

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3220 of the Code of Virginia and to amend the Code of Virginia by*
 3 *adding a section numbered 58.1-3221.7 and by adding in Chapter 38 of Title 58.1 an article numbered*
 4 *14, consisting of a section numbered 58.1-3855, relating to real property tax; partial exemption for*
 5 *repurposing underutilized structures for residential use; local incentives.*

6 [S 181]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 58.1-3220 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**
 10 **amended by adding a section numbered 58.1-3221.7 and by adding in Chapter 38 of Title 58.1 an**
 11 **article numbered 14, consisting of a section numbered 58.1-3855, as follows:**

12 **§ 58.1-3220. Partial exemption for certain rehabilitated, renovated, or replacement residential**
 13 **structures.**

14 A. The governing body of any county, city, or town may, by ordinance, provide for the partial exemption
 15 from taxation of real estate on which any structure or other improvement no less than 15 years of age has
 16 undergone substantial rehabilitation, renovation, or replacement for residential use, subject to such conditions
 17 as the ordinance may prescribe. The ordinance may, in addition to any other restrictions hereinafter provided,
 18 restrict such exemptions to real property located within described zones or districts whose boundaries shall be
 19 determined by the governing body. The governing body of a county, city, or town may (i) establish criteria
 20 for determining whether real estate qualifies for the partial exemption authorized by this provision, (ii)
 21 require such structures to be older than 15 years of age, (iii) establish requirements for the square footage of
 22 replacement structures, and (iv) place such other restrictions and conditions on such property as may be
 23 prescribed by ordinance. Such ordinance may also provide for the partial exemption from taxation of (a)
 24 multifamily residential units that have been substantially rehabilitated by replacement for multifamily use *and*
 25 (b) *buildings that have undergone a qualifying residential conversion, in accordance with the provisions of*
 26 *§ 58.1-3221.7 and to the extent allowed by the Constitution of Virginia.*

27 B. The partial exemption provided by the local governing body may be an amount equal to the increase in
 28 assessed value or a percentage of such increase resulting from the rehabilitation, renovation, or replacement
 29 of the structure as determined by the commissioner of revenue or other local assessing officer or an amount
 30 up to 50 percent of the cost of the rehabilitation, renovation, or replacement, as determined by ordinance. The
 31 exemption may commence upon completion of the rehabilitation, renovation, or replacement or on January 1
 32 of the year following completion of the rehabilitation, renovation, or replacement and shall run with the real
 33 estate for a period of no longer than 15 years. The governing body of a county, city, or town may place a
 34 shorter time limitation on the length of such exemption, or reduce the amount of the exemption in annual
 35 steps over the entire period or a portion thereof, in such manner as the ordinance may prescribe.

36 C. The local governing body or its designee shall provide written notification to the property owner of the
 37 amount of the assessment of the property that will be exempt from real property taxation and the period of
 38 such exemption. Such exempt amount shall be a covenant that runs with the land for the period of the
 39 exemption and shall not be reduced by the local governing body or its designee during the period of the
 40 exemption, unless the local governing body or its designee by written notice has advised the property owner
 41 at the initial time of approval of the exemption that the exempt amount may be decreased during the period of
 42 such exemption. In no event, however, shall such partial exemption result in totally exempting the value of
 43 the structure.

44 D. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the
 45 land book any reduced value due to the exemption provided in subsection B.

46 E. The governing body of any county, city, or town may assess a fee not to exceed \$125 for residential
 47 properties; or \$250 for commercial, industrial, and/or apartment properties of six units or more for processing
 48 an application requesting the exemption provided by this section. No property shall be eligible for such
 49 exemption unless the appropriate building permits have been acquired and the commissioner of the revenue
 50 or assessing officer has verified that the rehabilitation, renovation, or replacement indicated on the
 51 application has been completed.

52 F. Where rehabilitation is achieved through demolition and replacement of an existing structure, the
 53 exemption provided in subsection A shall not apply when any structure demolished is a registered Virginia
 54 landmark or is determined by the Department of Historic Resources to contribute to the significance of a
 55 registered historic district.

56 **§ 58.1-3221.7. Partial exemption for certain rehabilitated, renovated, or replacement underutilized**

57 **structures for residential use.**

58 A. For purposes of this section, "qualifying residential conversion" means the conversion of a building
59 and its structural components from retail, commercial, or religious use to residential use wherein:

60 1. Such building was first placed into service at least 15 years prior to the start of such conversion;

61 2. Depreciation is allowed for such building;

62 3. At completion of conversion, (i) at least 30 percent of the residential units in such building are reserved
63 for or offered to households with per capita income at or below 80 percent of the median per capita income
64 for the locality in which such building is located or (ii) the building owner is subject to a binding, written
65 agreement with the Commonwealth or the locality regarding the provision of affordable housing and such
66 agreement is documented in the form and manner required by the Department of Housing and Community
67 Development; and

68 4. The certified expenses incurred within the taxable year such building is placed into residential service
69 exceed the greater of (i) the adjusted basis of the building and its structural components or (ii) \$15,000. The
70 adjusted basis of the building shall be determined as of the first day of the taxable year in which a credit
71 under this section is claimed.

