

154.30-060 Commonwealth Participation Program for Mixed-Use Redevelopment in Blighted Urban Areas -- Definitions -- Criteria for state participation -- Qualifying expenditures -- Authority review -- Required determinations by the authority -- Pledge limitations -- Tax incentive agreement required.

- (1) The Commonwealth Participation Program for Mixed-Use Redevelopment in Blighted Urban Areas is hereby established.
- (2) State participation under this program shall be limited to the support of approved public infrastructure costs and costs associated with land preparation, demolition, and clearance determined to be necessary to support private investment or private development projects that benefit the public, where project economics are unable to support or secure necessary financing to undertake the public improvements, land preparation, demolition, and clearance.
- (3) As used in this section:
 - (a) "Mixed-use" means a project:
 1. That includes at least two (2) qualified uses, each of which comprises at least twenty percent (20%) of the total finished square footage of the proposed project or represents at least twenty percent (20%) of the total capital investment; or
 2. That includes at least three (3) qualified uses:
 - a. One (1) of which comprises at least twenty percent (20%) of the total finished square footage of the proposed project or represents at least twenty percent (20%) of the total capital investment; and
 - b. The remainder of which, when combined, jointly comprise at least twenty percent (20%) of the total finished square footage of the proposed project or represent at least twenty percent (20%) of the total capital investment;
 - (b) "Qualified use" means:
 1. Retail;
 2. Residential;
 3. Office;
 4. Restaurant; or
 5. Hospitality; and
 - (c) "Retail" means an establishment predominantly engaged in the sale of tangible personal property subject to the tax imposed by KRS Chapter 139, but shall not include restaurants.
- (4) To be considered for state participation under this program, a project shall:
 - (a) Be located in an area that has three (3) or more of the conditions listed in KRS 65.7049(3)(a), or be a project described in KRS 65.7049(3)(b);
 - (b) Be a mixed-use project;
 - (c) Represent new economic activity in the Commonwealth;
 - (d) Result in a capital investment between twenty million dollars

- (\$20,000,000) and two hundred million dollars (\$200,000,000);
- (e) Not include any retail establishment that exceeds twenty thousand (20,000) square feet of finished square footage;
 - (f) Include pedestrian amenities and public space; and
 - (g) Result in a net positive economic impact to the Commonwealth, taking into consideration any substantial adverse impact on existing Commonwealth businesses. The net positive impact shall be certified to the authority as required by KRS 154.30-030(6)(b).
- (5) The following costs may be recovered pursuant to this section:
- (a) Up to one hundred percent (100%) of approved public infrastructure costs; and
 - (b) Up to one hundred percent (100%) of expenses for land preparation, demolition, and clearance necessary for the development to occur.
- (6) The commission shall review the application, the certification required by KRS 154.30-030, and supporting information as provided in KRS 154.30-030.
- (7) The authority shall specifically identify the state taxes from which incremental revenues will be pledged. The authority may pledge up to eighty percent (80%) of the incremental revenues from the identified state tax revenues from the footprint of the project, provided that the maximum amount of incremental revenues that may be pledged for a project during the term of the tax incentive agreement from all approved state taxes shall not exceed the costs and expenses determined under subsection (5) of this section.
- (8) As part of the approval process, the authority shall determine the following:
- (a) The footprint of the project;
 - (b) That the proposed project meets the requirements established by subsection (4) of this section;
 - (c) The maximum amount of approved public infrastructure costs and expenses for land preparation, demolition, and clearance;
 - (d) That the local revenues pledged to support the public infrastructure of the project and local revenues pledged to support the overall project are of a sufficient amount to warrant participation of the Commonwealth in the project;
 - (e) The termination date of the tax incentive agreement; and
 - (f) Any adjustments to be made to old revenues, in determining incremental revenues during each year of the term of the tax incentive agreement.
- (9) If state income taxes or local occupational licenses taxes are included for a project that includes office space, the authority shall consider the impact of pledging these taxes on the ability to utilize other economic development projects at a later date.
- (10) The pledge of state incremental tax revenues of the Commonwealth by the authority shall be implemented through the execution of a tax incentive agreement between the Commonwealth and the agency, city, or county in accordance with KRS 154.30-070.

Effective: April 10, 2017

History: Amended 2017 Ky. Acts ch. 174, sec. 2, effective April 10, 2017. --

Amended 2014 Ky. Acts ch. 105, sec. 1, effective July 15, 2014. -- Amended 2011 Ky. Acts ch. 62, sec. 4, effective June 8, 2011. -- Repealed, reenacted, and amended 2008 Ky. Acts ch. 178, sec. 19, effective July 15, 2008. -- Created 2007 Ky. Acts ch. 95, sec. 19, effective March 23, 2007.

Legislative Research Commission Note (4/10/2017). 2017 Ky. Acts ch. 174, sec. 5 provided that amendments made to subsection (3) of this statute in 2017 Ky. Acts ch. 174, sec. 2 shall apply to applications for which a Tax Incentive Agreement has not been approved prior to April 10, 2017 (the effective date of that section of that Act).

Formerly codified as KRS 65.7077.