Public Safety Advisory Committee Agenda
2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center
July 03, 2024
6:00 PM

CALL TO ORDER

ROLL CALL

APPROVAL OF MEETING MINUTES

1. Approval of Meeting Minutes from June 19, 2024

EDUCATIONAL PRESENTATIONS AND DISCUSSIONS

2. Employee testimonies – Staff from Court, Legal, Police and Fire

3. Discussion on emails received for the Committee:

   a. From Tim Hodges
   b. From Terry Bjork with responses from Melissa, Finance Director
   c. From Mitch Tropila

4. Alternatives to TIF districts proposed by Committee Member Dodd

5. Continue with the questions introduced at the last meeting

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM COMMITTEE

PUBLIC COMMENT
Public Comment on agenda items or any matter that is within the jurisdiction of the Committee. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and either your address or whether you are a city resident for the record.

ADJOURNMENT

Next Scheduled meeting July 17, 2024 6:00 p.m.

Regular Public Safety Advisory Committee Meeting Civic Center, 2 Park Drive South, Gibson Room 212, Great Falls, MT 59401

CALL TO ORDER: PSAC Chair Sandra Guynn called the meeting to order at 6:01 P.M.

ROLL CALL: Public Safety Advisory Committee (PSAC) Members present: Sandra Guynn, Jeni Dodd, Aaron Weissman, Mike Parcel and Shannon Wilson.

PSAC Member Wendy McKamey arrived at 7:10 p.m.

Absent: PSAC Members Joe McKenney, George Nikolakakos, Thad Reiste and Mike Parcel.

Due to lack of a quorum, no official action was taken on agenda items 1 & 2 until after PSAC Member Wendy McKamey arrived.

EDUCATIONAL PRESENTATIONS AND DISCUSSIONS
- - Unofficial Portion of Meeting - -

3. TIF'S AND TAX ABATEMENTS FOLLOW-UP

Finance Director Melissa Kinzler and City Manager Greg Doyon reviewed and discussed handouts titled Update on Tax Increment Districts (1 pg), General Fund Expenditures by Department (3 pgs), and City of Great Falls Tax Revenue Not Received Due to Abatement Benefits Fiscal Year 2010 to Fiscal Year 2022 (3 pgs).

The City currently has five TIF Districts. West Bank and Downtown are Urban Renewal Districts, and Central Montana Agri-Tech Park, Great Falls International Airport and the East Industrial Park are Industrial Districts.

The original lifespan of a TIF District is 15 years. TIF Districts can be expanded by issuing debt. The City's TIF Districts with debt issued are for a lifespan of up to 40 years. When the property owners pay their annual property taxes, instead of the monies going to the taxing jurisdictions, those monies go to the TIF District fund for public improvements within the district. If a TIF District is released, the percentage that would go to the City (based on the percentage of the number of mills) is about 28%. If the debt can be paid off early the TIF District could be dissolved. Depending on the type of District, there are different nuances the funds can be used for. For example, funds can be used for blight in urban renewal districts.

Developers can find a TIF application to start the process on the City's website. The Downtown Development Partnership reviews applications and suggests funding for the Great Falls Downtown Urban Renewal District. Planning and Community Development reviews applications for the other TIF Districts. All TIF funding requests come before the City Commission for consideration of approval.

Director Kinzler explained that when the City applied for TIF funds for the Civic Center façade project, they sold $6 million in bonds over a 20-year period. The debt is issued in the City's name, but the actual credit of the debt is based on the revenue that comes in from that TIF District (the property owners paying taxes within the TIF District).

All of the Development Agreements for approved TIF applications are different because the anticipation of revenues varies depending on development going on in the District. The City tries to make sure that the City is not at risk to the fullest extent possible. The Finance Department, City Attorney, Planning and Community Development Department, City Manager and outside bond counsel review the proposals to make sure it meets the tenets of state law. If bonds are involved, a bond advisor also assists the City and bond counsel. There is a lot of legal and administrative work that goes on throughout the process to get it to the point to come before the Commission and public. All of those costs are allowed to be covered by the TIF District funds. Also, it depends on how debt is structured and how the Development Agreement reads, if the City can call the debt early (pay back the bonds).

TIF's are one of the economic tools Montana developers have to help facilitate new business and growth, compared to other states that have large economic incentive packages. West Bank is a great example of a TIF District working well. In 2005, it was a superfund site with no employers. Now, there are three hotels, restaurants, and offices.

PSAC Member Dodd noted that there are also claims that TIF's do not promote economic development, and that TIF's burden the taxpayers because the increment goes into the TIF District and not the City budget for public safety and City services.

Manager Doyon explained that releasing the East Industrial Park TIF District was discussed at a recent work session. The Commission wanted to make sure that the people in the TIF District were notified first. He reached out to Great Falls Development Authority (GFDA) to see if there was any potential development in that district that might be interested in using the increment. The information he got back was that there may be an application for a project in that district. The other option is to do a partial release. However, that gets challenging and may not yield as much money as the PSAC may think in terms of supporting an ongoing public safety resource.

Currently, there are not any new TIF applications pending.

Director Kinzler discussed the different types of tax abatements per state statute and the list of tax abatements the City has been dealing with over a period of time. She reviewed a handout of estimated tax revenue not received due to abatement benefits for fiscal year 2023 to fiscal year 2032.

She explained that a state abatement application is subject to the independent actions of the City Commission and County Commission.

The tax abatement for MT Renewables, Calumet's new and expanding industry, was estimated to be $426,591.38 for tax year 2023, fiscal year 2024, and is different and separate from Calumet's tax appeals. Calumet pays its taxes and then goes through the protest process, which is different than an abatement.

Manager Doyon added that, when he gave his budget presentation at last night's work session, he did not include Calumet's protested taxes in the budget.

Director Kinzler commented that Calumet's last appeal process took two and one-half years. Also, the City is required to set its mills 30-days after receiving taxable valuations from the Department of Revenue. So, if the City sets its mills and then an appeal is settled and lowers the value of the mills, the City would actually lose revenue. At a certain point, the City has to decide whether to reset its mills or lose that revenue because of the change in valuation. Calumet is one of the major taxpayers in the City, so their tax protests have a huge effect.

Manager Doyon reported that in order for a community to effectively support its core services, public works, fire and police, it needs to have a good property tax base portfolio. The property tax portfolio needs to be a mixed balance of commercial, industrial, and manufacturing to offset what is lost in residential property. People commented throughout the educational process on the prior levy effort about the City's expansion and what types of property they are seeing developed. While it looks like we are growing in terms of the number of structures and apartments, it isn't going to grow the City's tax base the way people think that it is going to, because there are different property tax classes. In the scheme of things, a community has to be diligent about making sure that it has a robust portfolio to balance it all out.

PSAC Member Dodd noted that there are a lot of non-profit properties that are not contributing to the City budget at all. She has heard people saying that Benefis should be building a fire station.

Manager Doyon responded that there was an attempt during the last legislative session to impose a tax on institutions like Benefis, but it didn't get very far.

Director Kinzler commented that the top 10 taxpayers in the City are listed in the Comprehensive Annual Financial Report.

Manager Doyon commented that when businesses come in to Great Falls, they look at Great Falls' low unemployment and they look at the workforce. They look at the demographics in the community and other competitors in terms of the job market when deciding where they locate. It is good that developers are building apartments and that they are being filled, because that buoys our workforce.

With regard to TIFs, PSAC Member Weissman commented that is why Great Falls needs to do things to attract people to stay in this town. We need to create the industry. A falling down downtown and a West Bank Park that was a superfund site is a whole lot less attractive of a community than the one that has been built the last 15 years.

PSAC Member Wilson commented that is part of the concern of letting go of the East Industrial Park TIF. If there is a potential business coming in that could help grow Great Falls, it would be sad to not have that TIF available.

Manager Doyon added that the Commissions he has worked with have struggled with this balance of providing critical essential services, but having enough quality of life attribute that you can actually continue some measure of growth in the community. People are not going to come here if we don't have a safe community. On the opposite side, if there is nothing to do here, why would they come here. Businesses look for that balance when they make a decision on where to locate.

Director Kinzler reviewed a handout of general fund expenditures by department, inclusive of the public safety departments of Court, Legal, Police and Fire. She explained the $1.2 million under "Miscellaneous Admin" includes purchased services, internal service charges, and the Civic Center building internal service fund that covers the common spaces in the Civic Center. It also includes some mapping charges, the fire equipment revolving schedule for lease payments for all the different fire equipment, police equipment revolving schedule, and a small equipment revolving schedule for legal.

"Transfers Out" support other funds that need additional revenue to be subsidized by the general fund, including Planning and Community Development, Natural Resources, Swimming Pools, Recreation, Aim High Big Sky, and Civic Center Events.

Public Safety makes up 79% or more of the general fund, and with the equipment revolving schedule it makes up about 81% of the general fund. Those percentages haven't changed very much in the last several years.

Manager Doyon added that the pie chart was provided because the PSAC will ask or be asked if the City has additional funds in the general fund to pay for public safety. As the PSAC comes up with recommendations to give to the Commission, it would refer to that chart if it feels that the Commission needs to look at money in the three areas of Administration, Park and Recreation and Transfers Out, to supplement public safety.

The City provides the 911 dispatch services to Cascade County. The City receives the County and City quarters to operate the facility. Internal service charges from the Fire and Police funds are used to operate the 911 Center. The amount received indirectly from the County amounts to about 33% of certain personnel at the dispatch center.

The COPS grant listed on the General Fund Expenditures by Department handout is the actual cost of the COPS grant personnel. There is zero revenue for the COPS grant in FY 2025.

PSAC Member Wendy McKamey arrived at 7:10 p.m., establishing a quorum.

PSAC Member Parcel inquired how the proposed budget corresponded to the levy ask.

Manager Doyon commented that the Finance Department's webpage contains a section of City budgets that includes the “above and beyond requests.” He starts off with a baseline budget that was approved by the Commission the prior year. Any requests above the baseline budget amount is compiled in a list to see where the City is making requests to increase its budget. Looking back, there are numerous requests from Fire and Police, and in some cases Legal and Court, for an additional appropriation to cover a need within their respective departments. This fiscal year he will be recommending approval to the Commission for above and beyond requests from Legal for case management software, additional funds to support the three officers that were hired under the COPS grant and for additional funds in the equipment revolving schedule to replace some police patrol vehicles, and for the second full-time judge for a full year.

It doesn't really align well with what was requested. Sometimes departments will ask for things that they know aren't necessarily going to get funded. They do that to hold the line but also trying to make a statement to the City Manager, the Commission, and the community about a pending need that hasn’t been satisfied or fulfilled. What wasn't recommended for funding was a deputy fire marshal for the Fire Department to help deal with the workload in reviewing building plans for fire suppression systems and so forth, and a dispatching module to help with proximity dispatching.

The Police Chief did ask for three sworn officers for the Investigations Bureau. The total amount of that would have been about $346,000, inclusive of starting benefits, academy training and the initial equipping. The City is still operating in a deficit. It's been recommended to the Commission to use about $400,000 of fund balance to balance the budget for next year, and he is anticipating about $400,000 in new growth.

A PowerPoint slide that always gets shown is how much the City raises in taxes versus how much it actually needs to support Fire and Police, and the deficiency amount without the entitlement share from the State of Montana.

Director Kinzler added that the cost of sending people to the police academy is going up and there has been quite a bit of turnover. The Police Department is projecting about nine new officers a year. The proposed budget included an additional $50,000 of funding for that training and equipment for those new police officers.

Exit interviews have revealed that the workload is too much or they aren’t being paid enough. There has been some significant vacancies at the Police Department. Because of the background process and going to the academy, it is a long process before the officers are able to patrol solo.

Director Kinzler reported that the Police and Fire Department budgets total $29.1 million and the taxes received in the general fund are only $26 million. She will send the PSAC the corresponding slides, and the breakdown of the general fund revenues and expenses.

Director Kinzler will also provide the PSAC with the public safety departments levy requests and what the budget impact would have been if the levy had passed.

She added that 60+% of taxes fund the general fund. The other major revenue source is HB 124, the entitlement share that amounts to about $9.8 million dollars. The City is estimating about $200,000 to $220,000 of that entitlement will be from cannabis sales, which will not offset the impact of its use.

PSAC Member McKamey explained that a ballot initiative was the reason that recreational marijuana was allowed. The legislature then put forward a bill that said the counties and cities had to choose whether or not they were going to allow sales within their jurisdiction, and that only if they allowed sales would they be able to collect the taxes from those sales. Then, SB 442 was going to put those monies in the general fund and have it be disbursed throughout the state, regardless of whether the counties and cities had voted to allow the sale of marijuana in their jurisdiction. That bill was not supported by the governor as not being appropriate for the way that the money was intended to be spent.

Director Kinzler added that the Department of Revenue's website shows all of the cannabis collections.

PSAC Member McKamey commented that initially a percentage would go to environmental. That ended up not being reasonable. The point of the bill was to be able to cover the damages that would be coming to the jurisdictions, whether it be through crime or medical needs.

PSAC Member Dodd inquired if 50% was for mental health.

PSAC Member McKamey responded that there is a lot of data out there that shows that this is not marijuana as we knew marijuana, and that there is a huge amount of psychosis that is generated by the compounds that are made. We need to be calling it THC instead of calling it marijuana because it is compounded and exponentially stronger. For example, she attended a workshop and one gummy didn't contain one safe dose of THC, but 10 times what was considered the safe dose. That is a concern. Gummies look like candy. There is a lot of psychosis and consequently some real challenges with mental health afterwards. That tax money was to be spent addressing those issues, as well as crime and other damages that come with the use of recreational marijuana. She concluded that this conversation will continue in the next Legislative session.

PSAC Member Weissman suggested PSAC Member McKamey express to the legislature that $224,000 to the City of Great Falls is a ridiculously low number for the impact this is going to have.

2. APPROVAL OF MEETING MINUTES

PSAC Chair Guynn explained that, at the last meeting, she made an amendment to the May 15, 2024 minutes, because it looked like the number of arson cases had inadvertently been left out of the minutes. She moved to amend the minutes to include that number and the motion passed.

After review of that part of the presentation, Fire Marshal Mike McIntosh never came out and explicitly said the number of arson cases, which was the reason why that number wasn't recorded in the minutes.

What the motion tonight is going to do is undo the amendment made at the last meeting to correct the record per Roberts Rules of Order.

PSAC Chair Guynn moved, seconded by PSAC Member Wilson, that the PSAC amend the motion passed on June 5, 2024 pertaining to acceptance of the May 15, 2024 minutes by striking as amended and inserting as presented.

PSAC Chair Guynn asked if there were any comments from the public or discussion amongst the Committee. Hearing none, PSAC Chair Guynn called for the vote.

Motion carried – 6-0.

1. **PSAC Member Weissman moved, seconded by PSAC Member Parcel, that the PSAC accept the minutes of the June 5, 2024 meeting as written.**

PSAC Chair Guynn asked if there were any comments from the public or discussion amongst the Committee. Hearing none, PSAC Chair Guynn called for the vote.

Motion carried – 6-0.

4. PUBLIC SURVEY/POLL FOLLOW-UP

PSAC Chair Guynn commented that Manager Doyon sent links right after the last PSAC meeting that highlighted some different national and local polls and surveys. She thinks the City has to do something to try to garner where the people are. Simply voting against the levy and bond doesn't mean people were against public safety. They just didn't support the levy/bond asks. She is not sure that the residents, by and large, even think there is a public safety problem. Speaking from experience rather than perception and rumor, one complaint that all of the nine Neighborhood Councils have is that the residents just do not engage. They do not attend meetings. Forty-five residents give up their time to do their part as volunteers to make their neighborhoods a better place. Yet, neighbors do not show up. Once in a great while when something controversial is on the agenda neighbors will show up, which proved to be an oddity last year because the levy was controversial and the City did present at all the neighborhood councils and there was almost no attendance.

She thinks the City has to find out somehow, whether through a poll, a survey, or some other tool, just what the citizens are thinking.

Manager Doyon noted that four responses were received in response to the Request for Proposals.

PSAC Chair Guynn commented that the survey Missoula did was very good. It didn't just focus on public safety, but on City services as well. It included their thoughts about the different departments pertaining to City services.

She thinks most residents go about their business not in fear that something horrible is going to be happening to them.

It is a suggestion that the PSAC can keep in mind to make to the Commission. It is not up to the PSAC to drill down into the weeds about what that would look like, but rather to say we think we have to try to do something to gauge where the people are. With the levy, it was the City telling the people this is what our problems are. She thinks the residents didn't see it that way, and we cannot begin to solve the problems if we are not really too sure what the residents are perceiving problems to be.

She encouraged the PSAC members to look at the links Manager Doyon sent out after the last meeting. Billings also did a similar poll that she thought was very good.

Manager Doyon added that the purpose of a poll is not really designed to have somebody tell us what we need to do. The purpose is to have folks that are well versed and able to ascertain statistically valid information, ask questions that would help the Commission get a sense and gauge of where the voter is at with regard to public safety.

Doing a survey monkey or something of that nature that is not statistically valid is not going to yield the same results as a professionally done poll. Somebody that does this for a living is going to shape the questions differently to make sure that the right amount of information is collected. The City will get that information and share it with the community. The Commission can then take those results and get ready for a modified ask from the last time; or, if residents think everything is okay, wait until things change and maybe reconsider.

The four proposals received will give the Commission an opportunity to have a conversation about whether or not they want to proceed with actually moving forward with a poll.

PSAC Member Weissman supports gauging the opinion of the people of Great Falls about this matter. Getting some real information on where the pulse of the people of Great Falls are is vital. Understanding what people think about Police and Fire, their taxes, and prioritization of City services, is an important thing for the City to do.

PSAC Chair Guynn commented that the PSAC members can start by making up a list of recommendations. Start jotting down ideas. The PSAC can get a general consensus if it wants to add ideas to the list and then finalize the list by the last meeting in August. The recommendations will pertain to some kind of a poll or survey to gauge the community pulse regarding public safety, and maybe even other City departments that utilize the general fund.

PSAC Member McKamey inquired how the public safety levy/bond asks were presented to the Neighborhood Councils.

City Manager Doyon commented that the presentations were broken down between Fire, Police, Court and Legal. He generally had some opening comments, talking historically about the levy attempt made in 2009 and general observations about what the City has tried to do with the general fund to redirect resources back into public safety. Ultimately, that just didn't work because it wasn't enough to keep up with the cost of doing business. Fire Chief Jones took more of an academic approach in terms of response times to flash over, taking a look at the impact of homeowners' insurance, and not having stations within a certain radius. At the end of the day, what really should matter to the taxpayer is that they are going to have somebody show up in the event that their house is on fire or experience a 911 event. He discussed how the City has grown and the position of the current stations. They don't meet industry standards.

The Police Department did a survey of how officers utilize their time. They determined that, on average, an officer has 10 to 15 minutes every hour to do proactive policing. Properly staffing a shift to respond to calls, having time for paperwork, having time to do proper investigations and engage the public, was going to be different for each department. It comes down to social tolerance. What is it that the community wants and is willing to accept in terms of the amount of crime and the amount of law enforcement that goes along with it?

Legal and Court were a lot different in terms of trying to describe what it means to have a prosecutor with a certain number of cases. If compared to other departments, staffing is on the low side for prosecution. They do not have a lot of time to spend with victims of crime or to prepare witnesses before they go to trial.

The judge discussed the overburdened court and the number of cases that they are hearing compared to other jurisdictions. Legal and Court provided statistics compared to other Montana communities. Aside from some staffing that they would still like to have to support the two full time judges, the City is on track in addressing the Court’s space needs.

PSAC Chair Guynn added that the Neighborhood Councils did not vote on a recommendation to the Commission because it was about education and not advocacy.

PSAC Member Parcel commented that educational presentations were made all over town, as well as two Town Hall meetings.

PSAC Member Wilson commented that she was a member of Neighborhood Council 9 when the public safety presentations were made. There were more presenters at the meeting than neighborhood residents. She thought it would have been well attended because there had been five shootings last year, including two murders in her neighborhood.

PSAC Member Weissman doesn’t think public attendance at meetings is a good gauge of support or non-support. Other things are going on that take precedence. He suggested the City needs to find a way to speak to them in a way that they can respond, and that is probably not a public meeting.

PSAC Chair Guynn responded that is probably one of the reasons the PSAC wants to make a recommendation that some sort of a poll or survey be conducted.

5. DISCUSSION QUESTIONS

PSAC Chair Guynn encouraged the PSAC members to get any follow up questions about TIF’s, abatements, or the poll to her to continue the discussion at the next meeting. Also, to look at the links and start formulating some ideas.

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM COMMITTEE

None.

PUBLIC COMMENT

Al Rollo, 816 Grizzly Dr., commented that the Great Falls website contains very good information and explanations about the budget. A reason that he thinks that the levy failed had to do with the tax increase right before the election. His taxes went up $500 overnight, not including the Library levy. His homeowner's insurance went up $600, and utilities went up.

If looking at a survey, he suggested evaluating what will be asked because there are other issues. There is also a strong need to help people on fixed incomes. He previously suggested looking at other options of finding funds or a reduction of funds. Facebook comments were very ugly during the public safety levy election. If the City is not looking at the whole picture beyond public safety, he thinks it will be missing the boat. He also suggested that there needs to be a better breakout on the tax bill where the City's tax dollars go, similar to the County and the School that provide more information.