72 B. The governing body of any locality may, by ordinance, provide for the partial exemption from taxation
73 of real estate for which a qualifying residential conversion of a building occurs, subject to such conditions as
74 the ordinance may prescribe. The governing body of a locality may establish criteria for determining whether
75 such building qualifies for the partial exemption authorized by this provision and place such other
76 restrictions and conditions on such property as may be prescribed by ordinance.

77 C. The partial exemption provided by the local governing body may be an amount equal to the increase in
78 assessed value or a percentage of such increase resulting from the repurposing of the structure as determined
79 by the commissioner of the revenue or other local assessing officer, but shall not exceed the amount of
80 expenses incurred in connection with the qualifying residential conversion of such building, excluding (i) any
81 costs associated with the acquisition of any building or interest thereon and (ii) any expenses incurred that
82 are attributable to the enlargement of an existing building. The partial exemption may commence upon
83 completion of the qualifying residential conversion or on January 1 of the year following completion and
84 shall run with the real estate for a period of no longer than 15 years. The governing body of a county, city, or
85 town may place a shorter time limitation on the length of such exemption, or reduce the amount of the
86 exemption in annual increments over the entire period or a portion thereof, in such manner as the ordinance
87 may prescribe.

88 D. The local governing body or its designee shall provide written notification of the partial exemption to
89 the property owner that includes the amount of the assessment of the property that will be exempt from real
90 property taxation and the period of such partial exemption. Such amount shall be a covenant that runs with
91 the land for the period of the partial exemption and shall not be reduced by the local governing body or its
92 designee during the period of the partial exemption, unless the local governing body or its designee by
93 written notice has advised the property owner at the initial time of approval of the partial exemption that the
94 amount may be decreased during the period of such partial exemption. In no event, however, shall such
95 partial exemption result in totally exempting the value of the structure.

96 E. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the
97 land book any reduced value due to the partial exemption provided in subsection C.

98 F. 1. If a building owner claims a tax exemption pursuant to this section and at any subsequent time the
99 building no longer meets the requirements described in subdivision A 3, the locality may recapture all or a
100 portion of the tax exemption granted to such owner pursuant to this section in the immediately preceding
101 year. The amount of exemption subject to recapture shall be equal to the ratio of (i) the percentage of
102 residential units offered or reserved for households with per capita income at or below 80 percent of the
103 median per capita income for the locality in which such building is located and (ii) 30 percent.

104 2. If a building owner that claims an exemption pursuant to this section sells the building for which he is
105 claiming the exemption, and after such sale the property no longer meets the requirements of this section, the
106 purchaser shall be subject to a penalty. Such penalty shall be the sum of the difference between the tax levied
107 and the tax that would have been levied based on the fair market value assessment of the real estate for the
108 previous five tax years, plus simple interest, at a rate set by the governing body, no greater than the rate
109 applicable to delinquent taxes in such locality pursuant to § 58.1-3916. The original building owner shall
110 provide written notice to the purchaser prior to the sale that the property is subject to an exemption pursuant
111 to this section.

112 Article 14.

113 Local Incentives for Repurposing Underutilized Structures for Residential Use.

114 § 58.1-3855. Local incentives for repurposing underutilized structures for residential use.

115 A. For purposes of this section, "qualifying residential conversion" means the same as that term is defined
116 in § 58.1-3221.7.

117 B. Any locality may, by ordinance, establish a program to grant tax incentives or provide regulatory
118 flexibility to encourage qualifying residential conversions of buildings in the locality. Any such incentive or

119 *regulatory flexibility provided may consider population density and shall be proportionate to the amount of*
120 *expenses incurred in connection with the qualifying residential conversion of a building, excluding (i) any*
121 *costs associated with the acquisition of any building or interest thereon, (ii) any expenses incurred that are*
122 *attributable to the enlargement of an existing building, or (iii) any expenses incurred in connection with the*
123 *conversion of a building that is allocable to the portion of the property that is a tax-exempt use property*
124 *under Virginia law.*

125 *C. The tax incentives or regulatory flexibility may include (i) a reduction in permit fees, (ii) a streamlined*
126 *process for the approval of permits, or (iii) a reduction in any gross receipts tax on a qualifying residential*
127 *conversion of a building or on businesses that maintain a building that has undergone a qualifying*
128 *residential conversion as defined by the local ordinance.*