

TOWN OF BRISTOL
NEW HAMPSHIRE



RSA 79-E

APPLICATION FOR COMMUNITY
REVITALIZATION INCENTIVE

RSA 79E

On March 14, 2015, Bristol voters approved the adoption of RSA 79-E which will provide temporary TAX RELIEF for property owners to revitalize their buildings in the Historic Overlay District and the Downtown Commercial District. RSA 79-E allows the property owner to apply to the Select Board to delay the increases in taxes dependent on the extent and type of revitalization. It is the responsibility of the applicant to read and understand the information contained in the application.

Community Revitalization Tax Relief Incentive Application Instructions

Instructions to the Applicant:

The following documents contain everything you need to complete your application for tax relief to revitalize your building. Please read everything carefully. The application materials are based upon the requirements set by State Law. You will need to fill out the application, take part in a public hearing with the Select Board, and execute a covenant with the Town. If you have any questions with the application, the process, or what to expect, please contact the Town Administrator at 744-2528 or email townadmin@townofbristolnh.org

Included in this application packet:

1. Application Form
2. Text of RSA 79-E (to be read and understood by the applicant at the time of application)
3. Covenant to Protect Public Benefit Template

Thank you for your interest in RSA 79-E, and good luck with your application and your restoration project.

The Bristol Select Board

Town of Bristol Select Board

RSA 79-E, Community Revitalization Tax Relief Incentive: Fact Sheet

This legislation encourages investment in central business districts, neighborhood business districts, downtowns, and village centers. Its goal is to *encourage the rehabilitation and active reuse of under-utilized buildings* and, in so doing, to

- Promote strong local economies and,
- Promote smart, sustainable growth, as an alternative to sprawl, in accordance with the purpose and objectives of RSA Ch. 9-B (State Economic Growth, Resource Protection, and Planning Policy)

How it works:

- In a municipality that has adopted this enabling legislation, a property owner who wants to substantially rehabilitate a building located in a designated district may apply to the local governing body for a period of temporary tax relief.
- The temporary tax relief, if granted, would consist of a finite period of time during which the property tax on the structure would not increase as a result of its substantial rehabilitation. In exchange for the relief, the property owner grants a covenant ensuring there is a public benefit to the rehabilitation.
- Following expiration of the finite tax relief period, the structure would be taxed at its full market value taking into account the rehabilitation.

The legislation offers strong community process and discretion:

- Any city or town may adopt this program with the majority vote of its legislative body.
- Applications by property owners are made to the governing body and are accompanied by a public notice and public hearing.
- The governing body may grant tax relief if the application meets the guidelines and public benefit test.
- The governing body may deny the application in its discretion: "such denial shall be deemed discretionary and shall not be set aside by the Board of Tax and Land Appeals or the Superior Court except for bad faith or discrimination." (79-E:4 V)

Qualifying Properties:

A property owner can apply for the tax relief if:

- The building is located in the Historic Overlay District or the Downtown Commercial District.
- The rehabilitation costs at least 15% of the building's pre-rehab assessed value, or \$75,000 whichever is less, and
- The rehabilitation is consistent with the municipality's master plan or development regulations.

PART 1:INSTRUCTIONS TO THE APPLICANT

1. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the Bristol Select Board through the Town Administrator. The applicant shall file a complete application form including the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and submit the required non-refundable application fee of \$200.00.

In order to assist the Bristol Select Board with the review and evaluation of an application for **replacement** of a qualifying structure, an owner shall submit to the Bristol Select Board, as part of the application, a New Hampshire Division of Historical Resources Individual Resource Inventory Form, prepared by a qualified architectural historian and if the qualifying structure is located within a designated historic district established in accordance with NH RSA 674:46, a letter from the Bristol Historic District Commission that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which the structure(s) are located.

The application for tax relief shall not be deemed to be complete and the Bristol Select Board shall not schedule the public hearing on the application for replacement of a qualifying structure as required under NH RSA 79-E:4,II until the inventory form and letter, as well as other required information, have been submitted.