He is not proposing that TIF's be eliminated, but does think that there needs to be major changes. He thinks the TIF District lifespan needs to be modified and that the cost benefits and the impact to the citizens be weighed.

Mr. Rollo communicated with one of the sponsors of a bill that proposed to tax non-profits, due to the loss of revenue of taxes to the City. He would hate to see public safety issues hurt again because of loss of revenue from non-profits.

Susan Wolff, City Commissioner, commented that the Downtown TIF District includes life safety, such as fire sprinkler systems, which in reality can help save on fire calls and other things. The amount of funds was expanded in that particular category that people could request. If we want more housing downtown we want to make sure that those are safe places to life.

Missoula withdrew its public safety levy last year knowing that the tax situation had arisen and people were seeing huge tax bills. Businesses had signs in their windows. Great Falls had a hard time getting the business community engaged. We have to look at how to engage the business community so that people see that the community as a whole is supportive of a public safety levy.

Kalispell also passed their safety levy earlier this year. Helena passed their fire station, but defeated their safety levy, which means they will have a station with no people or equipment.

Commissioner Wolff referred to the Safety in the Falls website: https://safetyinthefalls.com/ for additional public safety related information. It should get people's attention when detectives have to prioritize violent crimes and sex crimes against children.

ADJOURNMENT

There being no further business to come before the Public Safety Advisory Committee, PSAC Member Dodd moved, seconded by PSAC Member Weissman, to adjourn the regular meeting of June 19, 2024, at 8:11 p.m.

Motion carried 6-0.

Chairperson Sandra Guynn

Acting Secretary – City Clerk Lisa Kunz

Minutes Approved: July 3, 2024

From: Sandra Guynn
To: Aaron Weissman
Cc: Krista Artis; Greg Doyon; Joe McKenney; Charles Anderson
Subject: Re: public safety
Date: Monday, June 24, 2024 4:43:01 PM

Thank you, Aaron. I will read Tim Hodges' email at the next meeting.

Sandra

On Mon, Jun 24, 2024 at 2:29 PM Aaron Weissman <aaronweissman@icloud.com> wrote:

> Sandra and Krista;
>
> I received this email from Tim Hodges this afternoon. Can you please add it as appropriate so it is recognized at our next meeting?
>
> Aaron
>
> Aaron Weissman
> aaron@weissman.com
>
> Begin forwarded message:
>
> **From:** Tim Hodges <kd7jz@yahoo.com>
> **Date:** June 24, 2024 at 2:01:00 PM MDT
> **To:** Aaron Weissman <aaron@weissman.com>
> **Subject: public safety**
>
> I just read the article in the The Electric about the Committee for Public Safety, and thought I would offer you two pieces of constituent feedback that you are welcome to use as you see fit.
>
> 1. I feel that the issues of fire/EMS and criminal justice need to be separated. My impression is that fire/EMS services are generally held in high regard by the public while law enforcement is less universally so.
> 2. One issue that I believe needs to be included in a survey and in marketing to the public is Great Falls' fire insurance rating. Its a kind of 'pay me now or pay me later' situation where not spending what we need on fire protection is going to continue to drive already high insurance premiums higher.
>
> Thank you for your service.
>
> Tim

From: Melissa Kinzler
To: "tlbjork@hotmail.com"
Cc: Greg Doyon; "guynn6@gmail.com"
Subject: FW: questions about marijuana tax money
Date: Wednesday, June 26, 2024 9:24:08 AM

Terry, thanks for the questions about marijuana tax money. See my responses below in blue. Thanks. Melissa

-----Original Message-----
From: Terry Bjork <tlbjork@hotmail.com>
Sent: Tuesday, June 25, 2024 7:38 AM
To: Melissa Kinzler <mkinzler@greatfallsmt.net>
Subject: questions about marijuana tax money

Director Kinzler

I have a few questions about the marijuana tax money that I would like

answered, if you would be so kind.

1) Back in April in a budget update to the commission you noted that the

City had received $201,000 (?) of marijuana tax money for the 4 quarters

of 2023. What was done with this money? My assumption based on a

statement by former Mayor Kelly in 2023 was it would just be added to

the General Fund and offset some of the deficit between expenses and

revenues. Is that correct?

Yes, all money received for marijuana tax money has been deposited in the General Fund to offset the deficit between expenses and revenues.

2) In the budget presentation of June 18 you listed the anticipated

$220,000 to be collected during FY 2024-2025 as an "available increase"

over the $0 of previous fiscal years. What does this really mean, since

the money was flowing in at least one previous fiscal year? To me it

seems like taking money out of the back pocket and putting in the front pocket.

The effective date of the Cannabis Local Option Tax in Cascade County was 2/6/2023. The first Cannabis (marijuana money) received by the City through the County was in June, 2023, $27,704.98. Because of when the FY 2023- 2024 budget was proposed , in the FY 2023-2024 Adopted Budget the Marijuana Tax revenue was not budgeted. The FY 2024-2025 Proposed Budget is the first time that the marijuana money was budget in the Proposed General Fund Revenue.

3) What would be the practical effect of "earmarking" the marijuana tax

money, as one commissioner proposed? Isn't "public safety" already some

80% of the General Fund, and thus responsible for 80% of the General

Fund deficit?

The practical effect of the “earmarking” of the marijuana tax money would depend on the purpose of the “earmarking.” If the money was earmarked for additional (new) expenses of the General Fund, it would increase the deficit between expenses and revenue. If it was earmarked to cover the current expenses and to cover the 80% that you referred to it would not have any effect.

4) What would be the impact on your department of having to earmark this

specific revenue stream?

There would be no impact to my department if the revenue stream was earmarked. Depending on how the revenue would be earmarked it may have an impact on the General Fund budget.

Thank you,

Terry Bjork

Great Falls

From: Sandra Guynn
To: Krista Artis
Cc: Melissa Kinzler; Greg Doyon; Lisa C. Kunz
Subject: Re: FW: Local Option Tax
Date: Wednesday, June 26, 2024 10:45:17 AM

Hello Krista,
Please add it to the discussion for next week.

Sandra

On Wed, Jun 26, 2024 at 9:02 AM Krista Artis <kartis@greatfallsmt.net> wrote:

> Sandra,
>
> During the last PSAC meeting this topic was brought up and Melissa was going to locate the information for the group. Do you want to forward this link below to the group or add to the discussion for the next meeting?
>
> Please let me know how I can assist.
>
> Krista
>
> ---
>
> **From:** Melissa Kinzler <mkinzler@greatfallsmt.net>
> **Sent:** Wednesday, June 26, 2024 8:43 AM
> **To:** Krista Artis <kartis@greatfallsmt.net>
> **Subject:** Local Option Tax
>
> Information about the Local Option Tax for Cannabis. (Marijuana.)
>
> https://mtrevenue.gov/taxes/miscellaneous-taxes-and-fees/cannabis/#LocalOptionTax
>
> Melissa Kinzler
>
> Finance Director
>
> City of Great Falls
>
> (406)455-8476

From: Aaron Weissman
To: Sandra Guynn; Krista Artis
Subject: Fwd: Public Safety Committee ideas...
Date: Wednesday, June 26, 2024 9:00:21 AM

Sandra, received another email from a constituent on this matter. Can you please add this to the record?

Aaron Weissman
aaron@weissman.com

Begin forwarded message:

From: Mitch Tropila <tropila@mt.net>
Date: June 26, 2024 at 8:42:34 AM MDT
To: aaron@weissman.com
Subject: Public Safety Committee ideas...

Hello Aaron:

Thanks for chatting yesterday.

Ideas on relieving the strain on our emergency providers, firefighters and police persons:

1) Ban fireworks in the City of Great Falls.

Here are a few further thoughts on #1 above:
A) I suggest keeping track this 2024 season of how many calls our emergency providers make this 4th of July season and subsequently during New Year's Eve celebrations. This could be easily eliminated.
B) Sales could still take place, but discharging them in the City should bring hefty fines. I suggest, for a compromise, only.
C) Firework stands should have to pay an "emergency provider services" fee.

2) I spoke with an emergency medical trainer - teacher at work. She suggests:
A) Better public education: What constitutes an emergency? A stubbed toe, does not. Educate dispatchers and the public through PSAs, classes, forums, etc.
B) Have more (City would have to pay.) training sessions on first aid or "Wanna be an emergency provider?" classes, forums, discussions, etc.
C) Give HEFTY raises in contract negotiations to our emergency providers. $15 an hour is not enough pay if someone is gonna save your life! THIS is what a public safety levy really could go for. (My thoughts in last sentence.)

Kind regards,

Mitch Tropila

From: Sandra Guynn
To: Krista Artis
Subject: Fwd: TIF info
Date: Friday, June 28, 2024 11:57:00 AM
Attachments: Tax Increment Financing Revitalization Tool, Developer Handout ... or Both Shelterforce.pdf
improving_tax_increment_financing_full.pdf.pdf
1889_Tax-Increment-Finance.pdf

---------- Forwarded message ---------
From: <jeni@jenidodd.com>
Date: Mon, Jun 24, 2024 at 5:18 PM
Subject: TIF info
To: Tony Rosales <trrosales@gmail.com>, George Nikolakakos <George.Niko@outlook.com>, Sandra Guynn <guynn6@gmail.com>, Joe McKenney <jmckenney@greatfallsmt.net>, Mike Parcel <michael.parcel@mt.gov>, Thad Reiste <electriccitycoffee@gmail.com>, Wendy McKamey <wsgmckamey@gmail.com>, Aaron Weissman <aaronweissman@gmail.com>, Shannon Wilson <swilson@greatfallsmt.net>

PSAC Members,

See attached for alternative perspectives on TIF districts.

Jeni

"He who is not angry when there is just cause for anger is immoral. Why? Because anger looks to the good of justice. And if you can live amid injustice without anger, you are immoral as well as unjust" ~ Thomas Aquinas

Agenda #4.

REPORTED ARTICLE POLICY

TAX INCREMENT FINANCING (TIF): REVITALIZATION TOOL, DEVELOPER HANDOUT … OR BOTH?

Tax increment financing attracts development in disinvested areas, but it also diverts millions of tax revenue away from city services to investors. And some claim officials are using the program in racist and corrupt ways. What is TIF? And how does it work?

Agenda #4.

Shelterforce

Tax Increment Financing (TIF): Revitalization Tool, Develope...

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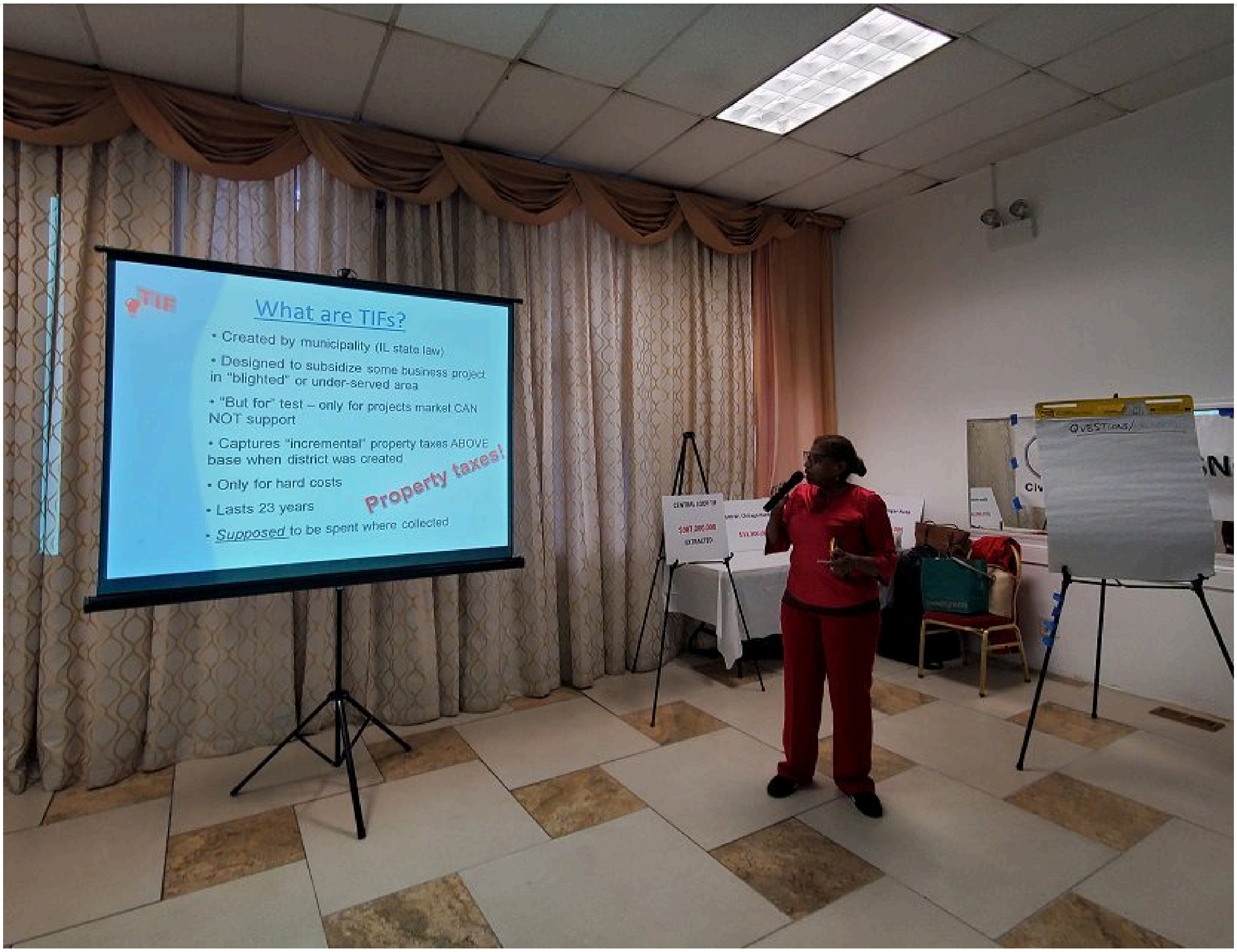

Eunice Mina, a volunteer organizer for El Pueblo Manda (The People Rule), translates a presentation explaining how TIFs work, how they raise property taxes, and the details of the major TIF district in the Pilsen neighborhood of Chicago, on April 27. Photo courtesy of Tom Tresser

When local governments want to kickstart development in areas that don't draw large-scale, neighborhood-revitalizing projects, they don't have many tools at their disposal. One popular yet controversial tool they can use to lure developers to build in disinvested areas is called tax increment financing, or TIF.

TIF is a financing mechanism that's favored by governments and largely misunderstood by the public—even though they're paying for it.

The basic TIF program structure goes like this: A city or county government designates a disinvested (often called "blighted") area as a TIF district. This designation allows officials to split the property tax revenue the district generates. The current amount of tax revenue collected within the district's boundaries is set as the "base rate." This is the portion of

Officials then project what the future tax revenue within the district will be once the revitalization project is complete. The difference between the base rate and the projected property tax revenue is the "increment" referred to in the program's name. This portion of taxes is what's sequestered from a local government's general operating budget and used to subsidize developers who build in those disinvested areas.

Supporters say TIF is justified in redirecting a portion of taxpayer dollars to developers because without the redevelopment, the additional property taxes wouldn't exist. The subsidies, they argue, make development financially feasible. Detractors argue TIF programs are little more than a public handout to the private sector—a flawed funding mechanism with racist underpinnings that diverts much-needed money from important civic services.

TIF in Theory vs. Practice

At least 10,000 TIF districts exist across the U.S. Allowing for minor variances, most of these TIF programs work similar to each other: Distressed or underutilized neighborhoods are turned into TIF districts to attract developers. Most states give cities (and sometimes counties) the discretion to create and administer TIF districts. New TIF districts are initially established for a set number of years—usually between 15 and 50. While the term limit seems like it would cap the amount of forgone revenue a TIF district can withhold from a city's general operating budget, it doesn't always work that way. In some places, a district's TIF status can be renewed upon expiration (often at the local government's discretion and without public input). In Illinois, for example, new TIF districts divert tax revenue for 23 years and can be renewed for an additional 12 years.

In theory, TIF *should* pencil out. Future anticipated tax revenue increases generated by the new developments *should* match the projections. But, of course, economies change. Future developments and neighborhood changes don't always increase surrounding property values (and subsequent tax revenues) enough to support the projections.

SHELBY R. KING

t time, the projects exist and the developers have been paid. Local governments e bonds backed by the future projected tax revenue. Doing this generates front, allowing developers to recoup their initial investment quicker. TIF can also be financed through a pay-as-you-go method: the government repays the developer incrementally as the tax revenue is received. This creates more risk for the developer and is therefore less popular.

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is inherently flawed or the government miscalculated the increment amount. When a TIF is "underwater," the local governing body typically won't allow the bonds backed by it to default, meaning the district can become a drain on a city's general operating budget. For example, during the mortgage crisis, Kansas City, Missouri, had six underwater TIF districts.

Most states put very few restrictions on TIF districting aside from requiring them to pass the "but-for" test: Before creating a TIF district, local governments must determine that the development they're subsidizing would not have happened *but for* the use of TIF. This justification allows cities to set a base rate—assuming tax revenue would have stagnated at that rate "but for" the new development—and start redirecting any revenue over that amount for the TIF district. The problem is that the criteria for passing the but-for test are "so elastic."

"Who's the but-for judge?" says Tom Tresser of the CivicLab, a nonprofit based in Chicago that focuses on government accountability. "Well, it's the consultants first and then the staffers at the planning department. They're the ones who make the decision that the but-for condition has been satisfied. The whole thing is a joke."

This flexibility and lack of public input or oversight makes TIF both popular (with developers) and ripe for critique. The CivicLab wants TIF ended in Illinois, for example. Folks in Albany, New York, and Bozeman, Montana, also want TIF programs abolished in their states. Rick Rybeck, founder and director of Washington, D.C.-based economic development consulting firm Just Economics, thinks of TIF as "kind of a smoke-and-mirrors thing." TIF proponents argue that without a TIF-funded project, property taxes in the area would remain static year after year. If that's what happens, developers would say TIF is working as it's meant to: by generating revenue without depriving a city's general operating budget.

Tom Tresser explains TIFs at a community meeting. Photo courtesy of Tom Tresser

it's very rare that this is evaluated on a rigorous basis. And I think if you look at history, you'll find it's very rare to find an area where tax revenues are flat."

Tresser argues that even without investment, the areas designated as TIF districts would have seen their tax revenues increase at the same rate as the general tax district they were part of. Because TIF districts are carved out of larger, existing tax districts, claiming their tax revenues would be flat independent of the city or county around them is unlikely.

An Eye on the Windy City

In Chicago, activists have long claimed that the city's TIF program is more a corporate handout and mayoral "slush fund" than it is a catalyst for economic or community development. They say TIF transfers billions away from typically underfunded public services and into corporate developers' pockets.

For the last five years or so, a handful of local journalists, activists, and academics have publicly called out Chicago's overactive TIF districting and spending habits. (The city comes by its largesse honestly; Illinois is one of six states with more than 1,000 active TIF districts.) Tresser and Jonathan Peck, cofounders of the CivicLab, are two of those activists. In 2013, the CivicLab launched the TIF Illumination Project to investigate Chicago's 100-plus TIF districts and report their impacts on the city's tax base. They determined that TIF districts have commandeered about $10.3 billion in property tax revenue from the city's general operating budget since Chicago implemented the program in 1986. In 2021 alone, the city's TIF districts sequestered $1.08 billion in property tax revenue—around half of that would otherwise fund public schools (which are facing a budget shortfall).

"Chicago and hundreds, if not thousands, of municipalities across the U.S. are removing billions of public property tax dollars from circulation . . . to subsidize projects of little to

Two specific downtown projects funded with $1.6 billion in TIF subsidies, The 78 and Lincoln Yards, inspired protests and a lawsuit, with plaintiffs arguing that the sites didn't qualify as "blighted." But the TIF controversy isn't new. Reports from 2015 show nearly half of the city's TIF revenue was being spent inside The Loop—a popular and economically prosperous area. A 2017 study found nearly 35 percent of TIF-related spending in one Chicago district was "questionable." A 2010 audit found "improper spending and oversight of TIFs."

What gets opponents is the "proper spending" they believe is anything but. For example, when boom years generate more TIF revenue than projected, the mayor can declare a surplus. The 2022 Budget Overview designated a TIF surplus of $271.6 million. In 2020, it was more than $300 million. The mayor's office is statutorily allowed to reallocate surplus TIF dollars to non-TIF related projects with no public input or oversight. It's this opacity opponents find problematic, saying it allows the mayor to pad favorite developers' pockets.

Another problem? Porting. State statute allows local governments to transfer money between TIF districts that share a border. While porting ostensibly facilitates "regional projects," Tresser calls it "a skim inside of a skim." CivicLab's research determined that porting favors majority-white districts at the expense of majority-Black districts. For example, in 2021, majority-Black wards contributed nearly half of the money Chicago had in its TIF accounts, while majority-white wards contributed less than one-third, according to CivicLab research. But the city's 18 majority-Black wards received less TIF money than the 14 majority-white wards.

The TIF Illumination Project participants believe tax increment financing as a public funding mechanism is too open to corruption in its current iterations, and its results are too racist for the program to be salvageable. The CivicLab is currently working with local activists from about 15 counties and cities across the nation to uncover what local TIF districts and associated projects look like in their areas. Eventually, the group would like TIF eliminated nationwide.

