



# CITY OF NEW BEDFORD

## TAX INCREMENT FINANCING BOARD

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### **TAX INCREMENT FINANCING PROGRAM POLICY AND GUIDELINES**

City of New Bedford, Massachusetts

#### **I. Introduction**

The City of New Bedford is concerned with how best to address blighted, distressed, and underutilized areas. Many of the sites contain abandoned or contaminated facilities. Others are characterized by rundown infrastructure or commercial operations that are no longer economically viable. Such locations create a decrease in assessed property values, a decline in municipal revenue and they are a drain upon municipal services. Traditionally, it has been difficult for the city to attract private investment into these areas. A viable solution is the utilization of the Tax Increment Financing Program (TIF) and Special Tax Assessments (STA), which has been authorized through the Massachusetts legislature.

#### **II. TIF Program**

Based upon economic development and land use planning principles, the City of New Bedford may designate appropriate locations and parcels as areas eligible for the program. This shall help in enabling the City to encourage private development with the assistance of public infrastructure improvements, and property tax incentives. TIF incentives are offered in order to create available capital that will facilitate the financing of designated projects.

All provisions of the City of New Bedford TIF policy are in accordance with M.G.L. c. 40, § 59 and M.G.L. c. 23A, Sect. 3A-F.

The tax incentives for TIF and STA agreements shall be structured pursuant to Section 3E of Chapter 23A

#### **III. TIF Eligibility and Guidelines**

1. All projects shall:
  - a. a strong likelihood that the project will provide a significant influx of growth, or;
  - b. a strong likelihood it will provide for the creation of a significant number of new jobs and not merely replacement or relocation of jobs within the Commonwealth, or;
  - c. a strong likelihood that private investment will contribute significantly to the resiliency of the local economy.
2. A minimum of 10 jobs must be created that pay a minimum hourly wage equal to 110% of the State minimum hourly wage or equivalent. At least 51% of the jobs created are to be filled by New Bedford residents. Annual documentation of new hires shall be required until the agreed upon new jobs have been created as per TIF or STA agreement.

3. The entity responsible for job creation shall provide hiring and staffing documents that reference Diversity, Equity, and Inclusionary policies. Such polices must be in place prior to the submission of an application to the TIF Board and City Council.
4. A minimum project investment of \$250,000.
5. Documentation must be provided that demonstrates that New Bedford based construction and supply companies have been given an opportunity to bid on construction and other services. This shall include general contracting, sub-contracting, and the supply of goods and services that count toward the project investment agreed to in the TIF agreement.
6. Detailed written evidence supporting that “but for” this initiative, the commercial enterprise would not undertake the proposed expansion project in New Bedford, or the commercial enterprise will relocate out of the City of New Bedford. Such written evidence may include a letter of intent that clearly state the enterprise’s other options out of New Bedford, evidence that demonstrates that funding or financing of the proposed project would not materialize without the requested incentive, or other relevant documentation.
7. Applicants’ investment shall be guided by the principles expressed by the City of New Bedford to ensure New Bedford is a place where opportunity abounds for all its residents.
  - a. These guiding principles between the City and the private and public partners who invest here ensure that expectations of both parties are clear and that economic opportunities are available for the City's minority and women businesses, veterans, and workers.
  - b. The City will work with partners to utilize tax increment financing (TIF) assistance in ways that honor local hiring and local content goals and recognize best efforts of partners to meet these goals.
  - c. Investment partners pledge their best effort to hire qualified New Bedford residents for all job openings in the City.
  - d. Investment partners pledge their best efforts to contract qualified New Bedford companies for services that can be delivered at a high level of quality, on time and on budget.
8. Applicants eligible for TIF consideration shall be:
  - a. Manufacturing.
  - b. Retail, wholesale, or service industries which fit one of the following criteria:
    - (1) Located in a distressed area as defined through a city policy.
    - (2) Located in a neighborhood which is demonstrably not served or underserved by the proposed use and said use has been defined by City of New Bedford policy as a critical need in that neighborhood.
    - (3) Return of a non-performing parcel to the tax rolls.

- (4) Project includes applicant absorbing the cost of remediation for a Brownfield site.
  - c. Other commercial/industrial projects.
  - d. Projects with a demonstrated benefit to the environment.
9. Applicants' ineligible for TIF consideration shall include:
- a. Professional Services including medical, legal, financial and real estate.
  - b. Fast food businesses and outlets.
  - c. Franchises.
  - d. Uses pertaining to questionable health benefits or practices.
  - e. National chains.
  - f. Condominium complexes where the commercial use portion of the Condominium is less than 33% of the assessed value of the entire Condominium complex.
  - g. Residential only condominium complexes.
  - h. Subsidized Housing Projects.
  - i. Projects that create less than ten jobs.
  - j. An exception to the above listed ineligible applicant categories may be allowed if the project demonstrates that it serves a critical economic development need that is identified by city policy. Such an applicant should offer definitive economic growth potential and offer job creation and/or retention in excess of the minimum standards set forth s below.
10. Job retention and/or creation shall be used as a measure to determine the value of savings to be offered using the following minimum guidelines:
- a. The equivalent of ten new jobs for every \$1.00 through \$100,000.00 in assessed value of TIF relief.
  - b. The equivalent of ten full time retained jobs for every \$1.00 through \$50,000.00 in assessed value of TIF relief.
  - c. The City's interest in job creation or retention is for a reasonably significant numbers of jobs. While it is possible that an applicant creating a minimum or retaining a minimum number of jobs or in some cases less than the minimum number of jobs provided in these guidelines may be successful

such applications must be supported by documentation of a majority of the factors enumerated below at paragraph 4, in the application. In all events the minimum level of one full-time job is created as is consistent with state requirements for Certified Projects.