2. Upon receipt, the application will be reviewed by the Bristol Select Board and any other Town official deemed appropriate. The applicant must satisfactorily answer any questions they may have for the application to be deemed complete.
3. The Bristol Select Board will hold a duly noticed public hearing to take place no later than 60 days from receipt of an application, to determine whether the structure at issue is a qualifying structure; whether the proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.
4. No later than 45 days after the public hearing, the Bristol Select Board shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.
5. The Bristol Select Board may grant the tax relief, provided:
 - a. The Bristol Select Board grants the request by a majority vote; and
 - b. The Bristol Select Board finds a public benefit under RSA 79-E:7; and
 - c. The specific public benefit is preserved through a covenant under RSA 79-E:8; and
 - d. The Bristol Select Board finds that the proposed use is consistent with the municipality's master plan, Zoning Ordinance, and development/land use regulations; and

- e. In the case of a **replacement**, the Bristol Select Board specifically finds that the Bristol Historic District Commission has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of a qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement.
6. If the Bristol Select Board grants the tax relief, they shall identify the specific public benefit achieved under RSA 79-E:7 and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.
7. If the Bristol Select Board, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The Bristol Select Board's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

PART 2: APPLICATION FORM

**COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (RSA 79-E)
APPLICATION FORM**

OFFICE USE ONLY
(do not write in shaded area)

Date Application Submitted: App _____

Received by: _____

Building Information

Building Name (if any): _____

Building Address : _____

Bristol Tax Map: _____ Lot: _____ Zoning District: _____ GCRD Book: _____ Page: _____

Contact throughout this application process will be made through the applicant listed below.

The property owner may designate an agent as the coordinator for the project. This person (the applicant) shall attend public hearings, will receive comments, recommendations, staff reports, and will communicate all case information to other parties as required.

The Property Owner may act as the Applicant. If so, list under Applicant's Name, "Owner", and complete owner's information as requested.

Applicant's Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
E-mail: _____

Owner's Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
Email: _____

Existing Building Information

Existing Uses (describe current use, size, and number of employees): _____

Gross Square Footage of Building: _____ Year Building was Built: _____

Is the building listed on or eligible for listing on the National Register of Historic Places? Yes No

Is the building listed on or eligible for listing on the state register of historic places? Yes No

Is the building located within and important to a locally designated historic district? Yes No

Project Description

Proposed Uses (describe use, size, and number of employees):

Is this a change of use associated with this project? Yes No

Will the project include new residential units? Yes No

If yes, please describe:

Will the project include affordable residential units? Yes No

If yes, please describe:

Has an abatement application been filed or has an abatement been awarded on this property within the past year? Yes No

Will any state or federal grants be used with this project? Yes No

If yes, describe and detail any terms of repayment:

Replacement of Qualifying Structure

Does the project involve the replacement of a qualifying structure? Yes No

If yes, the owner shall submit with this application the following:

1. A New Hampshire Division of Historical Resources individual resource inventory form, prepared by a qualified architectural historian.
2. A letter from the Bristol Historic District Commission that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located.

Note: The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted, if required.

Public Benefit (RSA 79:E-7)

In order to qualify for tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed replacement must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the project provide the following public benefits?
(Check all that apply)

Enhances the economic vitality of the designated area. Yes No

If yes, please describe:

Enhances and improves a culturally or historically important structure? Yes No

If yes, please describe:

Promotes development of the designated area, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B. Yes No

If yes, please describe:

Increases residential housing in the Historic Overlay District or Downtown Commercial District? Yes No

If yes, please describe:

Other issues and matters applicant deems relevant to this request:

Substantial Rehabilitation

Describe the work to be done and estimated costs.

1. Attach additional sheets if necessary and any written construction estimates.
2. Attach any project narratives, plot plans, building plans, sketches, renderings, or photographs that will help explain this application.

