

NEIGHBORHOOD ENTERPRISE ZONE (NEZ)

The Neighborhood Enterprise Zone (NEZ) Program was established by Public Act 147 of 1992, as amended. The program provides a tax incentive for the development and rehabilitation of residential housing. A qualified local unit of government may designate one or more areas as a NEZ within that local unit of government. The program was established to spur the development and rehabilitation of residential housing in communities where it may not otherwise occur. The program also encourages owner-occupied housing and new investment in communities.

WHO IS ELIGIBLE TO APPLY?

A qualified local unit of government, as defined under Section 2 of the Obsolete Property Rehabilitation Act 2000 PA 146, or a county seat.

HOW DOES IT WORK?

A community will reduce the taxes on property for up to 15 years in designated areas to promote the revitalization of those neighborhoods. Developers and owners must first seek approval for the NEZ benefits before starting a project. There are three different types of projects that can be undertaken in an NEZ:

- A homestead facility is defined as an existing structure, purchased by or transferred to an owner after December 31, 1996, that has as its primary purpose residential housing consisting of one or two units, one of which is occupied by an owner as their principle residence and that is located within a platted subdivision.
- A rehabilitated facility is defined as an existing structure or a portion of an existing structure with a current true cash value of \$80,000 or less per unit that has or will have as its primary purpose residential housing consisting of 1–8 units.
- A new facility is defined as a new structure or portion of a new structure that has as its primary purpose residential housing consisting of one or two units, one of which will be owner occupied as a principal residence. This definition includes a new individual condominium unit, in a structure

with one or more condominium units, that has as its primary purpose residential housing which will be owner-occupied as a principal residence. Except when project meet ALL of the following items, a new facility does not include apartments:

- > Rented or leased or is available for rent or lease.
- > A mixed use building or located in a mixed use building that contains retail business space on street level floor.
- > Located in a qualified downtown district (DDA, PSD, or boundaries identified by the local government in an area zoned and primarily used for business).

WHAT IS THE PROCESS?

Note: The following steps are offered as general guidelines only and the legislation should be reviewed by local officials prior to starting the designation process.

Local Government Process to Designate a NEZ

1. The governing body of a qualified local unit of government by resolution may designate one or more NEZs within that local governmental unit. The NEZ must contain, at a minimum, platted parcels of land and the land must be compact and contiguous. Minimum number of parcels and maximum percent of acreage vary depending on type of designation.
2. Written notice is provided to the assessor and to the governing body of each taxing unit not less than 60 days before passing the resolution designating a NEZ.
3. The governing body makes a finding that the proposed NEZ is consistent with the master plan, neighborhood preservation and economic development goals of the local governmental unit.
4. The governing body adopts a statement of the local unit of government's goals, objectives and policies relative to the maintenance, preservation, improvement and development of housing for all persons regardless of income level living within the proposed NEZ.

5. The governing body passes a housing inspection ordinance that, at a minimum, requires that before the sale of a unit in a new or rehabilitated facility for which a NEZ certificate is in effect, an inspection is made of the unit to determine compliance with any local construction or safety codes and that a sale may not be finalized until there is compliance with those local codes.
6. The governing body holds a public hearing not later than 45 days after the date the notice is sent but before acting upon resolution.
7. Assessor determines and furnishes the governing body the amount of true cash value of the property located within the proposed NEZ and any other information considered necessary by the governing body.
8. The clerk of the governing body notifies the state tax commission of resolution passage, including a copy of the resolution and a listing of each parcel located in the NEZ, showing parcel code numbers and addresses.

Owner/Developer Process for Obtaining a NEZ Certificate

1. An owner or developer (or prospective owner or developer) of a proposed new facility or proposing to rehab property in a NEZ files an application for an NEZ certificate with the clerk of the local government. The application must be filed BEFORE a building permit is issued for the new construction or rehabilitation of the facility, unless they qualify for the exceptions provided for in Section 4 (2) of the Act.
2. An owner/developer obtains a building permit and submits a copy to the local unit of government.
3. Upon project completion, the property owner must submit to the local unit of government the following:
 - > *New Facility/ Homestead Facility*—certificate of occupancy and/or an affidavit executed by the owner affirming that the facility is occupied by the owner as a principal residence.
 - > *Rehabilitated Facility*—an affidavit executed by the owner affirming that the facility is occupied

by the owner as a principal residence, a certificate that the improvements have met the minimum cost requirements and the local building code standards issued by the local building inspector, and a certificate of occupancy if required by the local building permits or codes.

