualifying based on the
2 following criteria:
3 a. The street elevation of the building must be in good repair;
4 b. The street elevation of the building must be substantially original in appearance;
5 and
6 c. The building systems must be in good repair.

7 Nothing in the above criteria shall be read to require compliance with contemporary
8 building codes; and

9 (3) Have an authorized representative appointed for the structure. For the purposes of this
10 section 53-531(3) an “authorized representative” is the person or entity that will make
11 application to the City for a property tax rebate and the entity to which the rebate will be
12 paid. If there is but one owner that owner shall be the authorized representative, if there is
13 more than one owner, then the owners shall decide upon an authorized representative.

14 (4) If the owners of such structure have received funds from DURA, the structure shall not be
15 a qualifying structure so long as funds are still being received from DURA or the owners have any
16 outstanding repayment obligations to DURA. Once the structure ceases to receive DURA
17 funding, all repayment obligations are satisfied, and (1) and (2) above are met, the structure may
18 then be certified as a qualifying structure.

19 **Sec. 53-532. Annual certification by landmark preservation commission.**

20 Upon application for a property tax rebate by the authorized representative of a structure in the
21 downtown historic district the LPC shall determine whether the structure meets the criteria of 53-
22 531. To be considered for a rebate, all applications must be turned in to the LPC by September 1
23 of the year the taxes were due and paid. The LPC shall then compile a list of the qualifying
24 structures and shall certify annually a list of qualifying structures in the downtown historic district.

25 **Sec. 53-533. Payment from downtown historic district property tax rebate fund.**

26 The manager of finance, after receiving the list of qualifying structures from the LPC, shall find
27 and determine the eligibility of the owner of each qualified structure ~~property~~ to payment of a
28 rebate under this article, and shall pay to said ~~owner~~ structure’s authorized representative, such
29 payment from the funds appropriated to the downtown historic district property tax rebate fund,
30 and no other, by the first day of ~~February~~ September of the succeeding calendar year, provided,
31 however, that:

32 (1) ~~The property owner~~ authorized representative shall not be considered eligible to receive

1 payment of a rebate ~~except unless the property owner has paid any and all~~ on property taxes due
2 ~~on said property that have been paid; and provided further, that~~
3 (2) if an individual rebate payment would amount to less than ten dollars (\$10.00) one
4 hundred dollars (\$100.00), no payment shall be made;
5 (3) Property taxes paid after the due date for such payment shall not be eligible for a rebate;
6 and
7 (4) If the taxes on any separate ownership parcel of a qualifying structure are not paid as of
8 the due date, any rebate for the remainder of the qualifying structure shall be made only on the
9 portion of the qualifying structure for which taxes have been paid by the due date.

10 COMMITTEE APPROVAL DATE: 5/26/2010.

11 MAYOR-COUNCIL DATE: 6/1/2010, on consent.

12 PASSED BY THE COUNCIL _____ 2010

13 _____ - PRESIDENT

14 APPROVED: _____ - MAYOR _____ 2010

15 ATTEST: _____ - CLERK AND RECORDER,
16 EX-OFFICIO CLERK OF THE
17 CITY AND COUNTY OF DENVER
18

19 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

21 PREPARED BY: Kerry A. Buckey _____ 6/2/2010

23 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
26 § 3.2.6 of the Charter.
27

28 David R. Fine, City Attorney

29 BY: _____, _____ City Attorney Date: _____
30