



## Legislation Text

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File #: 24-0094, Version: 1

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Resolution to Approve the Refund of Erroneously Assessed Coliseum Central Business Improvement District Taxes Imposed on Property Located at 1950 Saville Row

**PURPOSE/BACKGROUND:**

The City Treasurer shall issue refunds of local tax, penalty, and interest assessed and paid, owing to a taxpayer due to an erroneous assessment. Pursuant to Hampton City Code Section 37-2(b) and Code of Virginia Section 58.1-3981, no refund in excess of \$2,500 per invoice shall be made until the amount is approved by the City Attorney and the City Council.

**Discussion:**

The City's Director of Economic Development has given notice to the Treasurer of a change in assessment resulting in a need to refund certain Coliseum Central Business Improvement District ("CCBID") taxes paid by Lake View Apartments, LP on certain multi-family property located at 1950 Saville Row. Pursuant to Non-Coded Ordinance No. 815, enacted on November 8, 1995, the CCBID includes all commercial properties in the geographic area therein defined, but expressly excludes manufacturers, residential properties, and multi-family dwellings that might otherwise be considered commercial properties from the CCBID. 1950 Saville Row (LRSN: 7001201) is a multi-family dwelling located within the geographic boundaries of the CCBID. The Code of Virginia authorizes the adjustment of erroneously assessed taxes for the current and three (3) prior years. CCBID taxes are imposed on a fiscal year basis, in conjunction with and based on the Assessor's valuation of those properties for real estate tax purposes. The amount of CCBID taxes to be refunded for FY22 is \$4,496.24, with interest in the amount of \$749.38 also payable. No CCBID taxes were imposed on this property for FY23. Those tax payments were tendered on behalf of the property owner by Virginia Housing; accordingly the refund will be issued to that payer.

**Recommendation:**

Approve the Resolution.

WHEREAS, pursuant to Hampton City Code Section 37-2(b), the City Treasurer shall issue refunds of local tax, penalty, and interest owing to taxpayer, except that no refund in excess of \$2,500 per invoice for tax, penalty, and interest, until the amount of the refund is approved by City Council in accordance with Code of Virginia Section 58.1-3981;

WHEREAS, pursuant to Code of Virginia Section 58.1-3981(A), if an assessment has been paid, the governing body of the county or city shall, upon certification of the assessing official and the city attorney, that an assessment is erroneous, direct the treasurer to refund the excess paid, with interest if so authorized;

WHEREAS, the City's Director of Economic Development, who is responsible for identifying

commercial properties to be taxed within the Coliseum Central Business Improvement District ("CCBID") has certified that the property located at 1950 Saville Row (LRSN: 7001201) is and has been a multi-family dwelling, exempt from the CCBID tax, at least since July 1, 2021; and has been erroneously assessed CCBID Taxes for FY22 in the combined total amount of \$4,496.24 and the City Attorney agrees that the assessment was erroneous; and

WHEREAS, the Treasurer has certified that those CCBID taxes were paid on behalf of the property owner, Lake View Apartments, LP, by Virginia Housing, and the exoneration of which results in a total refund due in the total amount of \$5,245.62, which includes \$749.38 of interest payable in addition to the taxes.

NOW THEREFORE, the City Council of the City of Hampton, Virginia directs the Treasurer to refund to Virginia Housing, payer on behalf of Lake View Apartments, LP, the total sum of \$5,245.62, and any additional interest accrued thereon until refunded by the Treasurer.