

810-4-3-.05 Procedures for Granting of Abatement.

(1) A petition for abatement of noneducational property taxes may be made by any person who is the owner of private use industrial development property or proposes to become a private user of industrial development property or of a major addition to existing industrial development property, to the governing body of any municipality, county, or public industrial authority, prior to the time the property is placed in service. The petition may be accompanied by an application provided by the state Department of Revenue and shall contain information that will permit the governing body to make a reasonable cost/benefit analysis as to the proposed industrial development property, to determine qualification of such property, and to determine the maximum abatement period.

(2) Subject to geographical or jurisdictional limitations, the governing body of a municipality, a county, or a public industrial authority may grant abatements of all of the taxes allowed to be abated with respect to private use industrial property.

(a) The governing body of a municipality is authorized to grant abatements with respect to private use industrial property located within the limits of the municipality or within the police jurisdiction of the municipality; however, the governing body of the municipality must also abate the corresponding municipal taxes.

(b) The governing body of a county is authorized to grant abatements with respect to private use industrial property located in the county and not within a municipality or the police jurisdiction of a municipality unless consented to by resolution of the governing body of the municipality.

(c) The governing body of a public industrial authority is authorized to grant abatements with respect to private use industrial property located within the jurisdiction of the public industrial authority; however, no abatement of county taxes may be granted unless the authority has also abated the corresponding municipal taxes.

(3) The abatements granted by the governing body shall be embodied in an agreement between the governing body and the private user, setting forth:

(a) The estimated amount of each abatement and the maximum exemption period.

(b) Good faith projections by the private user of: the amount to be invested; the number of individuals to be employed and the corresponding payroll, initially and in the succeeding three years.

(4) The private user shall file with the Department of Revenue within ninety (90) days after the granting of the abatements, a copy of the required agreement, petition, and application.

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Authority: §§40-2A-7(a)(5), 41-22-6 & 40-9B-5, Code of Alabama 1975

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