

**DEPARTMENT OF TAXATION
2009 Fiscal Impact Statement**

1. Patron Timothy D. Hugo

2. Bill Number HB 2479

3. Committee Senate Finance

House of Origin:

☐ Introduced

☐ Substitute

☐ Engrossed

4. Title Real Property Tax; Commercial Real Estate
in Northern Virginia

Second House:

☒ In Committee

☐ Substitute

☐ Enrolled

5. Summary/Purpose:

This bill would decrease the rate of the local option real property tax on certain commercial and industrial property in the counties and cities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 of assessed value to \$0.125 per \$100 of assessed value. The provisions of this bill would expire June 30, 2014.

Under current law, the real property tax on certain commercial and industrial property may be imposed either 1) on all commercial and industrial property, with the revenues generated used exclusively for transportation purposes that benefit the locality imposing the tax, or 2) on the commercial and industrial property located in special regional transportation tax districts created within the locality's boundaries, with the revenues generated used exclusively for transportation purposes that benefit the special regional transportation tax district.

The effective date of this bill is not specified.

6. Fiscal Impact Estimates are: Not available. (See Line 8.)

7. Budget amendment necessary: No.

8. Fiscal implications:

This bill would have no impact on state revenues. As only Fairfax County, at a rate of \$0.11 per \$100 of assessed value, and Arlington County, at a rate of \$0.125 per \$100 of assessed value, have imposed the real property tax on certain commercial and industrial property, this bill would have no impact on local revenues.

9. Specific agency or political subdivisions affected:

Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park
Counties of Arlington, Fairfax, Loudoun, and Prince William

10. Technical amendment necessary: No.

11. Other comments:

Tax on Commercial and Industrial Real Property in Transportation Authorities

House Bill 3202 (*Acts of Assembly* 2007, Chapter 896) authorized the member localities of the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority to impose a real property tax on real property used for or zoned to permit commercial or industrial uses. The counties and cities embraced by the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority could also, by ordinance, create one or more special regional transportation tax districts and impose the tax on such property in those transportation tax districts.

The Northern Virginia Transportation Authority embraces the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William. The member localities of the Northern Virginia Transportation Authority are currently authorized to impose an additional real property tax of \$0.25 per \$100 of assessed value on real property used for or zoned to permit commercial or industrial uses.

The Hampton Roads Transportation Authority embraces the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg and the Counties of Isle of Wright, James City, and York. The member localities of the Hampton Roads Transportation Authority are currently authorized to impose an additional real property tax of \$0.10 per \$100 of assessed value on real property used for or zoned to permit commercial or industrial uses.

An owner of commercial and industrial real estate in Fairfax County, FFW Enterprises, filed a suit in the Fairfax County Circuit Court on December 19, 2008, alleging that the real property tax on certain commercial and industrial property is unconstitutional.

Proposal

This bill would decrease the rate of the local option real property tax on certain commercial and industrial property in the counties and cities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 of assessed value to \$0.125 per \$100 of assessed value. The real property tax on certain commercial and industrial property may be imposed on either 1) all commercial and industrial property, or 2) the commercial and industrial property located in special regional transportation tax districts.

The provisions of this bill would expire June 30, 2014.

Similar Legislation

House Bill 1579 would require a portion of the growth in state taxes attributable to economic activity generated or facilitated by the Dulles International Airport and the Ronald Reagan National Airport appropriated to the Northern Virginia Transportation Authority. The bill would also require a portion of the growth in state taxes attributable to economic activity generated or facilitated by i) the ports of Hampton Roads, ii) the Inland Port at Front Royal, iii) the Port of Richmond, and iv) the Elliston Intermodal Facility to be

deposited into special transportation revenue funds. The bill would also abolish the Hampton Roads Transportation Authority and eliminate the taxes, fees, and charges that it was authorized to impose.

House Bill 1580 would abolish the Hampton Roads Transportation Authority and eliminate the taxes, fees, and charges that it was authorized to impose. These bills would also repeal the authority of the counties and cities embraced by the Hampton Roads Transportation Authority to impose an additional real property tax on commercial and industrial property.

House Bill 2480 would require localities that impose the additional real property tax on certain commercial and industrial property to use the revenues solely for i) new road construction, design, and right of way acquisition, ii) new public transit construction, design, and right of way acquisition, and iii) other initial capital costs related to new transportation projects and directly related operating costs.

cc : Secretary of Finance

Date: 2/10/2009 AM
DLAS File Name: HB2479FE161.doc