From the Windy City to the Motor City

The Detroit People's Platform—a grassroots, Black-centered economic justice nonprofit organization—learned about the CivicLab's TIF Illumination Project while investigating how Detroit commercial developers were fulfilling the terms of their community benefit agreements (a city ordinance requiring developers to proactively engage with a hired the CivicLab to help create a "road map."

Want to Learn About TIF in Your Area?

The CivicLab can show you how to investigate your own local government. CivicLab is seeking activists who want help tracking TIF districts and expenditures in their city, county, or state.

Interested? Email info@civiclab.us. Check out the TIF Illumination Project's website for more information about their methods gathering TIF data and more.

"We began to excavate," Pride says. "We began to look at entities; a lot of them we were already familiar with. It was just about getting into those more clandestine spaces where TIFs dwell to pull out the information we needed."

Pride says the CivicLab's coaching helped Detroit People's Platform figure out how TIF works, including that the program is set up differently in Detroit. Because TIF in Detroit is distributed differently than in Chicago, the CivicLab and Detroit People's Platform had to adapt the TIF Illumination Project's research techniques and investigative procedures to find the information the organization was looking for. They learned that rather than creating designated districts in which taxes are segregated and held for specific projects, Detroit developers apply for TIF reimbursement on a property-by-property or project-by-project basis.

Two city offices are responsible for managing and distributing nearly all the money being captured by tax increment financing in Detroit: the Downtown Development Authority (DDA) and the Detroit Brownfield Redevelopment Authority (DBRA, pronounced like Deborah). Both the DDA and DBRA are administered by the Detroit Economic Growth Corporation (DEGC). The DDA provides loans, sponsorships, and grants to private businesses and investors, while DBRA manages redevelopment of sites the city has designated as brownfields.

developers for cleaning up and improving brownfields seems like a good plan—Detroit's industrial and manufacturing industries left dozens of contaminated parcels in and around the city center. But in practice, the city's definition of brownfield is so broad and vague that, says Pride, "developers essentially can come in and get a brownfield [TIF reimbursement] for anything."

(According to the Environmental Protection Agency, a brownfield is a property "which *may* be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." Emphasis added.)

"It's not being used to reactivate old industrial land into a useful development," Pride says. "It's just being used so developers can make more money and the development will be more profitable."

The result is that the city is funneling taxpayer money away from schools and neighborhood services to subsidize multimillion-dollar projects usually proposed by white developers, says Pride. In Detroit, that developer is often Dan Gilbert, the billionaire co-founder of Rocket Mortgage, who owns and is redeveloping substantial real estate in downtown Detroit. Gilbert's real estate firm, Bedrock, in 2018 secured $618 million from DBRA to offset costs on the Hudson's project, a 12-story office and event space and a 49-story high-rise with a hotel and luxury residences. The 1.5 million-square-foot project—which is still under construction and is expected to cost $1.45 billion by the time it's complete—recently received an additional $60 million in tax credits from the city. Opponents call the most recent tax abatement a "handout to one of the world's richest men."

Detroit People's Platform was one of many vocal opponents to the Hudson's development, and though they couldn't stop the city from approving the most recent tax abatement, Pride says the "community came out in droves" to oppose giving Gilbert the additional $60 million infusion. Their oppositional presence at city council meetings delayed the vote several times and forced Gilbert to negotiate additional affordable housing and other community benefits, Pride says.

"It got approved eventually, but not without a fight, and we see that as an example of the discourse changing and the politics changing around this." Pride says the DEGC rarely does any type of community outreach but thanks to a groundswell of opposition "decided to go on a city tour to educate people about TIFs and tax incentive development."

and how it stimulates development in Detroit, Pride says. But Detroit People's Platform organizers had already presented what they learned from their work with the CivicLab to the Detroit public via several community meetings. Pride says that outreach "created some momentum" for the pushback campaign against Gilbert's $60 million ask.

"We showed up with all our TIF stuff we got from the CivicLab," he says. "We showed them the data and the research, and we pushed back against their narratives."

ABOUT THE AUTHOR

SHELBY R. KING

Shelby R. King is *Shelterforce's* investigative reporter. She began her reporting career in 2010 covering cops/public safety and has been writing about housing and community development since 2014.

TAGS

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COMMENTS

3 THOUGHTS ON "TAX INCREMENT FINANCING (TIF): REVITALIZATION TOOL, DEVELOPER HANDOUT ... OR BOTH?"

TOM TRESSER JUNE 1, 2023 AT 8:41 PM REPLY

The meeting mentioned in the article was hosted by El Pueblo Manda (www.tinyurl.com/EPM-Facebook). It was the CivicLab's 187th public meeting. They are organizing to stop the relentless gentification threatening their community. You can learn more about this at https://tifreports.com/pilsen-organizing. Our awesome collaborators at Detroit People's Platform has published a number of community engagement materials to explain TIFs – see https://www.detroitpeoplesplatform.org/tax-incentive-ed. Reach us at info@civiclab.us.

Typically TIF is used as a bipartisan tool to facilitate the upward redistribution of wealth….

TOM TRESSER JUNE 6, 2023 AT 12:09 PM REPLY

Andy – You got that right. Where are you located? Have you engaged in some work or campaign around TIFs, economic justice, community organizing, etc? You can email me directly if you like, at tom@civiclab.us.

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Agenda #4.

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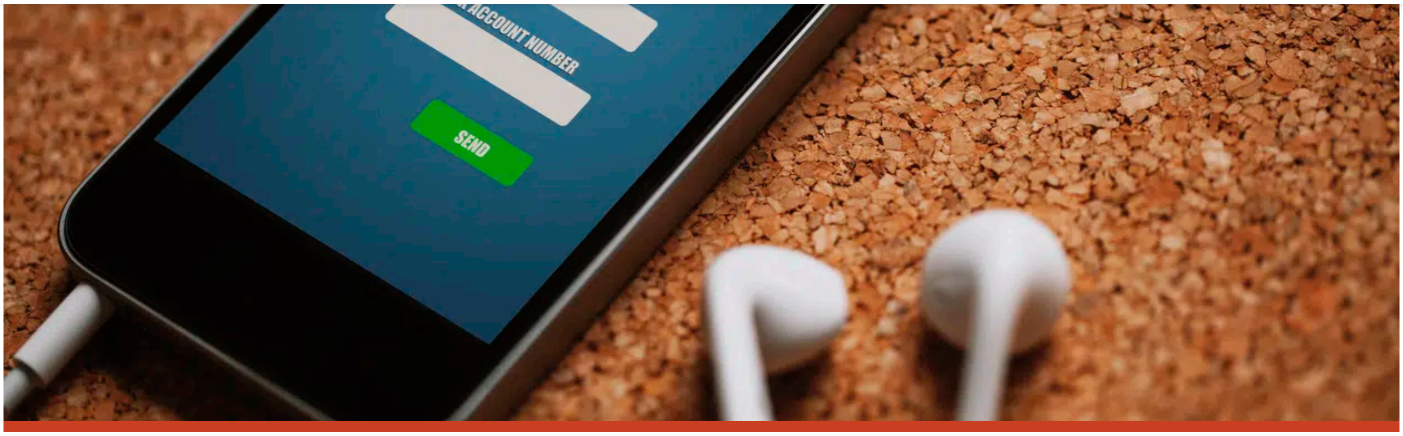

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MAY 23, 2024

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SHELTERFORCE

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Shelterforce is an independent publication that serves (and sometimes challenges) affordable housing and community development practitioners across the United States.

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Improving Tax Increment Financing (TIF) for Economic Development

DAVID MERRIMAN

POLICY FOCUS REPORT LINCOLN INSTITUTE OF LAND POLICY

ABOUT THIS REPORT

This report explains how tax increment financing (TIF) districts work, illustrates TIF use with case studies from around the country, discusses the rationales for using TIF, describes TIF's potential benefits and pitfalls, and reviews a large body of academic work that evaluates TIF's effects on economic development. The author also examines additional academic literature about the impact of TIF on school districts and other potential unintended side effects. The report concludes that, although results are mixed, TIF often fails to meet its primary goal to increase real estate development and other economic growth. Based on these findings, the report offers recommendations to make TIF districts more successful, equitable, and efficient. David Merriman is an expert in state and local public finance, business taxation, and urban economic development. He teaches and performs research in the Department of Public Administration and the Institute of Government and Public Affairs at the University of Illinois at Chicago. His research has been published in many peer review journals, and he is frequently quoted in local and national news media.

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The policy focus report series is published by the Lincoln Institute of Land Policy to address timely public policy issues relating to land use, land markets, and property taxation. Each report is designed to bridge the gap between theory and practice by combining research findings, case studies, and contributions from scholars in a variety of academic disciplines, and from professional practitioners, local officials, and citizens in diverse communities.

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Front Cover: Founded in 2002, the Cortex Innovation District in St. Louis is the Midwest's innovation hub of development, bioscience and technology research, and commercialization for start-up programs and established companies in the area.

Top: An intersection in the Cortex District after the first stage of development. Photo: Cortex Innovation Community.

Bottom: This view of the same St. Louis intersection in 2016 shows the completed Commons during The Murmuration Festival, a three-day event hosted by Cortex so the public could enjoy the site and explore the intersection of local art, music, science, and technology. Photo: Cortex Innovation Community. Photograph by Louis Kwok.

Back Cover: The Pritzker Pavilion, designed by renowned architect Frank Gehry, features large in Chicago's Millennium Park, which was partially funded by TIF. Photo: Serge Melki/Flickr CC BY 2.0.

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Executive Summary

Crowds in Chicago celebrate the opening of the Bloomingdale Trail and Park, which was partially funded through TIF. Photo: Charles Carper/ Flickr CC BY 2.0.

Promoting economic activity is a key function of local government and requires cooperation between the government and the private sector. Tax increment financing (TIF) is one tool that cities can use to support economic development in a designated area by earmarking property tax revenues from anticipated increases in assessed property values resulting from investment in that district. TIF expenditures are often debt financed in anticipation of these future tax revenues.

Although a number of states have used TIF for more than half a century, TIF is poorly understood and its effectiveness is disputed. This report presents basic data about TIF usage, explains how it is intended to work, notes its conceptual strengths and limitations, reviews academic evaluations of its use, and suggests methods for improving its design.

Today, TIF is legal and employed widely in every state except Arizona, with heavy use in the Midwest. Yet, many states do little to track or evaluate the use of TIF. Academic research suggests that local governments enact TIF in part to capture growth that was already occurring and in part to stimulate further economic development. Studies also indicate that TIF's impact on economic activity is mixed: Many recent findings show that TIF does little to deliver economic growth and sometimes simply relocates economic activity that would have occurred elsewhere without TIF. Empirical studies of other TIF-related effects, including its impact on school finance, land uses, and budgeting, suggest that communities should use it cautiously to avoid unintended consequences, such as diverting increased property tax revenues from counties, school districts, and other overlying governments; obscuring government financial records; and facilitating unproductive fiscal competition between neighboring jurisdictions.

This report lays out the following recommendations to address these concerns and help state and local governments improve TIF's usefulness.

1. **States should track and monitor TIF use.** Basic monitoring helps states evaluate the use of TIF and helps state legislators better understand whether TIF regulations are achieving their goals.

2. **States should revise statutes to allow counties, school districts, and other overlying local governments to opt out of contributing resources to TIF districts.** This measure would diminish or eliminate the incentive for local governments to use TIF as a device to capture revenues that otherwise would have gone to overlying governments.

3. **State legislators should review their "but for" TIF requirements to determine whether they are effective.** Prior to the creation of a TIF district, some states require proof that the planned development would not occur "but for" the tax increment financing. An effective "but for" clause can prevent communities from using TIF when other tools might be more helpful and transparent.

4. **Local governments should provide extensive, easily accessible information about TIF use, revenues, and expenditures.** This information would enable local elected officials to monitor and regulate the application of TIF, shortening the duration of TIF arrangements, for example, or making other adjustments to the terms of use as needed.

5. **Researchers should study, document, and explain the different outcomes resulting from TIF use in various geographic areas.** To date, academic studies of TIF document mixed outcomes but do not clearly identify the factors that explain this variation.

The basic design of TIF has significant virtues, but decades of experience and research from around the United States show that often TIF is flawed in practice. This report argues that, if used properly, TIF can be an important tool to nurture economic development in the public interest.

CHAPTER 1

Introduction

Minnesota's state legislature specifies the requirements for establishing a TIF district. Photo: Minnesota Historical Society.

A community's economic growth and the well-being of its residents are inextricably linked. Indeed, an area's prosperity and its citizens' quality of life of depend in no small part on the creation and maintenance of jobs that are both materially and emotionally rewarding. A community's success also requires regularly revitalized commercial activity; the maintenance and renewal of infrastructure; and the provision of public goods, buildings, and services like police, schools, hospitals, and public recreation areas.

In the United States, a community's economic growth is an important government function that requires coordination with the private sector. Motivated primarily by economic profit, the private sector is well positioned to act rapidly and efficiently when customers clearly desire goods or services. Sometimes, private-sector investments that may otherwise be viable can face significant impediments. These obstacles might be simple physical incompatibilities, like viaducts that are too low to allow modern truck traffic or complicated social problems, such as a workforce plagued by inadequate training and high crime rates. When such impediments arise, they can often be remediated by a combination of private-sector and governmental activity.

How can these sectors work together? While the private sector pursues profit, government aims to provide its target population with vital goods and services that are balanced against the costs imposed on that populace, generally as taxes and fees. Sometimes for-profit and government organizations receive assistance from private nonprofits dedicated to delivering particular goods and services, such as healthcare or affordable housing, to the target population. In addition, the government can use certain powers, including laws, regulations, and taxes, to compel private-sector actions. But the system operates best when government and private-sector actors work in harmony to achieve compatible goals by using their own tools—and TIF can provide a framework for that cooperation.

What Is Tax Increment Financing (TIF)?

Tax increment financing is an economic development method designed to coordinate the actions of government and the for-profit sector. TIF funds economic development activities in a designated area by earmarking the anticipated property tax revenue increases—often called the "increment"—that will result if the TIF investment stimulates new development and real estate appreciation. Core elements of TIF include:

- a designated district with narrowly defined geographic boundaries;
- a defined and limited operation period;
- expenditures that encourage economic development; and
- real estate appreciation that generates new property tax revenues.

As implemented in most states, TIF allows city governments to divert revenues of overlying governments—such as counties, school districts, or other special districts that share responsibility for providing public services—to fund economic development activities. The rationale is that diverted revenues are produced by the same economic development that they fund—so these revenues would not exist "but for" the TIF that enabled that development. Therefore, in theory, there is no loss to the overlying governments. Also, since revenues accrue only with appreciation, developers receive no subsidy unless they create economic development.

What Are TIF Districts and How Do They Work?

The basic principles of TIF operation are consistent and widespread: State legislation sets the conditions under which TIF districts may be established and, subject to state oversight, grants cities the right to operate TIFs. These city governments typically pass an ordinance that creates the TIF district and specifies the district's goals, allowed expenditures, and terms of operation.

The TIF district's revenues are then derived from property taxes on the appreciation, development, and redevelopment of real estate within its borders. In general, that revenue comes from property taxes that would otherwise accrue for both the creating government and overlying governments that levy property taxes on parcels within the TIF district. Tax increment financing allows those revenues to accrue for the benefit of the district itself.

Figure 1 illustrates this process. The curve for assessed value *without* TIF shows the hypothetical value of parcels in the TIF district in the absence of the TIF district.

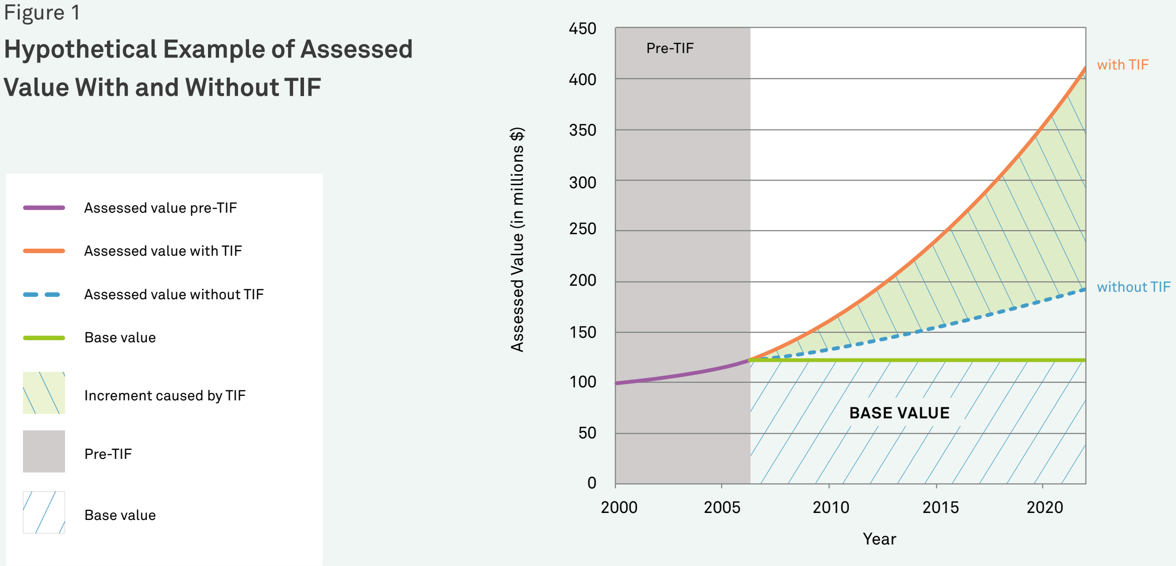
The basic principles of TIF operation are consistent and widespread: State legislation sets the conditions under which TIF districts may be established and, subject to state oversight, grants cities the right to operate TIFs.

As depicted, the value of the parcels would have grown from about $100 to almost $200 million between 2000 and 2020, even if a TIF district had not been established. The curve for assessed value *with* TIF depicts the hypothetical value of the parcels if the TIF district was created beginning in 2006. In this scenario, real estate values grow more rapidly and, by the end of the period, are valued at more than $400 million rather than nearly $200 million. The *base value* of the TIF district is the value of the real estate in the district at the time the TIF district was established (approximately $130 million, in this example).

The TIF district's *tax base* (increment) is the difference between the assessed value with TIF and the base value when the TIF district was created. The tax rate on the TIF tax base (not shown in the figure) is the sum of the tax rates of all overlying governments, such as counties, school districts, and other special districts. A given tax rate generates less revenue for overlying governments with a TIF in place than it would in the absence of the TIF—unless the value of real estate parcels in the TIF district would not have grown at all without the TIF district designation. In figure 1, the distance between the assessed value without TIF curve and the base value represents the tax base lost to overlying governments through the formation of the TIF district.

Figure 1

Hypothetical Example of Assessed Value With and Without TIF



The precise way in which TIF districts are formed and operate varies from state to state and from case to case. There is no simple typology to classify TIF districts, but for the purposes of this report, they can be divided based on the statutory conditions necessary for their formation and the sources and uses of financing.

State-enabling legislation sometimes allows for separate qualifying conditions for several different types of TIF districts. For example, Minnesota's legislation allows for six district types: economic development, housing, redevelopment, renewal and renovation, soil condition, and hazardous waste substance subdivisions (Minnesota House of Representatives 2017). Illinois allows the use of TIF to remediate blight, to conserve areas with many structures older than 35 years, and to promote industrial parks in areas of high unemployment (Illinois Tax Increment Redevelopment Act 2014).

Once a TIF district is formed, its finances can proceed along a number of different paths as real estate in the area appreciates and it begins to receive property tax revenues. Sometimes, new private investments result from the simple announcement that a TIF district has been formed with the promise of future economic development revenue. Thus, property values may grow even prior to any substantial public investment. In this case, the TIF district may be funded on a *pay-as-you-go* basis: As appreciation creates TIF property tax revenues, local governments can use the funds to improve infrastructure or to compensate private developers for allowable costs, such as building and site rehabilitation or repair, or professional services, such as architectural or engineering consultation.

In other cases, the mere announcement of a TIF district is insufficient to stir private investment, meaning that public spending may have to occur first. In this case, a TIF development plan, together with the assurance of a dedicated revenue source from real estate appreciation, can be sufficient to attract financing for the TIF. Typically, state legislation will explicitly allow local governments to pledge proceeds from TIF districts as a source of bond finance. If the TIF district development plan is compelling, the municipality may even be able to create a *bond-financed* TIF by selling bonds with the promise that revenues from incremental property taxes will service them.

Often, TIF financing involves other sources of revenue, including state or federal matching funds or, in some cases, other tax revenues.

In other instances, *developer-financed* TIFs use conventional loans to developers for infrastructural improvements. Once TIF revenues become available, the developers are reimbursed. In some cases, the TIF district's primary purpose is to lower private investors' costs; TIF funds are then used to create a *development-subsidy* TIF in which payments to private developers exceed developers' private expenditures on public investments.

Often, TIF financing involves other sources of revenue, including state or federal matching funds or, in some cases, other tax revenues. Unfortunately, there is little data on the relative use of these different financing mechanisms, but anecdotal information suggests that both TIF bonds and pay-as-you-go financing are used extensively. Weber (2010) describes the sometimes-complex TIF funding mechanisms used in Chicago.

TIF statutes commonly require a finding of "blight" as a condition to establish some or all types of TIF districts. For example, Maine's statute requires that "[at] least 25%, by area, of the real property within a development district . . . must be blighted" or meet one of two other possible criteria (Maine Legislature Revised Statutes 2017). The Tax Increment Financing Act in Texas does not require an explicit finding of "blight," but it does require that an area contains "a substantial number of substandard, slum, deteriorated, or deteriorating structures" or that the area meets various other conditions.