Structural: _____	\$
Electrical: _____	\$
Plumbing/Heating: _____	\$
Mechanical: _____	\$
Other: _____	\$

Total Estimated Project Cost: \$

Expected project start date: _____

Expected project completion date: _____

Applicant/Owner Signature

The undersigned hereby certifies the foregoing information is true and correct:

Signature	(printed name)	Date
Signature	(printed name)	Date
Signature	(printed name)	Date
Signature	(printed name)	Date

PART 3: N.H. RSA 79-E COVENANT TO PROTECT PUBLIC BENEFIT

**TOWN OF BRISTOL, NEW HAMPSHIRE
COVENANT TO PROTECT PUBLIC BENEFIT
Per RSA 79-E:8 (Community Revitalization Tax Relief Incentive)**

I (We) _____ [name] of _____ [address], Bristol, NH 03222 (hereinafter referred to, collectively, if appropriate, as "GRANTOR") owner(s) of _____ [property] situate at _____ [address], Bristol, NH (hereinafter referred to as the "PROPERTY"), for (myself/ourselves/itself) and for (my/our/it's) successors and assigns, for consideration of tax relief granted to GRANTOR by GRANTEE pursuant to the provisions of RSA 79-E, agree to the following covenants imposed by the Town of Bristol, (hereinafter referred to as "GRANTEE"), 230 Lake Street, County of Grafton, State of New Hampshire.

These covenants are made in exchange for property tax relief granted with respect to the PROPERTY as a result of the substantial rehabilitation of the PROPERTY to be accomplished by the GRANTOR in accordance with GRANTOR proposal (specific approved scope of work is attached as "CHAPTER 79-E COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE ADDENDUM") approved by GRANTEE on _____ [date of Select Board approval].

This COVENANT is to protect the public benefit in accordance with the provisions of RSA 79-E for a term of _____ [number of year] years, beginning on April first of the first tax year commencing immediately after the completion of the rehabilitation work. Notwithstanding the foregoing, the contemplated tax relief shall be null and void if the proposed rehabilitation work is not completed by March 31st _____ [deadline year for completion].

The PROPERTY is designated as a portion of Tax Map [number] Lot [number] in the Town of Bristol. For further reference to GRANTOR'S title, see deed recorded at Book [reference], Page [reference], Grafton County Registry of Deeds.

The GRANTEE agrees that the PROPERTY, if substantially rehabilitated in accordance with GRANTOR'S proposal approved by GRANTEE on [date of Select Board approval] provides a demonstrated public benefit in accordance with the provisions of RSA 79-E:7 inasmuch as the substantial rehabilitation of said property:

- I. Enhances the economic vitality of the Historic Overlay District and the Downtown Commercial District.
- II. Enhances or improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located.
- III. Promotes development of the Historic Overlay District and the Downtown Commercial District, providing for efficiency, safety and a greater sense of community consistent with RSA 9-B.
- IV. Increases residential housing diversity and opportunities.

The Town of Bristol Select Board held a public hearing on _____ [date of Select Board approval] and at that meeting made the following findings consistent with and required by RSA 79-E: 7 & 8. The terms of the COVENANT which is hereby granted by the GRANTOR to the GRANTEE with respect to the above described PROPERTY are to be co-extensive with the tax relief period and are as follows:

SUMMARY OF FINDINGS.

(Insert summary of findings if desired).

GRANTOR'S COVENANTS.

REHABILITATION OF PROPERTY. The Grantor agrees to substantially rehabilitate the PROPERTY during the term of this Agreement in accordance with GRANTOR'S proposal approved by GRANTEE on _____ [date of Select Board approval]. The substantial rehabilitation contemplated by GRANTOR'S proposal approved by GRANTEE on _____ [date of Select Board approval] shall be completed by the GRANTOR on or before March 31, _____ [deadline year]. All of the work on the attached scope of work must be completed in order for the tax relief to take effect. If only some of the work on the attached scope of work is completed prior to March 31, _____ [upcoming year] or March 31, _____ [following year], then the PROPERTY shall be fully assessed for the value of that work during the tax year(s) commencing [upcoming year] and/or _____ [following year].

MAINTENANCE OF THE PROPERTY. The GRANTOR agrees to maintain, use and keep the structure in a condition that furthers the public benefits for which the tax relief was granted and accepted during the term of the tax relief under RSA 79-E.

(Insert any particular restrictions such a signage, maintenance of building and its surroundings, other structure and so forth, as may be agreed upon between the Grantor and Grantee.)

