

CITY OF GAUTIER
Revised-Business Item #11
Fact Sheet

Council Meeting: February 4, 2014
Title: Resolution supporting the repeal of Senate House Bill No. 3100, Section 42 Housing Law

Introduced by:
Contact Person/Telephone: City Manager 497-8000 Ext. 306

Summary Explanation: Resolution urging the Mississippi Legislature to repeal the 2005 legislation Senate Bill No. 3100, granting ad valorem tax breaks to federally subsidized Section 42 housing properties across Mississippi

EXHIBITS FOR REVIEW

Resolution	<input checked="" type="checkbox"/>
Ordinance	<input type="checkbox"/>
Contract	<input type="checkbox"/>
Minutes	<input type="checkbox"/>
Plan Maps	<input type="checkbox"/>
Order	<input type="checkbox"/>
Other	<input type="checkbox"/>
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Gollott	<input type="checkbox"/>	Martin	<input type="checkbox"/>	Jones	<input type="checkbox"/>	Guillotte	<input type="checkbox"/>	Vaughan	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	Colledge	<input type="checkbox"/>

Second Made by:													
Gollott	<input type="checkbox"/>	Martin	<input type="checkbox"/>	Jones	<input type="checkbox"/>	Guillotte	<input type="checkbox"/>	Vaughan	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	Colledge	<input type="checkbox"/>

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Gollott	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At Large	Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 1	Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2	Guillotte	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3	Vaughan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4	Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 5	Colledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Action Taken:

RESOLUTION NUMBER 000-2014

The Mayor and Members of the Council of the City of Gautier, Mississippi, took up for consideration the matter of requesting the Mississippi Legislature to support the repeal of certain 2005 legislation, Senate Bill No. 3100, granting ad valorem tax breaks to federally subsidized Section 42 housing properties across Mississippi. After full discussion of the subject, Council Member _____ offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, URGING THE MISSISSIPPI LEGISLATURE TO REPEAL THAT CERTAIN 2005 LEGISLATION, SENATE BILL NO. 3100, GRANTING AD VALOREM TAX BREAKS TO FEDERALLY SUBSIDIZED SECTION 42 HOUSING PROPERTIES SO THAT THE CITY OF GAUTIER DOES NOT CONTINUE TO LOSE LOCAL TAX REVENUES THAT COULD BE USED TO SUPPORT IMPORTANT CITY OF GAUTIER SERVICES.

WHEREAS, the Mayor and Members of the Council of the City of Gautier, Mississippi (the “City of Gautier”), hereby finds, determines and declares as follows:

I.

Senate Bill No. 3100, passed in the 2005 Regular Session of the Mississippi Legislature, and now codified as Section 27-35-50(4)(d), Mississippi Code of 1972, as amended (“Senate Bill No. 3100”), has been interpreted by the Mississippi State Department of Revenue (the “Department”) and the Mississippi Supreme Court (the “Court”) to allow certain federally subsidized Section 42 multifamily and, in some cases, single family residences to unfairly escape payment of their entire portion of the City of Gautier’s tax burden; and

II.

As a result of the recent Court decision, the City of Gautier will be required to refund these Section 42 developers approximately \$101,885.00, with an additional \$32,000.00 per year loss to the City, or \$833,000.00 over the life of the project; and

III.

Because the Section 42 developers are not paying their entire portion of local taxes, the burden of local taxation is being shifted to other property owners that are not federally subsidized; and

IV.

If Senate Bill No. 3100 is repealed, the tax assessor could return to the use of generally accepted appraisal principles, allowed under prior law, to establish the “true value” of these Section 42 properties by considering the substantial federal subsidies as a part of the property’s value and by using typical expenses in calculating the net income generated by these properties; and

V.

If Senate Bill No. 3100 is repealed, the City of Gautier federally subsidized Section 42 developers will no longer enjoy a tax advantage at the expense of the other property owners in the City of Gautier.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that it strongly urges the Mississippi Legislature to repeal Senate Bill 3100 as such action is in the best interest of the City of Gautier and its citizens by decreasing their tax burden and improving local services that the City of Gautier provides such as roads, police and fire protection and infrastructure.

Following the reading of the foregoing resolution, Council Member _____ seconded the motion for its adoption. The Mayor put the question to a vote, and the members voted unanimously to adopt the Resolution and the following vote was recorded:

Mayor Gordon Gollott	_____
Councilmember Mary Martin	_____
Councilmember Johnny Jones	_____
Councilmembers Hurley Ray Guillotte	_____
Councilmember Casey Vaughan	_____
Councilmember Rusty Anderson	_____
Councilmember Adam Colledge	_____

The motion having received the unanimous affirmative vote of the Mayor and Members of Council of the of the City of Gautier, Mississippi, that Mayor declared the motion carried and the resolution adopted, on this the 4th day of February, 2014.

APPROVED BY:

Mayor Gordon Gollott

ATTEST:

City Clerk