Individual states sometimes require proof prior to the creation of a TIF district that the planned development would not occur "but for" the establishment of a TIF district. For example, the Wisconsin legislation (in section 66.1105(4m)(c)1.a) requires that the decision to approve or deny a proposed TIF depends in part on "whether the development expected in the tax incremental district would occur without the use of tax incremental financing" (Wisconsin State Legislature 2018). In Indiana, allocation of TIF revenues requires "a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision" (General Assembly of the State of Indiana 2014).

Once a TIF district is operating, revenue can be spent in a variety of ways. For example, the City of Chicago 2016 Annual Financial Analysis reports that, between 2009 and 2015, about 60 percent of TIF expenditures went to economic development or infrastructure. Most of the rest was directed to city facilities for sister agencies, such as the parks and the school district, and about 10 percent was spent in direct support of residential development.

How Does a TIF District Work in Practice?

The operation of a TIF district might be more fully understood through the example of an actual TIF district. In June 2005, the city council of Dallas, Texas, passed an ordinance creating the Deep Ellum TIF District. This particular district covers a mixed residential, commercial, and industrial area of about 157 acres near downtown Dallas; in 2008, the city amended the boundaries to include about ten additional acres. At the time of its creation, the total appraised value of taxable real property in the TIF district was approximately $108 million.

The project was designed to facilitate 18 new real estate projects and about $400 million in new taxable private investment, as well as increased transit use and improved environmental outcomes. Planned TIF district expenditures of more than $27 million will be financed by tax revenues on "incremental"

The Case apartment building, an infill development in Dallas, has attracted more residents to the Deep Ellum District. Photo: City of Dallas, Office of Economic Development.

real estate value in the district. The TIF district is scheduled to terminate after 22 years in 2027—or sooner, if revenue sufficient to fund the proposed TIF projects accrues faster. Figure 2 shows a map of this TIF district.

The inset map shows the location of the district within the city of Dallas and the larger map shows detail within the district.

The TIF project plan calls for mixed-use development including offices, residences, stores, and hotels based on the expectation this will generate increases in assessed value that will then generate increases in property tax revenue.

Table 1 is from the official project plan for the Deep Ellum TIF District and shows projected taxable assessed property values, increments of assessed value (called "anticipated captured value"), and sources of property tax revenue for each year of the TIF district's projected life. Column 2 of that table shows that actual taxable property values were about $108 million when the district was created in 2005. As shown in column 3, property value grew by about $6 million in 2006 (to about $114 million) and by an additional $10 million dollars in 2007 (to about $124 million). Property value is then projected to grow each year after that for the life of the project. Columns 4 and 5 show the amount of property tax revenue derived from the increments of assessed value and designated for use in the TIF district. Beginning in 2008, revenue that would otherwise have gone to either the City of Dallas or Dallas County instead went to the TIF district. That year, the increment in assessed values of $42.9 million would have generated about $273,000 for the TIF district, rather than the City of Dallas (an effective tax rate of 0.6 percent). An additional $54,000 (an effective tax rate of 0.1 percent) that would have gone to Dallas County also became TIF district revenue.

Figure 2

Deep Ellum TIF District Map

Deep Ellum TIF Parcels

Deep Ellum TIF Boundary

Rail Station

DART Green Line

Freeway or Tollway

Highway

Arterial

Local Road

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Source: City of Dallas, Office of Economic Development (2014).

Table 1

Annual Real Property Appraisals and City/County Tax to the TIF Fund (Deep Ellum TIF District)

Assumptions:
The city of Dallas is expected to participate in the Deep Ellum TIF District for a period of 19 years beginning in 2008 at a rate of 85%. Dallas County is expected to participate in the Deep Ellum TIF District for a period of 19 years beginning in 2008 at a rate of 55%. The tax rate is assumed constant at 2005 rate. The actual rate will vary annually. Tax appraisals are for January 1 of the year. Levies occur by September 30 of the year. Tax receipts generally occur 12–13 months after appraisal. Property value estimates assume 1.5% annual property appreciation and 3% annual inflation.

Tax Year	Property Value Total	Anticipated Captured Value	TIF Contribution City of Dallas	TIF Contribution Dallas County	Total TIF Contribution	Total TIF 2006 NPV @ 4.00%
2005	$107,990,540					
2006	$114,140,302	$6,149,762	$0	$0	$0	$0
2007	$124,590,053	$16,599,513	$0	$0	$0	$0
2008	$150,935,989	$42,945,449	$273,011	$53,877	$326,888	$290,602
2009	$168,506,948	$60,516,408	$384,712	$75,921	$460,633	$684,353
2010	$402,025,968	$294,035,428	$1,869,227	$368,882	$2,238,109	$2,523,916
2011	$425,967,142	$317,976,602	$2,021,425	$398,918	$2,420,343*	$4,436,748
2012	$509,592,727	$401,602,187	$2,553,945	$503,830	$3,057,775*	$6,759,722
2013	$531,297,766	$423,307,226	$2,691,028	$531,060	$3,222,088	$9,114,070
2014	$539,267,233	$431,276,693	$2,741,691	$541,058	$3,282,749	$11,420,485
2015	$568,993,295	$461,002,755	$2,930,664	$578,351	$3,509,015	$13,791,050
2016	$577,528,194	$469,537,654	$2,984,921	$589,058	$3,573,979*	$16,112,639
2017	$586,191,117*	$478,200,577	$3,039,993	$599,927	$3,639,920*	$18,386,122
2018	$594,983,984	$486,993,444	$3,095,890	$610,958	$3,706,848	$20,612,359
2019	$615,253,167	$507,262,627	$3,224,745	$636,386	$3,861,131	$22,842,066
2020	$624,481,964	$516,491,424	$3,283,413	$647,964	$3,931,377*	$25,025,020
2021	$633,849,194	$525,858,654	$3,342,962	$659,716	$4,002,678	$27,162,083
2022	$643,356,932	$535,366,392	$0	$0	$0	$27,162,083
2023	$653,007,286	$545,016,746	$0	$0	$0	$27,162,083
2024	$662,802,395	$554,811,855	$0	$0	$0	$27,162,083
2025	$672,744,431	$564,753,891	$0	$0	$0	$27,162,083
2026	$682,835,597	$574,845,057	$0	$0	$0	$27,162,083
2027	$693,078,131	$585,087,591	$0	$0	$0	$27,162,083
2028	$703,474,303	$595,483,763	$0	$0	$0	$27,162,083
2029	$714,026,418	$606,035,878	$0	$0	$0	$27,162,083
2030	$724,736,814	$616,746,274	$0	$0	$0	$27,162,083
2031	$735,607,866	$627,617,326	$0	$0	$0	$27,162,083
2032	$746,641,984	$638,651,444	$0	$0	$0	$27,162,083
2033	$757,841,614	$649,851,074	$0	$0	$0	$27,162,083
2034	$769,209,238	$661,218,698	$0	$0	$0	$27,162,083
2035	$780,747,377	$672,756,837	$0	$0	$0	$27,162,083
TOTAL During TIF			**$34,437,627***	**$6,795,906**	**$41,233,533***	**$27,162,083**

Source: City of Dallas, Office of Economic Development (2011, 2014).
** Figures corrected by the Lincoln Institute of Land Policy.*

The TIF project plan assumes that the effective property tax rates charged by Dallas City and County remain constant (at 0.6 percent and 0.1 percent, respectively) for the life of the project and generate each year's revenues based on expected increases in incremental assessed values. In these projections, the TIF district will continue to receive revenue until 2021, at which time sufficient revenues will have been raised, according to projections, to support expenditures planned for the TIF district. Should the TIF district generate sufficient revenues earlier, the increment would revert back to the tax base of the overlying governments of Dallas City and County. If effective tax rates or rates of real estate value growth differ from those assumed in the project plan, revenue raised by the TIF district will also differ.

Note that the formation of the TIF district has no impact on the property tax liabilities of real estate owners in the TIF district. That is, TIF is neither a property tax break nor an increase. Rather, TIF is a method for financing public expenditures that may then promote economic development. Of course, to the extent that TIF districts divert property tax revenue that otherwise would have been available to other areas or uses, TIF may result in higher taxes or lower services elsewhere, depending on how overlying governments, such as school and special districts, respond.

TIF IS NOT ADDITIONAL LAND VALUE CAPTURE

Land value capture is a policy approach that enables communities to recover and reinvest land value increases that result from public investment and other government actions. Since well-functioning property tax systems base obligations on the market value of real estate, the property tax can be an important form of land value capture (http://www.lincolninst.edu/key-issues/value-capture-property-tax).

Because TIF diverts revenue from real estate appreciation that may in part be due to public investment, some observers may erroneously believe that TIF is a land value capture tool separate from the property tax.

The property tax liability of property owners in TIF projects is the same as in projects using other funding mechanisms. Because of that, the general public "captures" no more of the value created by public investments in a TIF district than it would without the TIF district. In fact, if some TIF revenues are used to subsidize private activity, as is the usual case, TIF is more properly a device that "transfers" value to, rather than "captures" value from, the private sector.

CHAPTER 2
Potential Benefits and Pitfalls

Local businesses like the Murray Street Coffee Shop increase activity in the Deep Ellum TIF District in Dallas, Texas. Photo: City of Dallas, Office of Economic Development.

Some of the most important tools used by local governments to shape land use and encourage economic development are not always recognized for their direct effect on economic growth. These tools include public expenditures to promote physical infrastructure, such as streets, bridges, and lighting, and social infrastructure, such as schools, job training, police, and fire services. State and local governments often also have access to property tax–related tools, including incentives and special assessment districts (Kenyon, Langley, and Paquin 2012). In every state except Arizona, TIF is yet another economic development tool available to local policy makers who must weigh the benefits and problems of TIF in deciding how to design and apply it.

State legislators and local officials alike should first ask how TIF would best promote public well-being and what potential pitfalls its use might create. Careful consideration and a review of the evidence shows that TIF has the potential to be a constructive and positive force—but is also vulnerable to abuse, as this report will consider.

What Are the Potential Benefits of TIF?

TIF can promote credible commitment between government and private parties that might not otherwise be possible.

TIF is not a property tax break, but it represents a deviation from the usual budgetary process. Most noncapital government expenditures on economic development go through an annual appropriation cycle and must compete with other spending priorities for the support of a city council or similar governing body. Such revenues are explicitly appropriated, whereas TIF district revenues are tax expenditures (i.e., tax revenues diverted before they reach overlying governments) requiring no explicit appropriation once government officials initiate the TIF district. The justification for this dedicated treatment of TIF funds is that TIF is both a self-financing and an incentive-compatible mechanism for funding economic development. At least in principle, the most important and distinctive feature of TIF is that the revenues used to fund economic development are generated by that same economic development.

Imagine a real estate developer negotiating with a city government about a potential development. The developer would like the government to make some infrastructure investments that would increase the value of her property and help ensure that her private investment will be economically rewarding. The government would like the developer to make a private investment first, to increase the property tax base, enhance the quality of life in the community, and help ensure that the developer will not renege on or reduce her commitment after public investments are made.

TIF provides a potential way around this dilemma: The government can promise the developer that property tax revenue generated by any increase in real estate value resulting from her private investment will be dedicated for the sole use of public investment to enhance the project. With this promise, lenders can be persuaded to buy bonds backed by future TIF district tax revenues, and those bonds can be used to pay for public investments even before private investments are made. The key is the credible and legal commitment by the government to direct all future revenues to economic development projects within the TIF district. If the developer fails to make the promised private investments, property values will not appreciate enough to service the bonds backing the public investment, resulting in default or the slowing (or halting) of public investment. Either outcome could severely reduce the value of the private investment. The developer's incentive to maximize the value of the private investment is compatible with the government's incentive to increase the property tax base and improve the quality of life.

TIF ensures mutual commitment and mutual benefit. Without it, the government officials could make a verbal commitment to the developer, promising to devote revenue from incremental taxable property to economic development projects within a given area. But government officials change over time, and potential lenders and developers might worry that the government's commitment will not prove totally credible or sustainable in the longer term. This might make them reluctant to invest in the project.

TIF may facilitate widespread political support for public investments with localized benefits.

Imagine a public investment that will benefit only a small fraction of a municipality, like infrastructure for a small shopping mall. Under ordinary circumstances, citywide taxpayers may oppose this investment, even when the benefit to the immediately surrounding neighborhood is greater than the public cost, because the increase in taxes to pay for the investment will be greater than the benefit received for residents outside the affected neighborhood. TIF presents a potential mechanism to circumvent this problem because it allows the government making the investment to capture some revenues that otherwise would have gone to overlying governments while not unduly burdening unaffected taxpayers. In this way, Brueckner (2001) argues, TIF may improve the allocation of resources. That said, local governments may accomplish similar goals with alternative tools such as special assessments—where tax rates rise only in a specific area to accomplish a specific goal.

The key is the credible and legal commitment by the government to direct all future revenues to economic development projects within the TIF district.

What Are the Potential Pitfalls of TIF?

TIF may capture revenues that would otherwise go to overlying governments.

Most states allow cities to establish TIF districts without consent from overlying governments, such as counties and school districts, that may depend on the same tax base. Unfortunately, these rules set up potentially perverse incentives by allowing cities to claim property tax revenue that they might not have received in the absence of TIF. Establishing a TIF district allows city governments to capture property tax revenue generated by non-TIF increases in taxable assessed values—revenue that otherwise would have gone to special districts and other overlying governments. In this case, even though the TIF district fails to stimulate economic development, it still benefits the city government that established it.

To avert these perverse incentives, many states include a "but for" clause in their TIF-enabling legislation. As a Minnesota source explains,

> [The] Tax Increment Financing Act requires that before a city establishes a TIF district, the governing body must find that, "the proposed development or redevelopment, in the opinion of the municipality, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future." This requirement, known as the "but for" test, is intended to restrict the use of TIF. (Minnesota Office of the Legislative Auditor, Program Evaluation Division 1996, 71)

If it were true that no real estate appreciation would have occurred in the TIF district "but for" the TIF activities, overlying governments, such as school districts and other special districts, would get the same amount of property tax revenue that they would have received without the TIF district. In this case, the TIF designation harms no one and potentially benefits both the private developer and the city government creating the TIF district. Eventually, the overlying governments also benefit when the TIF district is retired and taxable appraised values revert to their tax bases.

In practice, however, the "but for" requirement has been interpreted in a variety of ways. At most, it has produced only a very loose constraint on the funding of development activities. Minnesota's legislative auditor found that Minnesota cities "interpret the 'but for' requirement in a variety of ways." Reasons for providing TIF-based assistance to development included:

- unusual circumstances made the project too expensive to develop otherwise;
- even though the development would likely occur without TIF assistance, it would not occur at a

location consistent with the city's development goals absent the assistance;
- the development would occur sooner with TIF assistance;
- the development would be bigger or better with TIF assistance;
- a company threatened to go elsewhere if it did not get TIF assistance; and
- TIF allowed the city to make public improvements that would not otherwise have happened.

The auditor concluded that "given the variety of interpretations available, it is difficult to imagine a development that would not meet the 'but for' test in some sense" (Minnesota Office of the Legislative Auditor, Program Evaluation Division 1996, 73).

TIF can make governments' financial situations and transactions less transparent and allow evasion of political constraints on using public funds for private purposes.

Because TIF revenues can be used only for limited purposes, they are usually sequestered in special funds, which contain a mixture of money that otherwise would have gone to the city that established the TIF and overlying governments. TIF revenues are also temporary, as the TIF district expires at some point. TIF districts use a variety of mechanisms to document and account for the receipt of these funds. In the most transparent cases, TIF authorities make publicly available the TIF plan and a record of annual TIF district receipts and expenditures, sometimes with a great deal of detail, perhaps even including account balances and fund transfers. Many TIF districts fall far short of these ideals, however, or provide materials late.

Indeed, even in the best cases, the existence of a separate set of funds—outside cities' operating accounts and generally not reflected in their annual financial reports—may obscure, delay, or prohibit a comprehensive picture of a city's financial condition. If TIF district expenditures are not documented in detail, observers may also suspect misuse of funds, such as money funneled to political allies in particularly egregious cases. TIF district budget transparency has been a particularly controversial issue in cities such as Chicago, which has many TIF districts and thus large, sometimes temporary, reserves of TIF funds. This is discussed more in chapter 5.

> TIF is yet another economic development tool available to local policy makers who must weigh the benefits and problems of TIF in deciding how to design and apply it.

TIF can facilitate unproductive fiscal competition between neighboring jurisdictions.

Business tax incentives in general—and TIF in particular—are vulnerable to overuse if potential beneficiaries can stimulate a virtual or actual bidding war among competing governments. A business that is considering expansion or relocation may use the existence of tax incentive programs to obtain benefits or threaten to leave to obtain more, even when a location would be the business's most profitable option even without the benefits. As TIF policies usually allow many cities to offer TIF, businesses may find several negotiating partners.

Economic theory suggests that under some conditions such negotiations can reduce economic efficiency. Recent empirical research shows that business tax incentives in general are not well targeted and often do little to stimulate economic activity (Bartik 2017; Florida 2017; Kenyon, Langley, and Paquin 2012). Evidence on the specific impact of TIF districts is discussed in chapter 7 and shows mixed results, with some studies showing a net stimulus but others showing little or no effects.

CHAPTER 3

Case Studies

This chapter presents three case studies demonstrating TIF use in a variety of areas: a large southern city (Atlanta, Georgia), a rural western area (Jefferson County, Montana), and an older Midwestern city (St. Louis, Missouri). While three cases cannot fully illustrate the vast number of ways and situations in which TIF has been used, these examples provide some sense of the tool's diversity and illuminate many of its strengths and weakness.

Cortex Innovation District in St. Louis is the Midwest's premier hub of bioscience and technology, serving start-up programs and established companies. The master plan provides for mixed-use development for research, office, clinical, residential, hospitality, and retail spaces. Photo: Cortex Innovation Community.

Case Study 1: Atlanta BeltLine Tax Allocation District, Georgia

This case illustrates how TIF can be used to support a community vision that requires a prolonged period of gestation and demands substantial public and private investment. It also shows how plans can evolve over time.

BACKGROUND

In 1999, Ryan Gravel, a graduate student at Georgia Tech, proposed a new transit system linking multiple Atlanta neighborhoods along old rail corridors surrounding the city. The idea gradually gained grassroots support, and a steering committee study found that a tax allocation district (TAD)—Georgia's name for a TIF—could cover 60 percent of project costs without requiring a tax increase. In 2004, the Atlanta BeltLine TAD was approved by the city council with the support of the mayor. In 2006, Invest Atlanta, formerly the Atlanta Development Authority, formed the Atlanta BeltLine Inc., and a $60 million capital campaign was launched to support the project. By 2008, the capital campaign was 50 percent complete, and more than $60 million dollars of bonds were sold to investors with backing of TIF revenues. Over the next several years, the BeltLine project increasingly emphasized environmental responsibility, equitable development, and affordable housing. Construction proceeded on several transportation, recreation, and housing projects.

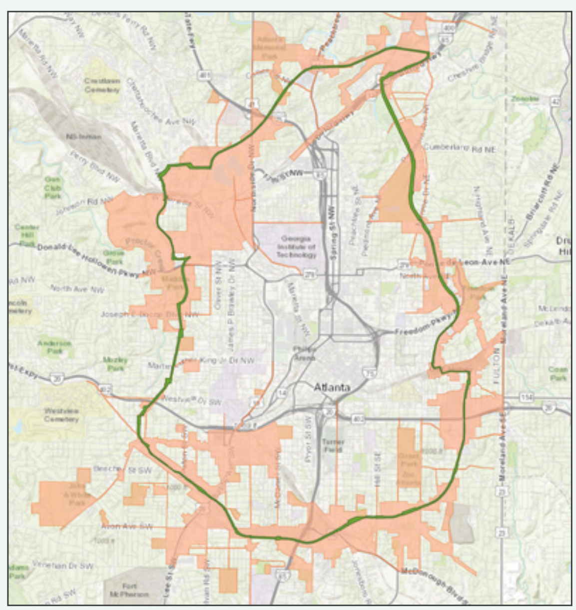
Though many of the Atlanta BeltLine TAD's goals are comparable to those of other TIF projects throughout the country, the BeltLine is unusual for its shape and scope: This particular district encircles the city of Atlanta and includes a 22-mile transit system, many miles of trails, and numerous new and affordable housing units (figure 3).

PLANS

The original 2005 Atlanta BeltLine Redevelopment Plan, created by Atlanta Development, aimed to change the pattern of spotty regional growth by attracting and organizing future growth through creating parks, transit, and trails. The plan focused on acquiring land, creating trails and green spaces, building a new transit system and improving existing transportation, developing affordable workforce housing, and contributing to Atlanta Public Schools. In 2013, Atlanta BeltLine Inc.'s board of directors unanimously approved the 2030 Strategic Implementation Plan (SIP). The project was supposed to be executed in stages. The SIP prioritized certain projects and laid out the funding mechanisms. The majority of funding was directed toward transit improvements even though these projects are set to begin later in the process. Atlanta Beltline Inc. will develop trails and parks first, using bond money, to create the tax increment necessary to pay for the transit projects.