4. The local government will forward an application approved by resolution and the appropriate documentation (building permit, resolution contractor estimates, legal description and parcel number) to the state tax commission within 60 days of receiving it.
5. The State Tax Commission will issue a certificate to the applicant if it is determined that the facility complies with the NEZ program requirements within 60 days of receipt of the complete application from local government. Copies of the certificate will be sent to the applicant, assessor's office and each affected taxing unit.

Rehabilitation Cost Requirements

1. Improvements, if done by a licensed contractor, are estimated at more than \$5,000 per owner-occupied unit or 50% of the true cash value (whichever is less), or \$7,500 per non-owner-occupied unit or 50% of the true cash value (whichever is less).
2. If the owner proposes improvements that would be done by the owner, the cost of the materials must be in excess of \$3,000 per owner-occupied unit or \$4,500 per non-owner-occupied unit. Improvements estimated by the owner should not include the cost of labor.
3. These improvements must bring the structure into conformance with minimum building code standards. A rehabilitated facility does not include a facility rehabilitated with the proceeds of an insurance policy for property or casualty loss.

NEZ Certificate

1. The NEZ certificate becomes effective December 31 of the year the new facility or rehabilitated facility is substantially completed and for a new facility occupied by an owner as a principal residence.

OR—If a new facility is substantially completed in a year but is not occupied by an owner as a principal residence until the following year, upon the request of the owner, the effective date of the NEZ shall be December 31 in the year immediately preceding the date of occupancy by the owner as a principal resident.

OR—Upon the request of the owner, the effective date of the NEZ for a rehabilitated facility shall be December 31 in the year immediately preceding the date on which the rehabilitated facility is substantially completed.

2. Certificates are effective for up to 15 years, depending on the local government unit and the type of project.
3. A certificate can be transferred to succeeding property owners within the 12 years provided that the new owner meets the NEZ requirements for the program.
4. A certificate expires if an owner fails to complete the filing within two years after the certificate is issued.
5. A certificate is automatically revoked if any one of the following exists:
 - > The new facility is no longer a homestead or residential facility.
 - > The NEZ tax is not paid or property tax is not paid.
 - > If the state tax commission is notified that the structure is not in compliance with local construction, building or safety codes.
6. Requests for certificate revocation must be made to the State Tax Commission.

NEZ Tax

1. The NEZ tax is levied on NEZ certificate holders in place of ad valorem real property taxes on the new or rehabilitated facility (not on the land on which the facility is located). The property taxes levied on the land will continue to be collected as they would without the NEZ designation.

2. The NEZ tax is an annual tax payable at the same time, and in the same way, taxes under the general property tax act are collected.
3. Until paid, the NEZ tax is a lien on the real property upon which the new facility or rehabilitated facility subject to the certificate is located.
4. School taxes are reimbursed by the state.

New Facility Property Tax Calculation

- *Financial Residence Property*—Apply one-half of the previous year's state average principal residence millage rate to the value of the facility.
- *Non-Principal Residence Property*—Apply one-half of the previous year's state average non-principal residence millage rate to the taxable value of the facility
 - > The NEZ tax on new construction attached to an existing facility will only apply to the addition. The rest of the facility will continue to be assessed regular property taxes.

Rehabilitated Facility Tax Calculation

- Apply the current total millage rate to the previous year's taxable value of the rehabilitated portion of the facility (not including the land).

WHY WOULD A COMMUNITY WANT TO ESTABLISH A NEZ?

A Neighborhood Enterprise Zone provides a tax incentive for the development and rehabilitation of residential housing and to spur the development and rehabilitation of residential housing in communities where it may not otherwise occur. A NEZ also promotes neighborhood revitalization, encourages owner occupied housing and new investment by lowering property taxes.

SUPPORTING STATUTE

Public Act 147 of 1992, as amended