REQUIRED INSURANCE, USE OF INSURANCE PROCEEDS, AND TIMEFRAME TO REPLACE OR REMOVE DAMAGED PROPERTY. The GRANTOR agrees and is required to obtain and maintain casualty insurance, as well as flood insurance, if appropriate. As permitted by RSA 79-E:8, this COVENANT shall be a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. The GRANTEE further requires that the restoration or demolition commence within one year following any insurance claim incident; otherwise the GRANTOR shall be subject to the termination provisions set forth in RSA 79-E:9, I.

RECORDING. The GRANTEE agrees to and shall provide for the recording of this COVENANT with the Grafton County Registry of Deeds. It shall be a burden upon the PROPERTY and bind all transferees and assignees of such PROPERTY. The GRANTOR will be solely responsible for payment of the recording fees.

ASSESSMENT OF THE PROPERTY. The GRANTEE agrees that the PROPERTY shall be assessed, during the term of the Tax Relief Granted based on the pre-rehabilitation value or such other value utilized by the Assessor to address improvements not covered by RSA 79-E. If the terms of these covenants are not met, the Property Tax Relief will be discontinued. Furthermore, the GRANTEE will assess all taxes to the owner as though no tax relief was granted, with interest in accordance with RSA 79-E:9, II.

RELEASE, EXPIRATION, CONSIDERATION.

- I. **RELEASE.** The GRANTOR may apply to the local governing body of the Town of Bristol for a release from the foregoing discretionary tax relief and associated COVENANT within the duration of the tax relief period of the RSA 79-E upon a demonstration of extreme personal hardship. Upon release from such covenants, the GRANTOR shall thereafter pay the full value assessment of such structure(s) and land to the Tax Collector of the Town of Bristol.
- II. **EXPIRATION.** Upon final expiration of the terms of the tax relief and associated covenants the tax assessment will convert to the then full fair market value and these covenants will be concluded.
- III. **CONSIDERATION.** The Tax Collector shall issue a summary receipt to the owner of such PROPERTY and a copy of the governing body of the Town of Bristol for the sums of tax relief accorded during the term of this Agreement. The local governing body shall, upon receiving a copy of the above-mentioned consideration, execute a release of the COVENANT to the GRANTOR who shall record such a release with the Grafton County Registry of Deeds. A copy of such release or renewal shall also be sent to the local assessing official.
- IV. **MAINTENANCE OF STRUCTURE.** If, during the term of the tax relief, the GRANTOR shall fail to maintain the structure in conformity with the foregoing agreement, or shall cause the structure(s) to significantly deteriorate or be demolished or removed, the covenants shall be terminated and a penalty shall be assessed in accordance with Paragraph I above.

ENFORCEMENT. If a breach of this COVENANT is brought to the attention of the GRANTEE, the GRANTEE shall notify the GRANTOR, in writing of such breach, which notification shall be delivered in hand or by certified mail, return receipt requested to the GRANTOR.

The GRANTOR shall have 30 days after receipt of such notice to undertake those actions, including restorations, which are reasonably calculated to cure the said breach and to notify the GRANTEE thereof.

If the GRANTOR fails to take such curative action, the GRANTEE may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including GRANTEE'S expenses, court costs and legal fees, shall be paid by the GRANTOR, provided the said GRANTOR is determined to be directly or indirectly responsible for the breach.

The GRANTOR, by accepting and recording this COVENANT to the GRANTOR agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein provided for and incumbent upon the GRANTEE, all in furtherance the purposes for which this Tax Relief and associated COVENANT is delivered.

WITNESS MY/OUR/IT'S HAND this _____ day of _____, 20_____.

Witness:

Grantor:

Print Name:

Witness:

Grantor:

Print Name:

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON

On this _____ day of _____, 20_____, personally appeared the above
_____ and _____, known to me, or
satisfactorily proven, to be the same, and acknowledged that he/she/they executed the same for
the purposes contained therein.

Notary Public/Justice of the Peace

My commission expires:

ACCEPTED this _____ day of _____, 20____ by the Town of BRISTOL.

TOWN OF BRISTOL

By: _____

Print Name: _____

Bristol Town Administrator
(Or other authorized designee)