Figure 3

Map of Atlanta Tax Allocation District (TAD)



Atlanta BeltLine Corridor

Atlanta BeltLine Tax Allocation District (TAD)

Source: Atlanta BeltLine, Inc. (2018).

FUNDING

The SIP projected that the plan could be completed by 2030 and would cost $4.4 billion in total. Throughout the duration of the project, the TAD funds are expected to be the most substantial source of funding, accounting for about 33 percent of the total cost. Appreciation should generate approximately $1.5 billion in tax increment revenue—a conservative estimate with prices pegged to inflation. The next largest source of revenue is expected to come from the federal government—especially U.S. Department of Transportation funding—that will be used specifically for BeltLine transit projects. The remaining funding will come from a combination of local sources, such as a new parking tax and private donations. According to a project website, the BeltLine has already received over $40 million from private donations and $25 million from federal sources. During the first five years of Atlanta BeltLine Inc. (2006–2011), $337 million was expended, about 35 percent of which came from the tax increment. Another 44 percent came from city funds, with the remainder from federal funds, philanthropies, or other sources (Atlanta BeltLine 2013).

PROJECTS

The Atlanta BeltLine 2015 and 2016 annual reports featured a "performance dashboard" that showed mixed results. By 2015, the project had raised $449 million out of a total target investment of $2.8 to $4.8 billion by 2030. The project's control of trail and transit real estate was on time, but completed transit projects, streetscape construction, and affordable housing were all behind schedule. In November 2016, Atlanta voters approved two new taxes designed to speed progress on the project: an extra one-half of a cent sales tax to provide revenues for public transportation and an additional four-tenths of a cent local option sales tax to provide additional revenue to purchase easements for the Atlanta BeltLine loop.

OPPOSITION

Though much of the Atlanta BeltLine project has met with support, some local opposition has arisen throughout its lifetime. In the early planning stages, a resident sued the city on constitutional grounds, claiming that the use of school taxes for security on bonds violated the educational purpose clause of Georgia's constitution. The Georgia Supreme Court agreed and declared the TAD's use of public school taxes unconstitutional, dealing an early blow to the project. Following this ruling, however, the Georgia General Assembly amended the state constitution to strengthen the Redevelopment Powers Law, effectively bolstering the legitimacy of TAD funding. Now officially constitutional, the project was able to continue with its original main funding source.

In 2008, the Fulton County Taxpayers Foundation filed a lawsuit against the City of Atlanta and its public school system, seeking an injunction to again prevent the use of school property tax revenues for the TAD. Despite the recent amendment, the Foundation argued, the Educational Purpose Clause remained intact. In a unanimous vote, the Georgia Supreme Court ruled that the use of TAD financing for the BeltLine and other TAD projects in the state is constitutional, technically overturning the court's prior decision in light of the new constitutional amendment and allowing Georgia's TIF mechanism to continue funding a range of projects. The BeltLine project, with the confluence of concerns about gentrification, government spending, and issues of race, illustrates how a TIF mechanism can become so closely scrutinized.

Case Study 2: Jefferson County, Montana

This case illustrates how a small county used TIF to cushion community transition when one source of economic activity slowed, requiring new sources of jobs and income.

BACKGROUND

Located in southwestern Montana, Jefferson County is home to 11,406 people who enjoy a median household income of $60,863—well above the state median of $46,230. The county includes Boulder, Jefferson City, Clancy, Montana City, and Whitehall, as well as several smaller towns. The county's economy depends largely on its natural resources, including agriculture, forestry, and mining.

The Golden Sunlight Mine, a long-standing presence in the local economy employing about 200 people from the county, was expected to exhaust its resources and close sometime in 2015. In 2009, anticipating this loss of employment, Jefferson County and the Jefferson Local Development Corporation (JLDC), in partnership with mine operator Barrick Gold, proposed the implementation of a TIFID (Tax Increment Financing Industrial District). The mine did not close in 2015 and is expected to continue operation into the next decade. Economic development efforts have continued on the land surrounding the mine.

Until 1989, Montana allowed TIF only for rehabilitation within designated urban renewal areas. In that year, the state legislature amended the Montana Urban Renewal Law to allow TIFIDs to be used to develop and retain "value-added" companies—that is, companies that convert raw materials into more valuable products that can be traded. With this in mind, the Jefferson Local Development Corporation formulated and submitted a new plan for the Sunlight District.

PLANS

The 2009 Jefferson County TIFID Plan, which proposed the Sunlight Business Park, outlined the types of industrial developments being sought and analyzed related infrastructure needs. First, the plan identified five key potential industries particularly suited for the economy and the needs of both Jefferson County and Montana as a whole. These industries included metal ore mining, general manufacturing, food manufacturing, engineering services, and electrical power generation (except hydroelectric, fossil fuel, and nuclear).

The plan also identified a significant deficiency in usable infrastructure. The only roads identified in the district were described in the plan as "primitive" and "unpaved." The district had an electrical transmission line and an electrical substation line but no gas or electrical supply lines outside of the mining properties. Additionally, there were no water supply or treatment lines outside of the Golden Sunlight Mine. TIFID funds would be needed to build and extend the infrastructure for development to occur within the TIFID.

FUNDING

The proposed development projects would be funded through annual tax increment appropriation and conventional financing through Jefferson County but managed by the JLDC. The plan emphasized partnership development including existing partnerships among Jefferson County, the JLDC, and Barrick Gold. However, the JLDC planned to seek additional partners, including state and federal government funding programs, to speed up and ease the development process.

PROGRESS

The JLDC used the dedicated local portion of revenues from a tax on metal mining (in this case, gold) to secure a $655,000 loan from the county to fund infrastructure in the TIFID. The Great Recession discouraged new

In 2015, Jefferson County, Montana implemented a Tax Increment Financing Industrial District (TIFID) to compensate for the expected closing of the Golden Sunlight Mine. Photo: Mark Briggs, Barrick Gold of North America, Inc.

business activity in the region, however, and during the first few years of operation there was little new economic activity in the Sunlight TIFID. In 2013, Jefferson County amended the Sunlight TIFID Plan yet again to include a Tax Increment Financing Revolving Loan Program. The new program was funded with incremental property tax revenues. The JLDC intended to entice new business development to the area. The revolving loan fund is perpetual and can continue even after the TIFID expires. Actual construction in the TIFID area did not commence until May 2014, when the county broke ground on a new business park.

In the five-year period between the original Sunlight TIFID proposal and the 2014 groundbreaking, Jefferson County and the JLDC recognized the increasing importance of rapid Internet access for business development and decided to use the TIFID to reinvent and invigorate the local economy. This caused a shift away from the original proposal, which focused on resource-oriented development, to a plan to attract more high-tech companies and jobs, which in turn altered the original plans of the Sunlight Business Park. By early 2017, three units, including office and warehouse space, had been built in the business park and were occupied by businesses focused on the Internet, wind energy, and medicine. One company was a business already established within the county, that moved to the park and expanded employment to take advantage of faster Internet service. The wind-energy firm, LGT Advanced Technology Limited from the United Kingdom, also moved in. By early 2017, the companies had added only a small number of jobs, but the JLDC remains hopeful that future growth will create more well-paying, permanent jobs in the next few years.

CHALLENGES

Since its conception, the Sunlight TIFID was uniquely poised for success. Jefferson County had a built-in organization to manage and help plan the TIFID with the JLDC as well as the commitment and support of one of the largest corporate entities in the area—Barrick Gold, which operates the Sunlight Gold Mine. The company has demonstrated its commitment to ensuring the county's economic stability. For example, the company leases the land for the Sunlight Business Park to Jefferson County—a total of 48 acres—for just $10 annually.

Loans from the county, supported by dedicated revenues from the metals tax, were used to create the infrastructure needed to make the business park operable, as well as to finance construction of the office building and warehouse. Through early 2017, development in the TIFID was slow—perhaps because of a lack of advertising and recruiting due to the limited resources available to the JLDC. This illustrates the "chicken and egg" problems that can arise with "pay-as-you-go" TIF, which must generate revenues through new tax increments provided to the district. The lack of advertising contributed to the slow real estate development, and subsequent tax increments provided insufficient funds to support advertisement and recruitment. This, along with poor economic conditions during the time the TIFID was started, resulted in slow initial development in the area (Harrington 2017).

Despite this, there has been some development in the TIFID, which has benefited the community beyond its geographic boundaries by making possible the expansion of fiber lines to support rapid Internet service in surrounding communities. Proponents hope that this will enhance business opportunities in the region in the long run.

Case Study 3: St. Louis, Missouri

This case study illustrates the use of TIF in a big city facing severe fiscal, economic, and competitive challenges. Missouri's TIF law, though similar to other states' in some respects, uses unusual mechanisms and language.

BACKGROUND

In Missouri, a TIF district technically freezes property taxes within the district but requires that property owners make Payments in Lieu of Taxes (PILOTS) to a special fund—at a rate of 100 percent. These PILOTS should not be confused with payments of the same name sometimes made by universities and charitable organizations that are exempt from property taxes in other states (Langley, Kenyon, and Ballin 2012). Missouri also allows for up to 50 percent of local income and sales tax revenue generated by new economic activity to be captured and diverted into the special-allocation fund, which is then used to reimburse the developer or to retire debt from bonds used to finance development.

By early 2016, there were well over 100 TIF projects in the city of St. Louis alone, making it among the most active TIF users in the United States. A local research and advocacy group, Better Together St. Louis, found that $2 billion of public tax dollars had been diverted to developers in the region through TIF. The same group's 2011 survey of TIFs in the St. Louis metropolitan area found that about 80 percent of TIF projects in the region were retail-oriented development projects; residential development was another common use of TIF in the area (Coleman and Murphy 2014).

With so many TIF districts in St. Louis, however, mixed results are not surprising.

STORY OF SUCCESS: INNOVATION DISTRICT REDEVELOPMENT AREA

Approved in 2012, the Cortex Redevelopment Plan, also known as the Innovation District Redevelopment Area, was one of the largest TIF-supported undertakings in the St. Louis area. The plan included developing offices, research facilities, stores, a healthcare facility, a recreational open space, and a new public-transit station—all on largely vacant land that had resulted in part from the loss of jobs and population in the area. The plan is estimated to be completed in 2024 and projected to cost upward of $2 billion, including $158.2 million funded by TIF.

Despite its relatively new status, Cortex is considered one of the most successful TIF undertakings in St. Louis. During Phase I of the project, the Cortex Innovation District used around $10 million in TIF funds to inject $155 million of investment and to create 955 technology and management jobs in the area. Phase II is expected to spur $186 million of investment within the district, as well as 1,400 more well-paying, permanent jobs. Over the course of the 25-year project, the Cortex Innovation District is expected to produce an estimated 2,400 jobs. By late 2016, the Cortex District reportedly had 4,100 people working for 260 companies and was adding additional economic activity including new hotels, apartments, and retailers (Barker and Bryant 2016).

Unlike many TIF projects in the city, the Cortex Innovation District has managed to procure outside funding and partners. Cortex has paired with two major universities in the area—Washington University in St. Louis and University of Missouri—as well as private, nonprofit, and government organizations. Though TIF remains integral to the district's further development, these outside partnerships have helped the Innovation District to thrive. The use of TIF in St. Louis reflects the urgency felt by public, private, and nonprofit leaders to find a path to regeneration after devastating losses of population and jobs that left wide swaths of vacant and underutilized urban land.

STORIES OF FAILURE: GRAND AND SHENANDOAH

Not all of the TIF districts in St. Louis have been as successful as the Cortex TIF district. A 2018 summary of St. Louis TIF districts on the city's website lists approximately 180 TIF districts (St. Louis Development Corporation 2018). Most of these are still active in 2018, so it is difficult to render a final judgment on their success. Roughly 20 of the TIF districts were terminated before completion, and approximately 16 ultimately failed to get approval after potential developers filed applications with the redevelopment agency.

The Grand and Shenandoah District, approved in February 2007, was terminated before completion. The city ordinance creating the TIF district described a plan to use $2.5 million in TIF borrowing in addition to other revenues to finance more than $7 million of redevelopment on two blighted parcels at the corner of Grand and Shenandoah Avenues. The plan called for the demolition of a building that formerly housed a YMCA and the construction of a new, mixed-use commercial building with 14,000 square feet of retail space and 16,000 square feet of office space. The plan also involved rehabilitating a 1895 historic building once used as a high-end restaurant, before it fell into disrepair. The city's 2007 annual report on the project filed with the Missouri state auditor estimated that 125 jobs would be created (Missouri Office of State Auditor 2018). The developer, however, could not secure the needed preconstruction leasing commitments and, therefore, was unable to get financing for the project. The TIF district was dissolved in 2016 without creating any new jobs and with only approximately $6,000 in tax revenues since its inception. After this TIF failed, the city was later able to attract new developers by using tax abatements and, by early 2018, renovation on the historic restaurant was underway and additional construction was planned at the site of the former YMCA.

Studies have found that jobs created in TIF districts can displace jobs in competing businesses that do not thrive or survive in surrounding neighborhoods. Thus, one neighborhood may benefit while the surrounding areas suffer, resulting in minimal net benefit to the city as a whole (Coleman and Murphy 2014). Another study noted the sharp decline of small retail stores employing 10 or fewer people, suggesting that large businesses gained sales and employees at the expense of smaller local businesses (East-West Gateway Council of Government 2011). Coleman and Murphy (2014) argue that this trend indicates there is less room for local entrepreneurs in the market and indicates an increased likelihood of reduced profits for the City of St. Louis.

Literature suggests that these unsuccessful projects failed because over 80 percent of TIFs are for retail projects that serve a local market. Unlike Cortex, these retail jobs are not being created by TIF; they are merely being displaced. Other projects may be less successful due to a strong dependence on TIF financing rather than community partnerships that would help ensure long-term success.

Washington University in St. Louis and the University of Missouri among others partnered with Cortex to help launch the Innovation District. Photo: bluepoint951/Flickr CC BY-NC-SA 2.0.

CHAPTER 4

Use and Implementation

In Maine, TIF was used to fund the Bath Iron Works modernization project, which created a dry dock launching facility. Photo: Ted Kerwin/Flickr CC BY 2.0.

TIF is a local government program facilitated by state-enabling legislation with varying state involvement. Some states, such as Maine, simply verify that proposals for local TIF districts meet statutory requirements but do not track or monitor TIF districts once they are created. Others, such as Illinois, require annual reports on each TIF district and provide state-level data about TIF use. Nationwide, TIF has certain common elements (described in chapter 1), but each state has its own enabling legislation and regulations for the use of TIF. States set the rules for establishing and modifying TIF districts, the length of time they may be in effect, the acceptable uses of funds, the reporting requirements, and other guidelines.

Early studies documenting state TIF legislation include Johnson and Kritz (2001), Johnson (2002), and Council of Development Finance Authorities (2008). As of early 2018, there are two web-based resources that provide information about TIF rules across the United States.

1. The Council of Development Finance Agencies (CDFA) has an online Tax Increment Finance Resource Center (2017) that provides a wealth of information, though some items are available only to paying members. The site provides an open-access state-by-state map that allows users to click on a U.S. state and obtain a link to that state's TIF statute and summary information about requirements for district creation, eligible public costs, financing options, maximum length of district, and several other items. (This data excludes Arizona, which does not allow TIF.)

2. Significant Features of the Property Tax Database (2018), updated annually and produced through a partnership of the Lincoln Institute of Land Policy and the George Washington Institute of Public Policy, provides a range of information on the property tax and TIF laws in each state, including relevant statutes, program names, geographic requirements, descriptions of incentives, and more. The website includes information about TIF programs in each state. The appendix table in this report (p. 59) is drawn from that website and contains the most current available information about the name of the TIF program in each state, the allowable duration of TIF districts, the legal requirements to create a TIF district, the agencies that must approve TIF districts, and the requirements for public hearings.

Where Has TIF Been Used?

Both resources focus on the legal authority for TIF, but neither source provides data on the tool's actual use. National data on TIF use is extremely difficult to compile because many states do not monitor TIF use once a district is authorized. The International City/County Management Association (ICMA) has sponsored several surveys asking local government officials about their economic development activities. Their 2014 survey reports that about 42 percent of the 1,148 responding local governments are using TIF as a source of funding. Warner and Zheng (2013), Felix and Hines (2013), and Greenbaum and Landers (2014) all provide analyses of earlier ICMA surveys and find similar percentages of respondents offering TIF-type economic development incentives. However, as Greenbaum and Landers point out, the response rate to ICMA surveys is generally relatively low—around 25 percent—and thus may not be representative of all local governments. Greenbaum and Landers also find significant regional variation in the use of TIF by respondents to the ICMA's 2009 survey, with 74 percent of respondents in the north-central region reporting use of TIF, compared to only 24 percent of respondents in the Northeast.

Table 2 (p. 26) provides information about the legal uses of TIF revenues and estimates of the number of TIF districts in each state. In some cases, the estimates have been compiled by state authorities and are quite precise. In other cases, where the state does not track or report the number of TIF districts, the best available estimates are reported. Figure 4 maps the data in column 3 of table 2 (p. 30).

Table 2

Number of TIF Districts and Additional Authorized Uses of TIF Revenues by State

State	Program Name	Estimated Number of TIF Districts in State	Sell or Rent Land Below Fair Market Value
ALABAMA	Tax Increment Districts	10	✔
ALASKA	Improvement Area Projects	1	
ARIZONA	N/A	N/A	N/A
ARKANSAS	Redevelopment Districts	9	✔
CALIFORNIA	Enhanced Infrastructure Financing Districts	743	
COLORADO	Tax Increment Financing Districts	140	
CONNECTICUT	Tax Increment Financing Districts	4	
DELAWARE	Municipal Tax Increment Financing Districts	0	
FLORIDA	Community Development	222	
GEORGIA	Tax Allocation Districts	64	
HAWAII	Tax Increment Financing Districts	0	
IDAHO	Revenue Allocation Areas	78	
ILLINOIS	Tax Increment Allocation Redevelopment Areas	1238	✔
INDIANA	Tax Increment Financing Districts	700–800	
IOWA	Urban Renewal Areas	3340	
KANSAS	Tax Increment Financing Districts	11	
KENTUCKY	Tax Increment Financing Districts	23	✔
LOUISIANA	Tax Increment Development	9	✔
MAINE	Tax Increment Financing Districts	483	
MARYLAND	Tax Increment Financing Districts	28	
MASSACHUSETTS	District Improvement Financing	2	
MICHIGAN	Tax Increment Financing	634	✔
MINNESOTA	Tax Increment Financing	1719	
MISSISSIPPI	Tax Increment Financing	25	
MISSOURI	Real Property Tax Increment Allocation	468	
MONTANA	Tax Increment Financing	50	
NEBRASKA	Tax Increment Financing for Redevelopment Projects	828	

Permitted Development Subsidies			Other Public Uses Outside of TIF District	
Construct Buildings and Facilities	Tax Subsidies (freezes and abatements)	Direct Financial Subsidies (including reimbursement for project costs, loans, and funds for training)	Public Expenditure to Benefit TIF District	Shared Revenue*
✓			✓	✓
N/A	N/A	N/A	N/A	N/A
✓	✓		✓	✓
✓		✓	✓	✓
		✓	å	✓
	✓	✓	✓	✓
✓		✓	✓	✓
				✓
✓	✓		✓	✓
✓				✓
		✓	✓	
		✓	✓	
	✓	✓		✓
✓				✓
✓		✓		✓
✓		✓	✓	✓
✓		✓	✓	✓
				✓
✓		✓	✓	✓
✓				✓
		✓	✓	
		✓	✓	✓
				✓
		✓		✓
		✓		

Table 2, cont'd

Number of TIF Districts and Additional Authorized Uses of TIF Revenues by State

State	Program Name	Estimated Number of TIF Districts in State	Sell or Rent Land Below Fair Market Value
NEVADA	TIF and Redevelopment Areas	22	
NEW HAMPSHIRE	Tax Increment Financing in Development Districts	32	
NEW JERSEY	Revenue Allocation District Financing	49	
NEW MEXICO	Tax Increment Development Districts	16	
NEW YORK	Tax Increment Financing	2	
NORTH CAROLINA	Project Development Financing (TIF)	3	✔
NORTH DAKOTA	Tax Increment Financing	48	
OHIO	Tax Increment Financing Districts	1278	
OKLAHOMA	Tax Increment Financing Districts	48	
OREGON	Urban Renewal Plans	244	
PENNSYLVANIA	Tax Incremental Financing Districts	100	
RHODE ISLAND	Tax Increment Financing Areas	5	
SOUTH CAROLINA	Tax Increment Financing for Redevelopment Projects	17	
SOUTH DAKOTA	Tax Incremental Districts	172	
TENNESSEE	Tax Increment Financing	29	
TEXAS	Tax Increment Reinvestment Zones	1378	
UTAH	Tax Increment Financing Districts	84	✔
VERMONT	Tax Increment Financing Districts	9	
VIRGINIA	Tax Increment Financing Districts	9	
WASHINGTON	Tax Increment Financing	38	
WEST VIRGINIA	Tax Increment Financing	31	
WISCONSIN	Tax Incremental Districts	1241	
WYOMING	Tax Increment Financing	10	

Table focuses on the most broadly applicable TIFs.