- d. To be considered for designation as a certified project, the project proposal must provide for job creation and new investment in a way that is consistent with the guiding principles expressed by the City in its New Bedford Works policy statement to ensure that opportunities abound for all its residents.
11. Something equal to or less than the minimum job creation or retention guidelines per value of incentive may be successful but only if the applicant can demonstrate factors beneficial to the overall economic development goals of the City of New Bedford. These factors may include, but are not limited to the following:
- a. Ten new full time equivalent jobs with a starting wage at least 125% above the minimum wage, or ten retained full time equivalent jobs with a starting wage of at least 125% above the minimum wage.
  - b. Health care coverage for new or retained jobs.
  - c. Entails an extraordinary risk for the company (i.e. first new business to locate in a blighted area; first to locate on a Brownfield or redevelopment are first in a specific type of business or industry to locate in the City of New Bedford).
  - d. Applicant will incur remediation costs for a clean-up of a designated Brownfield site.
  - e. No other incentives, such as a reduction in taxes, or a similar benefit to the current owner or previous owner of the subject property, if recently acquired.
  - f. The project will not overburden or harm the City's existing infrastructure.
12. The Applicants shall be in compliance with all City Ordinances and current on all tax and fee obligations due to the City.

#### **IV. TIF Agreements**

1. TIF Agreements must include:
  - a. A plan for the life of the Agreement that demonstrates jobs retention, and/or jobs creation and a timetable for same.
  - b. In the case of jobs created, there must be a provision included within the Agreement, illustrating that at least 51% of the jobs created must be filled by City of New Bedford residents with the employer working through established public and quasi-public employment service entities throughout the City of New Bedford such as Mass Hire to assist in these efforts.
  - c. The jobs created or retained to meet project eligibility guidelines must pay a minimum hourly wage equal to 110% of the State minimum hourly wage or equivalent.
  - d. A description of the total capital to be expended by the applicant for the project and its general category purposes.

- e. If public improvements are involved, it is necessary to include a description of the public improvements as well a total cost apportioning the amount that can be attributed to the benefit of the project's applicant.
- f. If an exception to the eligibility requirement is a factor, a recitation of those exceptions with a description is necessary.
- g. The property owner agrees to pay City of New Bedford taxes and municipal invoices prior to the end of the fiscal year in which invoice for payment is received.

2. Term of the TIF Agreement:

- a. The standard length of the TIF Agreement shall be for five years. Extenuating circumstances, demonstrating a benefit to an articulated city community improvement objective, neighborhood revitalization strategy, and/or economic development goal may result in an extension of the TIF period.
- b. Standards to be applied in extending a TIF agreement beyond five years must include some or all of the following:
  - (1) Reuse of vacant Brownfield property.
  - (2) Jobs to be saved or retained exceed the minimum guidelines by 50% or more.
  - (3) The project is to be located in a distressed neighborhood as measurably defined through government standards (i.e. CDBG Target Neighborhood).
  - (4) There is a verifiable, written offer from another community which would render the five-year TIF Agreement as non-competitive.
  - (5) The applicant's project shall convert a non-conforming property to a conforming property.
- c. All applications must include detailed "but for" reasoning which is to explain how if it were not for assistance offered through this program, it could not reasonably be expected for the project to succeed.

3. All applications are reviewed initially by the New Bedford Economic Development Council, Inc., who shall consult with City Assessor's Department and other relevant departments prior to presenting the application to the TIF Board for its vote. Once the application has been approved by the TIF Board and the TIF contract signed by the applicant, then the contract shall be presented to the City Council for its vote to approve or disapprove the contract. Following an affirmative City Council vote, the mayor shall execute the TIF contract on behalf of the City of New Bedford.

4. All TIF agreements contain grounds for revocation of the agreement by the City. These grounds shall include, but not be limited to, violation of the terms of the agreement, nonpayment of real estate taxes and to the City and non-compliance with targeted job creation projections.
5. TIF agreements will not be considered for previously committed investments as of date of the initial application but shall only be considered for prospective investments.
6. At the City's discretion, TIF Agreements may also provide for a repayment of the difference between the total amount of tax which would have been due without the TIF and what was due with the TIF in the event the TIF agreement is revoked and the project decertified. This difference will become immediately due and payable as a "payment in lieu of taxes".
7. The Applicant shall submit annual written reports on Job creation, job retention, and new investments at the Property to City of New Bedford Board of Assessors and a copy to the New Bedford Economic Development Council by the end of July of each year with respect to the immediately preceding fiscal year during which a TIF Agreement is in effect.
8. The City reserves the right to alter these guidelines from time to time or at any time, in the best interests of the City of New Bedford.