

**65.7049 Establishment of development area for investment, reinvestment, development, use, and reuse pursuant to this section and KRS 65.7051 and 65.7053 -- Conditions for establishment -- Findings required.**

Any city or county may establish a development area pursuant to this section, KRS 65.7051, and 65.7053 to encourage investment and reinvestment in and development, use, and reuse of areas of the city or county under the following conditions:

- (1) The area shall be contiguous and shall be no more than three (3) square miles;
- (2) The establishment or expansion of the development area shall not cause the assessed value of taxable real property within all development areas and local development areas of the city or county establishing the development area to exceed twenty percent (20%) of the assessed value of all taxable real property within its jurisdiction. For the purpose of determining whether the twenty percent (20%) threshold has been met, the assessed value of taxable real property within all of the development areas and local development areas shall be valued as of the establishment date;
- (3) The governing body of the city or county shall determine that the development area either:
  - (a) Has two (2) or more of the following conditions:
    1. Substantial loss of residential, commercial, or industrial activity or use;
    2. Forty percent (40%) or more of the households are low-income households;
    3. More than fifty percent (50%) of residential, commercial, or industrial structures are deteriorating or deteriorated;
    4. Substantial abandonment of residential, commercial, or industrial structures;
    5. Substantial presence of environmentally contaminated land;
    6. Inadequate public improvements or substantial deterioration in public infrastructure; or
    7. Any combination of factors that substantially impairs or arrests the growth and economic development of the city or county; impedes the provision of adequate housing; impedes the development of commercial or industrial property; or adversely affects public health, safety, or general welfare due to the development area's present condition and use; or
  - (b) The project meets the requirements of KRS 65.7043(2)(a)1.b.; and
- (4) The governing body of the city or county shall find that all of the following are true for projects meeting the requirements of paragraph (a) of subsection (3) of this section:
  - (a) That the development area is not reasonably expected to be developed without public assistance. This finding shall be supported by specific reasons and supporting facts, including a clear demonstration of the financial need for public assistance; and

- (b) That the public benefits of the development area justify the public costs proposed. This finding shall be supported by specific data and figures demonstrating that the projected benefits outweigh the anticipated costs and shall take into account the positive and negative effects of investment in the development on existing businesses and residents within the community as a whole; and
- (c)
  - 1. That the area immediately surrounding the development area has not been subject to growth and development through investment by private enterprise; or
  - 2. If the area immediately surrounding the development area has been subject to growth and development through investment by private enterprise, the identification of special circumstances within the development area that would prevent its development without public assistance.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 199, sec. 3, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 174, sec. 3, effective April 10, 2017. -- Amended 2013 Ky. Acts ch. 99, sec. 2, effective June 25, 2013. -- Amended 2011 Ky. Acts ch. 62, sec. 3, effective June 8, 2011. -- Amended 2009 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 58, effective June 26, 2009. -- Created 2007 Ky. Acts ch. 95, sec. 5, 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)(b) of this statute in 2017 Ky. Acts ch. 174, sec. 3 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).