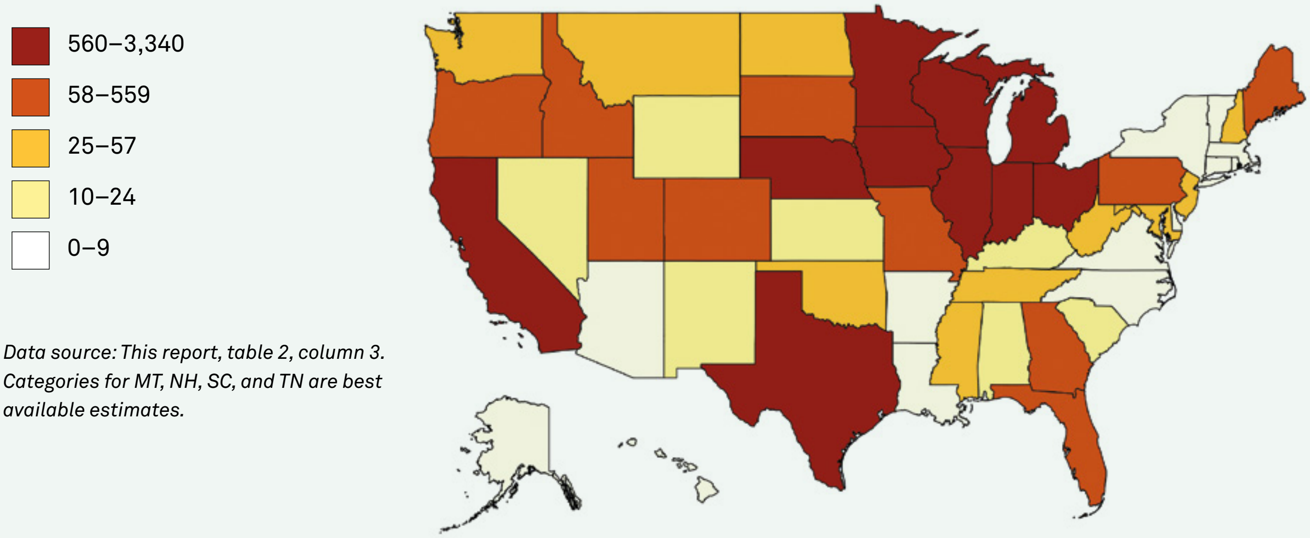
Permitted Development Subsidies			Other Public Uses Outside of TIF District	
Construct Buildings and Facilities	Tax Subsidies (freezes and abatements)	Direct Financial Subsidies (including reimbursement for project costs, loans, and funds for training)	Public Expenditure to Benefit TIF District	Shared Revenue*
✓	✓		✓	✓
				✓
✓	✓	✓		
		✓	✓	✓
				✓
✓			✓	✓
				✓
	✓			✓
✓		✓		✓
		✓		✓
✓			✓	✓
✓		✓	✓	
			✓	✓
		✓		✓
				✓
✓	✓			✓
✓		✓	✓	✓
				✓
				✓
			✓	✓
			✓	

Sources: Lincoln Institute of Land Policy and the George Washington Institute of Public Policy (2018); Column 3: Merriman, Qiao, and Zhao (2018).

* *Shared revenue indicates either initial allocation among jurisdictions and TIF districts or that jurisdiction allows other jurisdictions to opt out. In general, when TIF districts have sufficient funds for development and debt service, excess funds are returned to the taxing jurisdictions.*

Figure 4

Estimated Number of TIF Districts by State



Data source: This report, table 2, column 3. Categories for MT, NH, SC, and TN are best available estimates.

Figure 4 illustrates how the use of TIF varies dramatically from state to state. Consistent with Greenbaum and Landers's (2014) analysis of ICMA data, nearly all of the Midwestern states make extensive use of TIF. By contrast, none of the New England states except Maine use TIF to a large extent. In fact, outside of the Midwest, Colorado, Florida, Maine, Oregon, Pennsylvania, and Texas have 100 or more TIF districts, and California greatly restricts the creation of new TIF districts. Twelve states (not including Arizona, which prohibits TIF) have nine or fewer TIF districts. To date, there has been no published academic work explaining why local governments in some states use TIF more extensively than others.

The remainder of table 2 provides information about acceptable use of TIF revenue. All state TIF statutes allow TIF revenues to be used to service bonds that are sold to fund development activities in the TIF district. TIF funds can be used for other development subsidies in some states including the below-fair-market sale or rental of real estate to private parties in order to promote economic development or construction of facilities within the TIF district, etc. Roughly two-thirds of the states allow some use of TIF funds for limited activities outside of physical TIF boundaries.

In some cases, TIF authorities sell bonds and use funds from property tax revenues on the TIF increment to service the bond debt. As discussed previously, use of TIF district-financed debt may allow the TIF authority to jump-start economic development in the district. Table 3 shows, in general, that states with many TIF districts also had a large amount of TIF debt. For example, California, with more than 700 TIF districts, had about $25 billion of TIF bond issues. However, the amount varies greatly across states: Ohio has even more TIF districts than California, but TIF districts in Ohio issued only about $500 million of TIF debt. In fact, California issued far more TIF debt than any other state, and the only other states with more than $1 billion of TIF debt issued are Illinois and Minnesota. A few states (including Iowa, Maine, and Nebraska) have a substantial number of TIF districts but a modest amount of TIF debt issuance.

Table 3

TIF Borrowing by State, 2000–2014 (millions of nominal dollars)

State	2000–2004	2005–2009	2010–2014	TOTAL
Alabama	28	30	2	**60**
Alaska	0	0	0	**0**
Arizona	does not allow TIF			
Arkansas	0	0	0	**0**
California	10,198	11,609	3,233	**25,040**
Colorado	447	704	434	**1,585**
Connecticut	0	0	129	**129**
Delaware	0	0	0	**0**
Florida	110	235	68	**413**
Georgia	109	554	21	**684**
Hawaii	0	0	12	**12**
Idaho	15	8	33	**56**
Illinois	657	448	169	**1,274**
Indiana	137	337	246	**720**
Iowa	120	186	9	**315**
Kansas	15	325	14	**354**
Kentucky	0	1	0	**1**
Louisiana	16	5	10	**31**
Maine	1	0	30	**31**
Maryland	14	0	40	**54**
Massachusetts	0	0	0	**0**
Michigan	186	148	100	**434**
Minnesota	698	500	202	**1,400**
Mississippi	50	61	23	**134**
Missouri	519	658	248	**1,425**
Montana	22	48	20	**90**
Nebraska	19	19	5	**43**
Nevada	70	140	22	**232**
New Hampshire	0	0	0	**0**
New Jersey	0	0	0	**0**
New Mexico	0	0	0	**0**
New York	0	0	0	**0**
North Carolina	16	0	0	**16**
North Dakota	2	3	3	**8**
Ohio	130	269	117	**516**
Oklahoma	0	26	140	**166**
Oregon	77	18	0	**95**
Pennsylvania	177	70	29	**276**
Rhode Island	8	29	0	**37**
South Carolina	157	105	14	**276**
South Dakota	6	7	2	**15**
Tennessee	0	33	0	**33**
Texas	339	455	351	**1,145**
Utah	29	58	77	**164**
Vermont	0	0	0	**0**
Virginia	32	14	0	**46**
Washington	0	0	0	**0**
West Virginia	0	56	11	**67**
Wisconsin	51	8	30	**89**
Wyoming	0	0	0	**0**
TOTAL	14,455	17,167	5,844	**37,466**

Source: Luby and Moldogazie (2014); personal communications.

How Has TIF Been Used?

Over the past quarter-century, scholars have conducted numerous studies to better understand when TIF is used. Table 4 provides some basic information about nine empirical studies of the determinants of TIF adoption. Each study predicts the probability of TIF use as a function of an area's characteristics. The six older studies use data from a particular state or region, five of which are located in the Midwest and one in Maine. The more recent studies use national data from surveys of municipal officials. Eight of the nine studies focus on TIF adoption at the municipal or county level. Only Gibson (2003) predicts use at the neighborhood level.

These empirical analyses focus on two fundamental questions. First, do municipal officials adopt TIF because growth is slow and they wish to stimulate growth or because growth is rapid and they wish to capture growth in a tax base that would otherwise go to overlying governments, such as counties, school districts, or other special districts? Second, do communities use TIF to gain a competitive advantage over neighboring areas?

On the first question, the evidence is mixed. Anderson's evidence "strongly suggests that prior growth is responsible for TIF adoption," while Man "finds no empirical evidence to support the contention that growing cities are more likely to adopt TIF" (Anderson 1990, 160; Man 1999a, 1151). Gibson (2003) finds that moderately economically distressed neighborhoods, which experience moderate growth, are most likely to be included in TIF districts. There is little point in using TIF in an area that is not growing at all, but municipalities may also be reluctant to use TIF in an area that is growing rapidly already.

Table 4

Determinants of TIF Adoption

Article
Anderson, John E. (1990)
Man, Joyce Y. (1999)
LaPlante, Josephine M. (2001)
Gibson, Diane (2003)
Byrne, Paul F. (2005)
Mason, Susan, and Kenneth P. Thomas (2010)
Warner, Mildred E., and Lingwen Zheng (2013)
Felix, R. Alison, and James R. Hines (2013)
Greenbaum, Robert T., and Jim Landers (2014)

Area	Data	Time Period	Dependent Variable(s)	Reasons for Increases in the Probability of TIF Adoption	Notes
Michigan	255 cities	1985–1986	Probability of TIF adoption	City growth	TIF adoption and property value growth estimated simultaneously
Indiana	150 cities with a population above 2,500	1985–1991	Probability of TIF adoption	Fiscal stress, lower share of property taxes, and if neighboring areas adopt TIF	TIF adoption and property value growth estimated simultaneously
Maine	86 larger municipalities (42 of which adopted TIF)	1989–1998	Probability of TIF adoption at the time analyses were done	Nonmunicipal tax burden, business share of property tax, and percentage elderly	Predictive discriminant analyses used without correction for simultaneity
Chicago	866 census tracts	1990–2000	Time until census tract became part of a TIF district	Neighborhood distress and the presence of an Empowerment Zone, but probability falls with the tenure of alderman	Study finds that moderately disadvantaged neighborhoods are most likely to get TIF
Chicago Metropolitan Area	255 municipalities	2000	Probability of TIF adoption	Neighboring areas adopt TIF, percent of overlap with school district, and municipal tax rate	None
Missouri	171 cities	Spring 2008	Approval of a TIF and approval of a retail TIF	Use other economic development tools, and neighboring areas adopt TIF	No correction for simultaneity
United States	800 chief municipal administrative officers	2004 and 2009	Use of business development incentives that reduce costs to business	Accountability, competition, and unemployment, but falls with citizen opposition and low per capita property taxes	Two other non-TIF types of development incentives also studied
United States	1,022 chief municipal development officers	1999	Use of TIF alone or in combination with other business development incentives	Share of low-income residents, proximity to state borders, and political corruption	Poorest communities less likely to use TIF
United States	844 municipal and county governments	2009	Use of TIF	Government size, low-income residents, and suburban location	Study finds significant regional differences

If nonmunicipal governments, such as school districts, are responsible for the majority of the property tax burden in an area, a municipality-initiated TIF district can capture tax revenue for economic development at a relatively low cost to the municipality. For example, suppose that 10 cents of each dollar paid in property taxes goes to the municipality, 65 cents goes to the school district, and 25 cents goes to the county or other local governments, such as park and transportation districts. Municipalities might be more likely to use TIF since they bear only a small share of the cost for redirected property tax dollars. Anderson (1990, 161) studied this but found "the proportion of the tax rate attributed to the city government has no impact" on TIF adoption, suggesting that towns do not act strategically to capture TIF revenue. LaPlante (2001, 91) finds that "a town with a heavy municipal tax burden is likely to embrace TIF," but her results are difficult to compare with Anderson's (1990), as she did not control simultaneously for the tax share of overlying governments. Both Byrne (2005) and Mason and Thomas (2010) found that towns are more likely to adopt TIF when their neighboring towns use it. This suggests strategic, or at least competitive, behavior.

Studies that use survey data have the virtue of covering a much broader geographic area, but survey respondents' answers may be subjective, and thus the analyses may be less revealing compared to studies using administrative data collected to implement or monitor government programs. Warner and Zheng (2013), Felix and Hines (2013), and Greenbaum and Landers (2014) all find evidence that economic distress promotes the use of TIF. Warner and Zheng find more use of TIF-type incentives when there is more accountability for results, while Felix and Hines find evidence that TIF is used to compete with neighboring jurisdictions and is possibly associated with political corruption. Greenbaum and Landers emphasize that the determinants of TIF use in the north-central region are somewhat different from factors in the rest of the country. In particular, higher property taxes are associated with more TIF use in the north-central region, but not in other regions.

CHAPTER 5

Transparency: Intensive TIF Use in Chicago

Morgan Station in Chicago, funded almost fully through TIF, accelerated the redevelopment of the area. Photo: Steven Vance/ Flickr CC BY-NC-SA 2.0.

Some have called for more transparent use of TIF revenues. Once a municipality establishes a TIF district and begins to receive revenues and make expenditures, it can account for them separately—and sometimes obscurely—compared to other governmental funds. Some argue that municipalities could achieve transparency by including TIF-funded activities as part of a city's regular operating budget. Cities could also document property tax dollars from TIF districts in capital plans and in regular city financial reports.

More than $4.5 million in TIF funds were used to rebuild Cermak Station in Chicago adjacent to the McCormick Place Convention Center. Photo: Steven Vance/Flickr CC BY-NC-SA 2.0.

Background

Chicago has used TIF since the late 1980s, and the lack of TIF transparency has been a particularly salient issue there (Reingold 2001). By 1997, Chicago had 41 TIF districts, and TIF use was rapidly expanding (Youngman 2016). By the mid-2000s, TIF use in Chicago was extremely controversial (Quigley 2007), and that controversy continues to the present (Youngman 2016).

Chicago is worthy of special focus because of its extensive and controversial use of TIF. By 2014—after years of municipal fiscal distress—Chicago used TIF more than any big city in the United States. As shown in table 5, Chicago had as many TIF districts (149) as the other nine largest U.S. cities combined. In 2015 alone, Chicago TIFs collected about $461 million in property tax revenues (Office of the Cook County Clerk 2016).

GASB 77 AND TIF

In August 2015, the Governmental Accounting Standards Board (GASB) issued Statement No. 77 (GASB 77). The new policy requires governments to disclose the amount of tax revenues forgone through tax abatements, including at least some of those made through TIF (Knezevic 2017), for reporting periods that begin after December 15, 2015. GASB establishes accounting and financial reporting standards for U.S. governments that follow Generally Accepted Accounting Principles (GAAP). GASB periodically issues statements about how particular accounting issues should be dealt with in government financial reports.

GASB 77's potential to increase TIF transparency is unclear. Because TIF, as generally implemented, does not reduce tax payments but rather redirects the expenditure of public funds, its status as a tax abatement is sometimes unclear and disputed (LeRoy 2017). Also, GASB 77 allows individual governments discretion to disclose abatements either individually or in aggregate, and aggregated disclosure is less likely to provide information about individual TIF districts within a government.

Careful analysis of GASB 77's impact on financial reporting probably won't be available until at least late 2018. For many governments, the first required disclosure involved a fiscal year that began in the calendar year 2016 and ended in the calendar year 2017, and financial reports generally do not appear until several months after the fiscal year ends.

Table 5

Population and TIF Use in Largest U.S. Cities

City	Population, 2016 (in millions)	Districts, 2017 (except where noted)
New York, NY	8.54	0
Phoenix, AZ	1.62	0
Philadelphia, PA	1.57	13 (2013)
San Diego, CA	1.40	14 (in flux due to changes in California law)
Dallas, TX	1.32	18
San Antonio, TX	1.49	19
San Jose, CA	1.02	21 (in flux due to changes in California law)
Los Angeles, CA	3.98	24 (in flux due to changes in California law)
Houston, TX	2.30	27
Chicago, IL	2.70	149
Total TIF Districts		**285**

Source: U.S. Census Bureau; city websites.

Many aspects of TIF use in Chicago have been controversial, but the central theme of these controversies has revolved around the questions of who gets to decide about the use of property tax dollars and how Chicago's city government tracks and reports the collection and dispersal of TIF tax dollars.

Spending TIF district dollars is fundamentally different from other government spending. TIF dollars are raised by a general property tax but must be spent to benefit economic development in designated areas. In most cases, TIF revenues derive from taxes levied by all overlying governments, such as counties, school districts, or other special districts. Spending of TIF funds, unlike other earmarked revenues, is not authorized, appropriated, accounted for, or voted on during the normal budget cycle of any elected government. Once a TIF district is created, funds generated by the district do not compete with non-TIF district priorities. Furthermore, TIF projects often combine resources of private, and sometimes for-profit, institutions with public money. Thus, TIF districts often persist for decades without being subject to ordinary democratic controls.

These sets of circumstances suggest that TIF districts should be created only after careful study, deliberation, and debate. Once created, TIF district activities should be documented carefully and monitored by local government officials to assure that they fulfill their stated missions. The appendix table (p. 59) lists some of the conditions mandated by state laws in order to create a TIF district. Most states require a detailed application and public hearings to solicit citizen input. State review of the application is common, and usually the governing body of the city must take a formal vote to approve the project.

While many states mandate well-articulated procedures for creating TIF districts, state laws often require little reporting or monitoring of TIF districts once they are established. Without reporting, there can be little oversight, increasing the potential for misallocation—or even abuse—of TIF spending. Because of this, demands for TIF transparency have been loud and sometimes strident.

One particularly persistent reporter, Ben Joravsky, published dozens of mostly critical articles in the *Chicago Reader*, a local newspaper, documenting the lack of transparency in TIF and the frequency of politically influenced decision making in Chicago. Joravsky alleged that then-Mayor Richard Daley used TIF dollars as a "shadow budget," which could be allocated with minimal oversight from the elected city council or the general public.

Reform Efforts

Joravsky's reporting and some academic studies stimulated additional interest in TIF, and in 2007, then-Cook County Commissioner (and later U.S. Representative) Mike Quigley published a report that found

> [t]he near-total lack of public information readily available on Chicago's TIFs is, in a word, inexcusable. Reams of documentation are produced—with taxpayer dollars—every time a TIF is proposed or created. Redevelopment agreements . . . [and] compliance reports are submitted to the Comptroller annually. All . . . are produced electronically. Not a single one is available from the City's website. (Quigley 2007, 41)

As pressure for reform grew, Mayor Rahm Emanuel responded in 2011, just three days after his inauguration, by announcing the TIF Reform Task Force, charged with recommending concrete steps for increasing TIF transparency. Three months later, the task force issued a report that proclaimed:

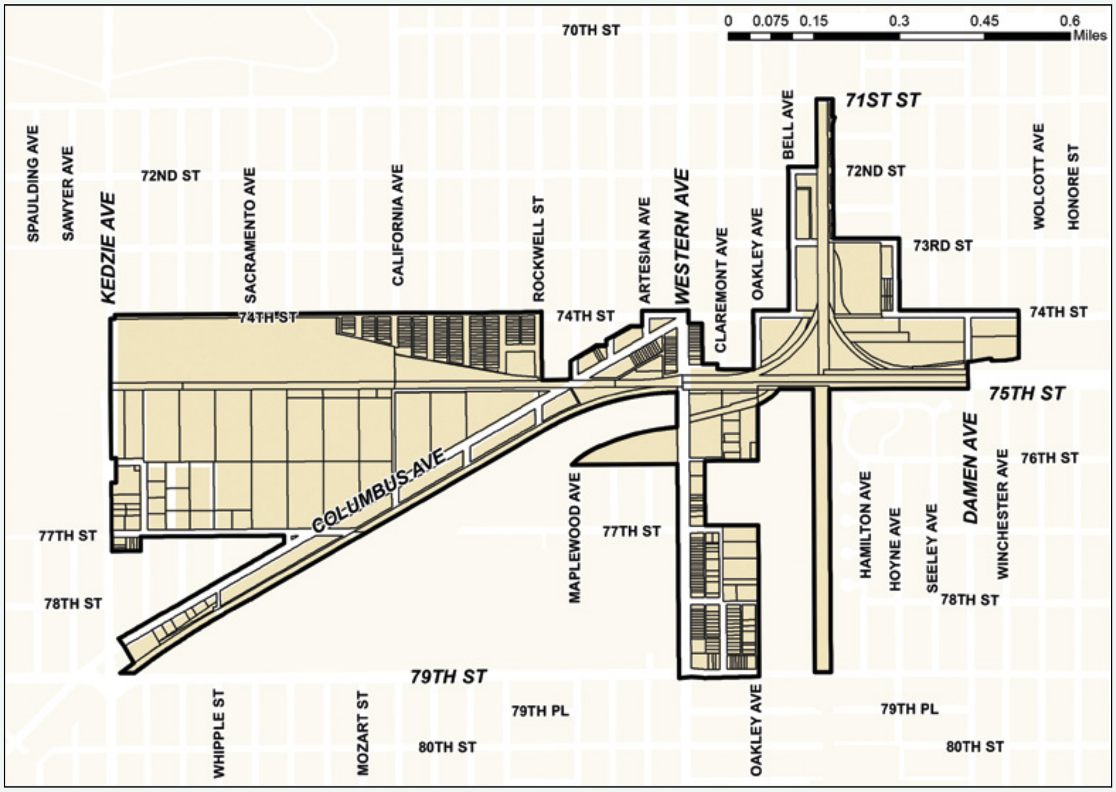
> Information about TIF districts . . . has been limited since TIF was first used in 1983. However, more comprehensive information . . . has been available . . . since City Council passed the TIF Sunshine Ordinance in 2009. The . . . website includes:
>
> > "Redevelopment plans and approval ordinances . . . [b]asic annual financial reports for each TIF district . . . web pages for every TIF district aggregating relevant information . . . [r]edevelopment agreements (RDAs) for private projects . . . [t]hree-year district-level projections about collections."
>
> Although there has been a significant increase in the amount of publicly available TIF information in recent years, there is significant room to improve. (City of Chicago, TIF Reform Panel 2011, 32)

To increase transparency, the task force recommended that Chicago develop a multiyear capital budget incorporating TIF district spending and submit this capital budget to the city council for consideration. The task force further stated that TIF resources should undergo the same scrutiny as other resources, and it recommended a number of transparency measures, including public disclosure of all intergovernmental agreements related to TIF and publication on the city's website of the newly created capital budget as well as TIF district and project data to track performance.

