

HOUSE BILL NO. 1170

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

4990H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.1521, RSMo, and to enact in lieu thereof one new section relating to property tax assessment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 67.1521, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1521, to read as follows:

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefitted within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 assessment shall expire on (insert date). The tracts of land located in the district
19 which will receive special benefit from this service and/or projects are: (list of
20 properties by common addresses and legal descriptions).

21 3. The method for allocating such special assessments set forth in the petition may be
22 any reasonable method which results in imposing assessments upon real property benefitted in
23 relation to the benefit conferred upon each respective tract, lot or parcel of real property and the
24 cost to provide such benefit.

25 4. By resolution of the board, the district may levy a special assessment rate lower than
26 the rate ceiling set forth in the petition authorizing the special assessment and may increase such
27 lowered special assessment rate to a level not exceeding the special assessment rate ceiling set
28 forth in the petition without further approval of the real property owners; provided that a district
29 imposing a special assessment pursuant to this section may not repeal or amend such special
30 assessment or lower the rate of such special assessment if such repeal, amendment or lower rate
31 will impair the district's ability to pay any liabilities that it has incurred, money that it has
32 borrowed or obligations that it has issued.

33 5. Each special assessment which is due and owing shall constitute a perpetual lien
34 against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed
35 in the same manner as any other special assessment lien as provided in section 88.861.
36 Notwithstanding the provisions of this subsection and section 67.1541 to the contrary, [in any
37 county of the first classification with more than one hundred thirty-five thousand four hundred
38 but fewer than one hundred thirty-five thousand five hundred inhabitants,] the county collector
39 may, upon certification by the district for collection, add each special assessment to the annual
40 real estate tax bill for the property and collect the assessment in the same manner the collector
41 uses for real estate taxes. [In said counties, each] **Any** special assessment remaining unpaid on
42 the first day of January annually is delinquent and enforcement of collection of the delinquent
43 bill by the county collector shall be governed by the laws concerning delinquent and back taxes.
44 The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under
45 chapter 140 or, if applicable to that county, chapter 141.

46 6. A separate fund or account shall be created by the district for each special assessment
47 levied and each fund or account shall be identifiable by a suitable title. The proceeds of such
48 assessments shall be credited to such fund or account. Such fund or account shall be used solely
49 to pay the costs incurred in undertaking the specified service or project.

50 7. Upon completion of the specified service or project or both, the balance remaining in
51 the fund or account established for such specified service or project or both shall be returned or
52 credited against the amount of the original assessment of each parcel of property pro rata based
53 on the method of assessment of such special assessment.

54 8. Any funds in a fund or account created pursuant to this section which are not needed
55 for current expenditures may be invested by the board in accordance with applicable laws
56 relating to the investment of funds of the city in which the district is located.

57 9. The authority of the district to levy special assessments shall be independent of the
58 limitations and authorities of the municipality in which it is located; specifically, the provisions
59 of section 88.812 shall not apply to any district.

