

EMERGENCY

City of Cincinnati

KMG *BM*

An Ordinance No. 339 - 2018

AMENDING Ordinance No. 275-2017 regarding the commercial policies of Community Reinvestment Area tax abatements, to (i) provide the City Administration greater flexibility in recommending the potential incentive for projects with a significant financial need and (ii) clarify the eligible length of abatement for commercial projects of historical or architectural significance.

WHEREAS, Ordinance No. 274-2017, passed by City Council on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Ordinance No. 275-2017, passed by this Council on September 27, 2017 (the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, City Council desires to amend the Commercial Policy Ordinance to (i) provide the City Administration greater flexibility in recommending the potential incentive for projects with a significant financial need and (ii) clarify the eligible length of abatement for commercial projects of historical or architectural significance; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 3 of Ordinance No. 275-2017, passed by City Council on September 27, 2017 (the “Commercial Policy Ordinance”), is hereby amended to provide the City Administration greater flexibility in recommending the potential incentive for projects with a significant financial need. The existing Section 3 of the Commercial Policy Ordinance is hereby repealed in its entirety and replaced with the following, with insertions indicated in underline and deletions indicated in ~~strikethrough~~:

Section 3. That irrespective of the foregoing Section, the City Administration may make a determination that a Catalytic Project (as defined below), ~~or~~ a project within a Targeted Neighborhood (as defined below), or an Undercapitalized Project (as defined below) warrants an abatement term and/or percentage up to the maximum amounts permitted pursuant to the ordinance establishing the CRA passed on or prior to the date hereof (the “Reauthorizing Ordinance”), even if such recommendation is inconsistent with such project’s Points Determination. The Department shall explain in detail any determination made under this section as part of its approval recommendation to Council. As used herein:

- (a) “Targeted Neighborhood” means a neighborhood which, in the five years preceding the proposed project, has lacked significant investment in real estate development relative to other neighborhoods in Cincinnati based on the existing condition of the neighborhood’s commercial and housing stock. The City Administration, acting through the Department of Community and Economic Development (the “Department”), shall identify such Targeted Neighborhoods.
- (b) “Catalytic Project” means a project, as determined by the City Administration, that:
 - (i) includes a substantial amount of investment in real estate development relative to the average real estate development in the neighborhood of the project; or
 - (ii) is likely to have a substantial effect in encouraging additional investment or real estate development in the neighborhood of the project.
- (c) “Undercapitalized Project” means a project, as determined by the City Administration, that:
 - (i) would not be financially feasible if limited to a CRA abatement calculated solely using the Points Determination; and
 - (ii) is expected to result in public benefits (e.g., job creation, neighborhood services, community enhancement, or elimination of blight) that would warrant an exception to the Points Determination.

Section 2. That Exhibit A to the Commercial Policy Ordinance is hereby amended to clarify the eligible length of abatement for commercial projects of historical or architectural significance by substituting the Exhibit A attached to this ordinance in its place.

Section 3. That this ordinance shall only apply to CRA applications for commercial projects received on and after the date of passage of this ordinance.

Section 4. That all applications made, exemption agreements executed, and exemptions granted pursuant to the Commercial Policy Ordinance shall continue in force in accordance with the provisions of the ordinance applicable to that application, agreement, or exemption in effect at the time of the application, execution of the agreement, or grant of exemption, respectively.

Section 5. That existing Sections 1 and 2 and Sections 4-20 of the Commercial Policy Ordinance shall remain in full force and effect.

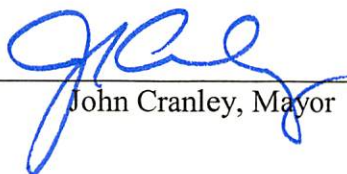
Section 6. That the proper City officials are hereby authorized to do all things necessary to carry out the provisions of this ordinance.

Section 7. That the Clerk of Council is directed to send a certified copy of this ordinance to the County Auditor of Hamilton County as a matter of information.

Section 8. That the Clerk of Council is directed to publish this ordinance in the City Bulletin once a week for two consecutive weeks immediately following its adoption.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare, and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the City Administration's immediate need for greater flexibility in recommending potential incentives.

Passed: October 31, 2018

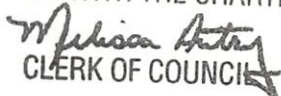


John Cranley, Mayor

Attest: 

Clerk

I HEREBY CERTIFY THAT ORDINANCE No. 339-2018
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11-13-2018
3


CLERK OF COUNCIL