As of March 2018, the City of Chicago has an open data portal with extensive information about TIF districts and the projects they house (City of Chicago 2018). The website contains a map of each TIF district with its boundaries overlaid on a map of city streets. The map indicates each project within the TIF district and specifies redevelopment agreements and total TIF and non-TIF planned investments. Figure 5 shows, for example, the Greater Southwest Industrial Corridor (East) TIF district on Chicago's southwest side. This district encompasses portions of several communities, including the predominantly low-income, African American communities of Ashburn and Auburn-Gresham. The website says that the TIF district is intended to encourage land uses that strengthen the appeal of the area for industrial, commercial, institutional, and residential uses. A few specific targeted projects include the redevelopment of an abandoned theater and abandoned railroad right-of-way.

Figure 5

Greater Southwest Industrial Corridor (East) TIF District



Source: City of Chicago, Department of Planning and Development (2018).

According to Chicago's 2014 annual report, the TIF district housed a single redevelopment project, which was designed to facilitate cleanup and remediation of a 62-acre industrial site. The project also included construction of a 660,000-square-foot industrial space for StyleMaster and other tenants. A direct link from Chicago's mapping portal allows users to access the associated 111-page redevelopment agreement, amendments to that agreement, a Department of Planning and Development staff report on the project, and several other related documents. These reports detail the legal basis for the project, projected costs, and time lines. As of early 2017, total projected costs were about $28 million, split about evenly between public and private investments.

Chicago's TIF portal also provides separate access to data about beginning and ending balances, revenues, and expenditures in the TIF district. The Greater Southwest Industrial Corridor (East) began in 2001 with balances of about $320,000 and ended in 2014 with balances of $2.5 million. In 2014, revenues for this TIF district included about $9,000 of interest and about $500,000 of property tax revenues; expenditures that year totaled $1.2 million, and the vast majority was spent on site assembly and preparation ($370,000) and public improvements ($733,000).

Because property taxes in Illinois are assessed, billed, and collected at the county level, counties are intricately involved in the administration of TIF districts. The Cook County Clerk has a separate county-level website with additional information about each TIF district, including maps and lists of the total and frozen assessed value and revenue distribution for each district. Additionally, information about property tax revenue that goes to TIF districts has been added to Cook County tax bills sent to owners of real estate parcels.

Even though information about TIF districts in Chicago and Cook County is significantly more available than it was in 2011 when Mayor Emanuel's task force issued its report, there continues to be significant vocal and organized opposition to Cook County's use of TIF, such as from the TIF Illumination Project.

More data about TIF is unquestionably available in Chicago today, but some of the specific recommendations of Mayor Emanuel's 2011 task force have not been fully implemented and monitored. Recommendations included, for example, formally establishing the city's TIF goals and metrics to monitor the performance of TIF districts. The City of Chicago Department of Planning and Development, however, failed to produce documentation of formal implementation or monitoring based on these recommendations after repeated inquiries.

Concern about transparency in the use of TIF extends beyond Chicago. In an analysis looking at national patterns of TIF use, Kirth and Baxandall (2011, 2) argue that "TIF often lacks transparency." They note that some states do not publish TIF budgets for public review at all. The authors further express concern that in some states TIF money can be used as a "slush fund" for entrenched local officials and that recipients of aid through TIF are not always held accountable for results.

Concern about transparency in the use of TIF extends beyond Chicago.

Despite continued controversy over the use of "conventional" TIF districts, Illinois state legislators authorized Chicago to establish a new kind of TIF district in June 2016. These "transit TIFs" were designed to help the city designate a source of matching funds to secure $800 million in federal funding to improve its commuter-rail system. The legislation allows the city to create long, narrow TIF districts within a half-mile radius of a rail station, irrespective of the usual blight requirement. Unlike conventional TIF districts, which generally capture all incremental property tax revenue on real estate, the transit TIF does not capture revenue accruing to the City of Chicago School District. Other overlying governments, such as the county or park district, will give up only 20 percent of the revenue they otherwise would have received from the increment. Also, transit TIF districts can last 35 years, rather than the 23-year duration of most conventional TIF districts (Vance 2016).

Chicago's experience demonstrates both the allure of TIF and the potential for governmental misuse and public mistrust of it. Although the city and county government reforms have increased accountability and transparency, TIF remains a very controversial tool, especially as its uses continue to evolve. This suggests that transparency and monitoring efforts should continue and should themselves be evaluated on a regular basis.

CHAPTER 6

TIF Reversal: California's Story

California was the first state to make extensive use of tax increment financing—and recently became the first state to reverse course and drastically reduce its use of TIF. California may thus provide an instructive case study for other states wishing to avoid some of the pitfalls of TIF.

The Hammer Theatre, a venue for performances and cultural activities, is owned by the city and operated by San Jose State University. It was funded in large part by the San Jose Redevelopment Agency. Photo: Allie_Caulfield/Flickr CC BY 2.0.

History

California began using TIF in the early 1950s and was one of the heaviest users outside of the Midwest region in the last several decades. California TIF districts are housed in redevelopment areas (RDAs) and, by 2008, California had over 400 RDAs with more than $10 billion in annual revenue, $28 billion in debt, and more than $674 billion in aggregate assessed values (Swenson 2015).

California's legal structure for TIF had been in place for decades prior to the passage of Proposition 13 in 1978, which fundamentally changed the California property tax system by both limiting the property tax rate to 1 percent of market value and by dramatically limiting the rate at which real estate assessments could rise, except in the event of ownership transfers. According to Lefcoe and Swenson,

> Proposition 13 cut local government property tax revenues in half and diminished school funding by 60 percent. . . . Redevelopment in California would never have become so widespread but for Proposition 13. Desperate for replacement revenues, cities (and a few counties) saw an opportunity to fill their depleted property tax coffers by culling property taxes from other taxing entities. (2014, 723)

TIF allowed California general purpose governments—mostly cities, but also some counties—to garner property tax revenues that otherwise would have gone to school districts and other overlying governments. The number of redevelopment agencies—and corresponding TIF districts—exploded in the 1970s and 1980s as local governments used every conceivable tool to overcome the revenue shortfalls resulting from Proposition 13. The state government was constitutionally obligated to make up at least some of school districts' lost property tax revenues, so this proliferation of TIF districts also imposed a fiscal burden at the state level.

Limitations

In the years after the passage of Proposition 13, the California legislature enacted rules to restrain and restrict the use of TIF, including a strict definition of blight required for the establishment of a TIF district. The rules required that 20 percent of overlying governments' contributions to TIF revenue be passed back to those governments. Despite these requirements, TIF continued to drain a large share of revenues from school districts and other overlying governments. A legal battle ensued, and the California state government attempted to redirect funds from RDAs. This was finally settled in 2010, when a ballot initiative called Proposition 22 passed, preventing the state government from raiding RDA funds and putting increased financial pressure on the state. According to Lefcoe and Swenson (2014, 732), the passage of Proposition 22 "left the permanent dissolution of redevelopment as the state's only remaining option for re-directing property taxes away from RDAs to more urgent public needs."

Like most states, California faced intense fiscal pressure during and after the Great Recession, which began in 2008. In this environment, the dissolution of RDAs presented the state with an attractive potential fiscal windfall. During the legislative debate, Governor Jerry Brown said the state would get $1.7 billion immediately and $400 million in each following fiscal year if RDAs were abolished (Herr, Clark, and Levin 2012).

Despite its heavy investment in TIF, the California legislature ultimately passed legislation in 2010, known locally as AB-26, which dissolved the RDAs that housed TIF districts under California law (Lefoce and Swenson 2014). Passage of AB-26, companion legislation AB-27, and subsequent court rulings would allow local governments to keep RDAs and TIF districts in existence—for a price. California's local governments, however, have not pursued this or other options to continue the use of TIF. Given that California's current requirements for the use of TIF include affordable housing mandates and prohibit capturing revenues from overlying governments, such as schools or special districts, TIF has been rendered unattractive to local governments compared to other economic development tools.

AB-26 set up an extensive and careful protocol to wind down existing RDAs and make payments to "enforce obligations" previously made by RDAs. Revenue in excess of the amount needed to cover these obligations was overseen by the State Department of Finance Tax and returned to overlying governments (Herr, Clark, and Levin 2012).

Results

Swenson (2015) asks whether California's defunct TIF program was successful. This study provides an excellent follow-up to Dardia's (1998) very early study of a similar question. Dardia found that, although Californian TIF districts grew faster than his comparison group, the benefits ultimately did not justify the costs because public revenues diverted to economic development were less than the revenues eventually generated by increased property values.

Swenson (2015) developed a unique data set that allowed precise geographic comparisons. Using this information, Swenson compared economic activity in California RDAs to adjacent areas without RDAs. He showed that, during the 1980s, census tracts adjacent to RDAs had economic growth rates very similar to those that would later be within the RDA. Using appropriate statistical methods and controls, Swenson studied whether the formation of the RDA had caused a relative improvement in economic growth in the tracts housed within RDAs. He concluded,

> The results show that in the 1990s there was little measurable impact of RDAs on RDA area employment, poverty rates, family incomes, rental vacancy rates, and average residential rental rates. There was also little measurable business growth in such areas during the 2000–2009 decade in terms of job creation or business revenues. (2015, 211)

Swenson concludes that California's decision to end TIF may have been wise because evidence showed that TIF did not stimulate economic development and significantly diverted resources from both the state and overlying local governments. The use of California TIF also did not conform to the "but for" requirement.

In October 2015, the California legislature approved and Governor Brown signed AB-2 (California Legislative Information 2015), which once again gave local governments the authority to create TIF districts in some circumstances. Compared to previous California TIF legislation, AB-2 imposed many limits on TIF-creating governments. Most importantly:

- TIF districts are restricted to low-income or high-crime areas;
- school entities are prohibited from participating;
- other overlying governments (nonschool) must consent to use their tax revenues for the TIF;
- extensive reporting and transparency provisions are required;
- extensive public input is required, including provisions under which a popular vote could prevent further action on the plan;
- twenty-five percent of property tax increment revenues must be used to increase, improve, and preserve affordable housing; and
- issuance of bonds by TIF districts now requires 55 percent voter approval. (League of California Cities 2016)

The above conditions appear to restrict the use of TIF in California to a narrow set of circumstances and thus prevent future overuse or abuse. It should be noted, however, that there is a tendency for TIF legislation to be modified gradually to allow for more expansive uses. In fact, AB-2 was soon modified by legislation that took effect January 1, 2017 (Torres 2016). While these changes seem to be innocuous, vigilance will be required to assure that TIF legislation serves its stated purpose.

CHAPTER 7

Efficacy in Economic Development

One study found that TIF designation had no impact on employment, establishment counts, or building permits in Chicago. Photo: Dan Perry/Flickr CC BY 2.0.

As previously discussed, TIF should promote economic development. In particular, TIF is designed to promote real estate investments that raise the market and assessed values of real estate parcels in a given area. So, does TIF work? Does the establishment of a TIF district result in higher real estate value beyond increases that would have occurred without the TIF designation?

In one sense, the answer should almost certainly be yes, if all stakeholders strictly adhered to the legal dictates of TIF. Generally, the relevant legislation requires that TIF can be used only if the planned development would not have occurred "but for" the TIF district. Yet, TIF often fails in both obvious and subtle ways. Flaws in TIF result more often from poor execution than from conceptual design.

Assessing TIF's Successes and Failures

Compared to other methods of public funding to promote economic development, TIF has several virtues. First, TIF funding is designed so that, if used as intended, economic development funds will not displace other public spending because the revenue generated by TIF would not have been available "but for" that TIF. In contrast, some government programs designed to stimulate economic development, such as advertising campaigns, require up-front expenditures despite uncertain returns. Unlike such appropriated economic development expenditures, TIF design allows expenditures of public funds only out of revenues that are themselves the product of increases in the tax base.

Second, TIF provides benefits to private developers only when the tax base appreciates, so private developers only receive revenue derived from appreciation that otherwise would not have occurred in the absence of their investment. This makes it difficult for private developers to get something for nothing, as long as the TIF is appropriately designed.

Despite TIF's conceptual strengths, it remains vulnerable to abuse and often falls short in execution. First, TIF can fail simply if planned developments do not materialize. Generally, TIF districts are established based on a plan that may specify both public and private investments. The public investment sometimes precedes the private investment and may be funded with public debt to be serviced by a revenue stream from taxes on the increment. If the public investment occurs but the planned private investment does not follow, or if it follows too slowly, revenue to service the bonds may be insufficient, and the government could either default on the TIF debt or have to service it through other revenues. We know that complete failures of this type are relatively rare, as defaults on TIF debt are quite rare (Lemov 2010; Moody's Investor Service 2012). However, it is not uncommon for public or private investment to lag, even years after a TIF district is initiated, or drastically underperform relative to the amount specified in the TIF plan.

A second potential hazard in the use of TIF is caused by a design flaw in many states' TIF statutes discussed in chapter 2. In a number of states, TIF statutes direct to the TIF district all incremental property tax revenues generated by appreciation above the frozen base value. This overestimates the fiscal benefit of TIF, as some appreciation of land and structures occurs in most areas, even in the absence of investment. Appreciation could result either from inflation or because regional growth raises demand for all fixed assets. Crediting TIF districts with revenue they did not earn may be especially problematic because part of the unearned TIF revenue would otherwise have been directed to overlying governments, like school districts, in the absence of TIF. These governments typically have little say in the establishment of TIF districts. Municipalities that establish TIF may regard these unearned funds as a windfall and tend to use TIF even when the total costs are less than the benefits.

A third potential pitfall for TIF is that, even though development may occur within the district, the development may not be worth the costs that it imposes on the community. For example, a TIF district might generate a new commercial business—for instance, a theater—that would not have been built "but for" the TIF district. The theater may even generate sufficient tax revenues to pay for the public investments that were necessary to attract private investments. Despite this fiscal success, the TIF district may fail if the new development imposes negative externalities like traffic, crime, or noise pollution that lowers the value of nearby houses or businesses.

A fourth, subtler, and more common problem is when a TIF district fails to adhere strictly to the "but for" requirement. Adherence requires a prediction about what would happen in the absence of TIF. Thus, strictly speaking, we can never know with certainty whether a TIF district adhered to the "but for" requirement.

Although state statutes and regulations generally require specific criteria that must be documented prior to the establishment of a TIF district, these criteria are vague enough that almost any project with strong political support can satisfy the "but for" requirement.

In particular, TIF projects may be approved even though the development that occurs in the TIF district is offset by a loss of similar development in a nearby location, would likely have occurred at the location of the TIF district at a later time, or is offset by the loss of a different but similarly valued development that would have occurred even if the TIF project had not been approved. Wisconsin's TIF manual has a section devoted to the "but for" clause. It advises local officials that the "but for" clause requires that "the proposed development would not happen unless financial support is available from TIF" (Wisconsin Department of Revenue 2017a, chapter 5.1).

Research suggests that TIF often displaces economic activity that would have happened anyway in economically vibrant areas. In Kansas City, Missouri, eight times as many TIF deals were approved in low-poverty areas such as Country Club Plaza (left) than in areas like East Kansas City (right), with poverty rates above 30 percent despite the fact that high poverty often impedes economic activity. Photo: Eric Bowers.

This interpretation of "but for" might allow TIF use even when it would displace other potential development; however, the Wisconsin law also requires that:

1. the economic benefits of the TIF district compensate for the cost of improvements; and

2. the anticipated tax increments outweigh the costs to overlapping taxing districts.

These criteria are laudable. If interpreted strictly, criterion 1 would require any development displaced by the TIF district to count as a cost of the TIF project. Criterion 2 would require that future gains offset costs to overlapping taxing districts. The challenge for Wisconsin and other states is to adhere strictly to these criteria during implementation.

Effects of TIF Adoption on Economic Activity

As discussed, TIF has both conceptual strengths and potential weaknesses. Numerous empirical studies have attempted to sort this out and determine whether, on average, TIF delivers what it promises. Like any empirical study of a policy regime, evaluation requires the analyst to separate the data into "treated" and "control" areas. Treated areas receive TIF districts, while control areas do not. As TIF treatments cannot be assigned randomly, the main empirical challenge is to find control areas that are similar to areas that receive TIF, so that data from control areas might predict what would have occurred in the treated areas in TIF's absence. In essence, this measure is designed to answer the question of whether the "but for" criterion has been met. Studies must also wrestle with the question of whether the observed development in the TIF district might have come at the expense of development that otherwise would have occurred in nearby venues.

Table 6 (p.48) provides some basic information about 31 empirical studies, listed in chronological order by publication date, that have attempted to answer these questions in a methodical way. All the studies use some measure of economic activity as the variable to be explained—often a dependent variable in a regression equation—and all include an independent variable that measures TIF use or TIF intensity. Perhaps unsurprisingly, the studies draw primarily from data in Midwestern (or north-central) states where TIF is most widely used. Twenty-two of the studies use data from Illinois, Indiana, Michigan, Minnesota, or Wisconsin. California and Texas have two studies each; Iowa, Florida, Georgia, Maryland, and Missouri each have one.

The dependent (or outcome) variables include employment, retail sales, assessed values, growth in median house value, median household income, and value of building permits, among others. Many studies report results about more than one dependent variable.

Although state statutes and regulations generally require specific criteria that must be documented prior to the establishment of a TIF district, these criteria are vague enough that almost any project with strong political support can satisfy the "but for" requirement.

Table 6

Empirical Studies of Effect of TIF on Economic Activity

Article	City, State, or Region	Data	Time	Dependent Variable(s)
Wassmer, Robert W. (1994)	Detroit Metropolitan Area	25 cities	1947–1987	Employment or retail sales
Dardia, Michael (1998)	California	47,000 parcels in 38 redevelopment projects and matched-pair areas	1978–1996	Assessed values
Man, Joyce Y., and Mark S. Rosentraub (1998)	Indiana	151 cities	1990	Real growth in value of median valued house
Man, Joyce Y. (1999b)	Indiana	53 cities with populations greater than 10,000	1985–1992	Employment
Dye, Richard F., and David F. Merriman (2000)	Chicago Metropolitan Area	235 municipalities	1980–1995	Growth in municipal property value, 1992–1995
Wassmer, Robert W., and John E. Anderson (2001)	Detroit Metropolitan Area	112 municipalities	1977–1992	Commercial property value
Kriz, Kenneth A. (2001)	Minneapolis, MN	Simulated data based on observed values	Parameters based on data available around 2000	Net present value (NPV) of TIF project
Dye, Richard F., and David F. Merriman (2003)	Illinois	1,242 municipalities	1980–1998	Growth in non-TIF municipal property value, 1995–1998
Weber, Rachel, Saurav Dev Bhatta, and David Merriman (2003)	Chicago, IL	154 sales of vacant industrial parcels	1999–2002	Natural log of parcel price
Rogers, Cynthia L., and Jill L. Tao (2004)	Florida	31 small cities	1980–1990	Population, unemployment-to-population ratio, median property value, and median household income
Ingraham, Allan T., Hal J. Singer, and Thomas G. Thibodeau (2005)	Dallas, TX	Case study of a proposed retail TIF district	1990–2003	Share of newly TIF-generated retail sales that cannibalize sales of neighbors
Carroll, Deborah A., and Robert J. Eger (2006)	Milwaukee, WI	17 aldermanic districts	1993–2000	Real assessed property value within aldermanic district
Byrne, Paul F. (2006)	Chicago Metropolitan Area	89 TIF districts in 67 municipalities	1990–1993	Annualized property value growth
Smith, Brent C. (2006)	Chicago, IL	36,158 multifamily units	1992–2000	Natural log of sale price per square foot
Weber, Rachel, Saurav Dev Bhatta, and David Merriman (2007)	Chicago, IL	5,852 single-family homes that sold more than once	1993–1999	Sale price of single-family homes sold more than once during the time period

Agenda #4.

Finding(s)	Notes	Summary Finding
TIF increased retail employment, but had no significant effect on retail sales or service receipts.	Controls for a number of other economic development incentives	Positive
TIF did not generate enough extra tax revenue to compensate overlying governments for loss of revenue during TIF period.	Matched-pair methodology	Negative
TIF increased median owner-occupied housing value by 11.4 %.	TIF adoption treated as endogenous	Positive
Cities with TIF have about 4.5% more jobs than cities without TIF.	TIF adoption treated as exogenous	Positive
Cities that adopt TIF grow between 0.78% and 2.18% slower than those that do not.	Revenue shifting not a determinant of TIF adoption	Negative
TIF increased commercial property value by 12%.	TIF adoption treated as endogenous	Positive
The net present value of a typical TIF district will be negative under most plausible assumptions.	Simulation results limited to the financial effects of TIF	Negative
Non-TIF municipal property values grow slower in cities with TIF.	Similar negative results with sample of Chicago Metropolitan Area communities; TIF adoption estimated simultaneously	Negative
Value of parcels in industrial TIF districts fall by 40% to 66%. Value of parcels in mixed-use TIF rise by 15% to 115%.	TIF adoption estimated simultaneously; similar results obtained with much larger sample of industrial parcels with structures	Mixed
TIF had no significant effect on any of the dependent variables.	Considers both TIF and enterprise zones; quasi-experimental methods and regression analyses used	Neutral
Less than 34% of growth in TIF cannibalizes non-TIF development.	Argues that Dallas benefits whenever cannibalization rate is less than 93%	Positive
Each dollar of TIF financing generates a $3.50 increase in property value.	TIF adoption not estimated simultaneously	Positive
Industrial, blighted, and centrally located TIF districts grow faster than the municipalities that house them.	Lagged demographic independent variables used to reduce endogeneity concerns	Positive
Price of units within a TIF district grew slightly faster than those outside TIF districts.	TIF adoption not estimated simultaneously	Positive
Houses near mixed-use TIF districts appreciated faster than those farther away, but units near industrial or commercial TIF districts appreciated slower.	Three sets of data used; results do not support hypothesis	Mixed

Table 6, cont'd

Empirical Studies of Effect of TIF on Economic Activity

Article	City, State, or Region	Data	Time	Dependent Variable(s)
Carroll, Deborah A. (2008)	Milwaukee, WI	12,169 business parcels	1980–1999	Real assessed value
Smith, Brent C. (2009)	Chicago, IL	4,022 commercial property sales	1992 and 2000	Commercial property values
Immergluck, Dan (2009)	Atlanta, GA	25,999 house sales near the BeltLine TIF district	2003–2005	Log of sale price
Byrne, Paul F. (2010)	Illinois	1,449 observations in a panel of municipalities	1980–1999	Employment
Skidmore, Mark, and Russ Kashian (2010)	Wisconsin	537 municipalities	1990–2003	Property tax rates
Merriman, David F., Mark L. Skidmore, and Russ D. Kashian (2011)	Wisconsin	All municipalities	1990–2003	Real per capita value of real estate
Bossard, Jennifer A. (2011)	Minnesota	Panel of 334–421 school districts	1992–2007	Non-TIF district property value growth for school districts
Giradi, Anthony G. (2013)	Iowa	All counties	2002–2012	Standardized employment growth and wage growth
Lester, T. William (2014)	Chicago, IL	1,026 block groups treated by TIF and 14,013 block groups not treated by TIF	1990–2008	Log of employment by industry and number and value of building permits
Overton, Michael, and Robert L. Bland (2014)	Dallas, TX	17 TIF districts	1992–2011	Annual amount of private investment in a TIF district
Swenson, Charles W. (2015)	California	5,689 census tracts	1980–2000	Changes in measures of economic well-being, including poverty, unemployment, income, vacancy rate, employment, and others
Hicks, Michael J., Dagney Faulk, and Pam Quirin (2015)	Indiana	91 counties	2003–2012	Effective property tax rate, total assessed values, and employment
Hicks, Michael J. , Dagney Faulk, and Srikant Devaraj (2016)	Indiana	91 counties	2003–2012	Local-option income and sales taxes and non-TIF assessed value
Stewart, N. M. (2016)	Baltimore, MD	710 block groups	2002–2013	Employment, building permits, and home sales
Yadavalli, A., and J. Lander (2017)	Indiana	123,000 parcels in 579 TIF areas	2004–2013	Assessed values, employment, and wages
Lester, T. W., and El-Khattabi, Rachid (2017)	St. Louis and Kansas City, MO	141 Kansas City census block groups with TIF and 92 St. Louis block groups with TIF matched to block groups without TIF	1990–2012	Employment, sales, and establishments

Finding(s)	Notes	Summary Finding
Business parcels located in TIF districts grow faster.	TIF adoption treated as endogenous	Positive
Commercial property values appreciate faster in TIF districts.	TIF adoption treated as endogenous	Positive
Announcement of the TIF district caused prices to increase substantially near some parts of the TIF district.	Effects varied with geography; negative effects in some areas	Positive
On average, TIF has no effect on employment, but industrial TIF increases employment.	Some controls for endogeneity	Neutral
With TIF in place, the property tax rate of nonmunicipal governments rises, but the property tax rate of municipal governments falls.	Lagged control variables reduce concerns about endogeneity	Mixed
TIF does not increase in total, residential, or manufacturing property values, but may increase commercial property values.	Panel data reduce concerns about endogeneity	Neutral
Increases in TIF intensity result in more rapid growth.	TIF intensity too low to maximize non-TIF school district property value growth	Positive
TIF had no impact on wage or employment growth.	Actual employment and wages compared to predicted level; controlling for industrial composition	Neutral
TIF designation had no impact on employment, establishment counts, or building permits.	Propensity score weighting to deal with potential endogeneity	Neutral
A $1 increase in public expenditures within a TIF results in a 20¢ increase in private investment.	Result holds only during recessions	Positive
TIF districts resulted in minimal positive impacts.	TIF adoption treated as endogenous	Neutral
TIF use is associated with increases in assessed value and effective property tax rates, but also with declines in employment.	TIF adoption not estimated simultaneously	Neutral
TIF use has no impact on retail sales tax or local-option income tax revenue.	TIF adoption not estimated simultaneously	Neutral
TIF had no impact on employment or building permits, but did stimulate home sales.	Difference-in-difference and propensity score matching used to assure treated areas and control areas were comparable	Neutral (slightly positive)
TIF increased growth in assessed values by .2%, but had no impact on employment or wages.	Propensity score weighting to deal with potential endogeneity	Neutral (slightly positive)
TIF had no impact on economic development in either city.	Propensity score weighting to deal with potential endogeneity	Negative

What is the most appropriate dependent variable? One might argue that TIF is designed as a tool to stimulate growth in real estate variables, and therefore it is most appropriate to focus on property values. However, the purpose of stimulating growth in property values is to ultimately improve citizens' quality of life, so employment or median household income would also be appropriate. Increases in retail sales or building permits, by contrast, are relatively weak proxies for the key underlying variables of interest.

Methodology is also important. All but two studies use some form of regression analyses (Dardia 1998; Kriz 2001). The various data used in the studies are from city, TIF, and parcel-level observations. Many of the studies account for potential reverse causality between TIF use and economic outcomes. This is important because without reverse causality one might attribute economic gains to TIF use when, in fact, the expectation of economic growth was the stimulus for TIF formation in the first place. The differences in study areas, time periods, outcome variables, and methodologies make it difficult to generalize about the findings, however.

Despite this, the last column of table 6 reports a very concise qualitative summary of each study's finding—classifying the empirical results as positive (i.e., TIF promotes economic development), negative (i.e., TIF reduces growth), and neutral or mixed (both positive and negative results). In many cases, the concise summary required a judgment call about which results were most important and salient. A simple count shows 42 percent of the studies—13 total—have positive results. Of the remaining 18 studies, 5 have negative results, 8 have neutral results, and 5 have mixed results. The neutral results suggest that TIF did little or nothing to stimulate economic development, so these studies might be viewed as an argument against the use of TIF. The mixed results often show very weak positive effects (Stewart 2016; Yadavalli and Landers 2017) or strong negative effects (Skidmore and Kashian 2010; Weber, Bhatta, and Merriman 2003). Also, the most recent studies, which tend to have the strongest data and best methodologies, are much less positive than earlier studies. Taken together, this review of the rigorous evaluation literature suggests that in most cases, TIF has not accomplished the goal of promoting economic development.

Taken together, this review of the rigorous evaluation literature suggests that in most cases, TIF has not accomplished the goal of promoting economic development.

Still, there is some evidence that TIF does work in certain cases. One possible explanation is that TIF simply works in some locations but not in others. The empirical research does not support that view, however: Of the nine studies using Illinois data, three are positive, two are negative, two are neutral, and two are mixed. Two of the four studies using Wisconsin data are positive, but one is neutral and one is mixed.

Two of the five studies from Indiana are positive, but the three most recent studies show a mostly neutral effect. Thus, the empirical evidence shows that use of TIF is no guarantee of success, which suggests using caution in employing TIF.

Empirical work provides other guidance, too. Several studies provide evidence that TIF has its strongest positive effects when used for commercial or mixed uses (Ingraham, Singer, and Thibodeau 2005; Merriman, Skidmore, and Kashian 2011; Smith 2009; Wassmer and Anderson 2001; Weber, Bhatta, and Merriman 2003; 2007). However, Dye and Merriman (2000; 2003) suggest that at least some of the growth in commercial TIF districts is offset by reduced growth in other nearby areas.

Effects of TIF Adoption on School Finance

One area of considerable controversy about TIF is its impact on school finance. Cities are responsible for establishing and overseeing TIF districts. If some of the real estate appreciation in a TIF district would have occurred even in the absence of the TIF district, overlying school districts may face a diminished tax base during the life of the TIF district. A school district's fiscal difficulties due to loss of its tax base may also be exacerbated if the TIF district facilitates new housing and increased demand for school services.

Some of the revenue lost to the school district in the short run may be eventually recovered if the TIF district stimulates additional real estate appreciation. Even the short-run impact of the TIF district may be mitigated because many school aid formulas that depend on property tax base per pupil compensate school districts, at least to some degree, for the loss of tax base due to TIF. For example, Illinois's state-aid formula subtracts TIF increments from available tax base per pupil to calculate state aid. Also, TIF revenues may in some cases be used to finance public spending that can substitute for school district funding, such as renovations of parks instead of school playgrounds. Hence, the net effect of TIF on school finance is unclear and may be illuminated by further empirical research. In an environment of scarce resources and ongoing pressure on the property tax despite its importance as a source of local revenue, it is no wonder that the impact on school funding continues to be a major issue.

Table 7 (p. 54) provides basic information about three empirical studies on TIF's effect on school finance. Weber (2003) finds that TIF has no observable impact on school district tax revenue in the Chicago metropolitan area but does raise state aid to school districts. Similarly, Weber, Hendrick, and Thompson (2008) find little impact on tax revenues in the Chicago area, but they do find evidence of lower revenues and higher tax rates in school districts with TIF in other parts of Illinois. Nguyen-Hoang (2014) studies the impact of TIF on school spending in Iowa; in contrast to Weber (2003), he finds that greater use of TIF is associated with reduced education expenditures. He finds that this effect is greater for lower-wealth districts. Taken together, these findings suggest additional reasons to be cautious about using TIF.

Other Effects of TIF Adoption

Table 8 (p. 55) gives some basic information about empirical studies that examine other potential effects of TIF and that cover various related ad hoc topics. Skidmore, Merriman, and Kashian (2009) provide evidence that, at least in Wisconsin, TIF encourages municipal annexation, as TIF districts can be used to improve municipalities' fiscal conditions. Merriman (2010) provides a simulation analysis that illustrates how the cycle of TIF adoption and dissolution can make municipal budgets significantly more difficult to manage, as TIF gradually supplements available municipal funds and then those funds suddenly disappear when TIF is dissolved. In the context of random fluctuations in assessed value, this can make financial management significantly more difficult.

Kashian and Skidmore (2011) study factors that determine the time until a TIF district is dissolved. They find that TIF districts have longer life spans when the municipalities that house them—and thus can decide when they are dissolved—pay smaller shares of the cost, as measured by the municipal tax rate as a share of the total. TIF districts were also kept alive longer following the slow-growth period of the 1991 recession. This finding seems consistent with Dye, Merriman, and Goulde (2014), who find that TIF districts in both Illinois and Nebraska grew significantly slower during and immediately after the 2008–2009 recession. They find some evidence of a recovery in TIF growth in Nebraska but little in Illinois.

Table 7

Empirical Studies of Effect of TIF on School Finance

Article	Region or State	Data	Time Period	Dependent Variable(s)	Finding	Notes	Summary Finding
Weber, Rachel (2003)	Cook County, Illinois	151 school districts	1989–1999	Change in tax revenue, state aid, and effective tax rate	TIF intensity had no effect on the tax revenue of the school district, but did raise state aid.	TIF intensity treated as endogenous	No impact
Weber, Rachel, Rebecca Hendrick, and Jeremy Thompson (2008)	Illinois	777 school districts	2001	Property tax rate percentage (2001) and change in property tax revenue (1990–2000)	TIF intensity was not a determinant of change in property tax revenues in the Chicago metropolitan area, but revenues were lowered in other areas of Illinois.	Endogeneity not an issue (municipalities choose TIF)	No impact
Nguyen-Hoang, Phuong (2014)	Iowa	347 school districts	2001–2011	Log of education expenditure	TIF is associated with reduced education expenditures, especially in low wealth districts.	Argues that endogeneity is not an issue	TIF lowers education spending

Hall and Bartels (2014) ask why some Dallas–Ft. Worth TIF districts are more successful than others and find that TIF districts using certain formal management methods, especially performance measurement, have better outcomes than those that do not. For example, TIF districts that listed, quantified, and tracked public versus private initiatives, cost responsibilities, and success indicators had higher property value growth than those that did not. On the other hand, risk-management techniques, such as very detailed and explicit economic projections, did not significantly improve the performance of TIF districts.

Kane and Weber (2015) study the relationship between the type of expenditures in Chicago TIF districts and the growth rate of property values in those districts. Disturbingly, they find a clear positive effect resulting from commercial subsidies but a negative impact from infrastructure spending. This could suggest that TIF is ineffective in areas that lack the preconditions (namely, infrastructure) to support growth. As other studies have suggested that commercial development in TIF districts often displaces commercial development elsewhere, the scope for successful use of TIF may be narrow.

Bland and Overton (2016) study the growth of TIF districts in Dallas, Texas, and ask whether public or private investments do more to stimulate real estate appreciation. They find that public investments, by themselves, do little to stimulate appreciation, but that public investment can be a catalyst to stimulate private investment and promote appreciation when combined with operational and institutional knowledge.

Table 8

Empirical Studies About Other TIF-Related Issues

Article	City or State	Data	Time Period	Dependent Variable(s)	Finding(s)	Notes
Skidmore, Mark, David F. Merriman, and Russ Kashian (2009)	Wisconsin	533 municipalities	1990–2003	Log of municipal land area	Adding a new TIF district is associated with annexation.	TIF adoption treated as endogenous
Merriman, David F. (2010)	Simulation, parameters mimic Wisconsin	Simulation, based on typical Wisconsin municipality	Simulation, based on 2003 parameters	Volatility of municipal property tax revenues	The formation and expiration of TIF districts can significantly increase revenue volatility.	Simulation of municipal governments' revenue; overlying governments not studied
Kashian, Russ, and Mark Skidmore (2011)	Wisconsin	362 TIF districts	1988–2009	Lifespans of TIF districts	Longer TIF lifespans are associated with smaller municipal share of the tax rate and several other variables.	Parameters estimated using duration analysis
Hall, Jeremy L., and Christopher E. Bartels (2014)	Dallas–Ft. Worth, TX	72 TIF projects	2007–2008	Difference between projected assessed value in the TIF district and actual assessed value in the TIF district	Actual results match performance results more closely in TIF districts that use preimplementation risk and performance management.	TIF adoption not estimated simultaneously
Dye, Richard F., David F. Merriman, and Katherine Goulde (2014)	Nebraska and Illinois	920 Illinois TIF districts and 297 Nebraska TIF districts	2006–2013	Growth rate of EAV* in TIF districts	There was a large decline in TIF EAV after the start of the Great Recession in Illinois, but the recession had less of an effect in Nebraska.	Young TIF districts grow faster than more mature districts in both states
Kane, Kevin, and Rachel Weber (2015)	Chicago, IL	160 TIF districts	2002–2012	Growth rate of EAV* in TIF districts	Commercial TIF subsidies result in faster property-value growth than other types of expenditures.	Research suggests important symbolic effect of TIF district
Bland, R. L., and M. Overton (2016)	Dallas, TX	18 TIF districts, 212 observations	Not provided	Growth rate of EAV* in TIF districts	Private investments stimulate more growth than public investments, but there is interaction between these two types of investments.	No correction for possibility that private investments are attracted to rapidly growing areas

*Note: *EAV: equalized assessed value.*

CHAPTER 8

Conclusion

TIF was used to help fund the Millennium Park in Chicago. Photo: Serge Melki/Flickr CC BY 2.0.

Although TIF has been used across many states for years, there is still much we do not know about how its use affects economic development. Nonetheless, the information summarized in this report provides a strong factual basis for certain findings and recommendations as we continue to monitor and research this tool.

Findings

1. Tax increment financing is an important and widely used tool to promote economic development, especially in areas facing blight and other significant economic challenges. TIF performs best when the public and private sectors work together to stimulate economic development. TIF can be a useful tool to create commitments that engender trust among the various parties involved and lead to successful implementation of development plans.

2. Unfortunately, the design of TIF in many states makes it vulnerable to exploitation by cities, which can obtain revenues that otherwise would have gone to overlying governments, especially school districts.

3. TIF has been used very unevenly across states, with extensive use in Midwestern states, for example, but little use in other regions of the country. The reasons for the uneven use of TIF have not been rigorously studied, but it is reasonable to speculate that states' responses to their neighbors' use of TIF has contributed to this pattern of unevenness.

4. Within individual states and cities, most often TIF has been used in areas that were already moderately successful, and it has done little to stimulate growth in the most depressed areas.

5. Transparency in the use of TIF is a huge challenge, and state monitoring of TIF use is very uneven. City reporting about TIF is also mixed. Even in cities like Chicago, where TIF is used extensively and where much information has been made public, the transparency of TIF remains inconsistent.

6. Many academic studies of TIF suggest that it often fails to deliver economic growth beyond what otherwise would have occurred and may often simply result in the relocation of economic activity.

7. Academic studies suggest a variety of unintended effects that may result from TIF use. These include diminished or reallocated school revenues and increased budget volatility, especially during unstable economic cycles.

8. Recent research suggests that more attention to the management of TIF and the type of spending within TIF districts could lead to a better understanding of why some TIF districts succeed and others do not.

Recommendations

1. **States should track and monitor TIF use.** Basic monitoring helps states evaluate the use of TIF and helps state legislators better understand whether TIF regulations are achieving their goals. Virtually all states are involved in monitoring the property tax assessment processes of local governments and could easily report on the number of TIF districts and the base and incremental value in each district in each year. Some states, such as Wisconsin and Illinois, require regular reporting on TIF and can serve as models for other states. Wisconsin provides a particularly strong example, as it requires detailed delineation of expenditures and information about the movement of TIF funds from one TIF district to another, known as porting. Wisconsin could improve its reports (Wisconsin Department of Revenue 2017b) by requiring information about TIF-related borrowing.

2. **States should revise statutes to allow counties, school districts, and other overlying local governments to opt out of contributing resources to TIF districts.** This measure would diminish or eliminate the incentive for cities to use TIF as a device to capture revenues that otherwise would have gone to overlying governments. TIF districts can be particularly problematic for overlying governments when combined with tax limitations, which can prevent the districts from recouping revenue lost to TIF districts. Recent legislation allowing transit TIFs in Chicago may provide a model for this kind of policy.

3. **State legislators should review their states' "but for" TIF requirements to determine whether they are effective.** An effective "but for" requirement can reduce reliance on TIF when other tools might be more helpful and transparent. If a state's requirement is not effective, that state should consider revisions that place realistic limits on local governments' use of TIF. California's recent revisions of rules on TIF might provide useful guidance in this area.

4. **Local governments should provide extensive, easily accessible information about TIF use, revenues, and expenditures.** This information would enable local elected officials to monitor and regulate the application of this tool. Local legislative bodies (e.g., city councils) should require regular reports from executive officers that document progress toward clearly articulated goals for the use of TIF. Local legislators should consider policies that require periodic reports on the administration of TIF districts, and they should have the option of directing staff to dissolve TIF districts that do not meet the jurisdiction's objectives. They could also use the evidence-based approach to make adjustments, such as limiting the duration of TIF mechanisms.

5. **Researchers should study, document, and explain the different outcomes of TIF use in various geographic areas.** To date, academic studies of TIF document mixed outcomes but do not clearly identify factors that explain this variation. Such studies should also expand knowledge about the types of TIF expenditures that best promote economic development.

Evidence suggests that implementing these recommendations will improve tax increment financing and make it a useful tool for economic development that contributes to strong, fiscally sustainable communities.

Appendix

State Tax Increment Finance Programs

State	Program Name	Duration (years)	Requirements for District Creation									Approval Agencies							Public Hearing Required?	
			B	BF	FS	CB	CP	PP	PB	DP	O[1]	CT	CO	SB	ST	RA	TC	O[2]	A	D
AK	Improvement Area Projects	40	✓							✓		✓							N	N
AL	Tax Increment Districts	30	✓					✓				✓	✓						Y	Y
AR	Redevelopment Districts	25	✓		✓							✓	✓						Y	Y
AZ	N/A	N/A																		
CA	Enhanced Infrastructure Financing Districts	45						✓			✓	✓	✓					✓	Y	N
CO	Tax Increment Financing Districts	25–50	✓									✓			✓		✓		Y	N
CT	Tax Increment Financing Districts	40	✓								✓	✓			✓				Y	Y
DC	Tax Increment Financing	Varies by district		✓	✓	✓		✓	✓		✓	✓							N	N
DE	Municipal Tax Increment Financing Districts	30	✓	✓	✓		✓					✓	✓	✓				✓	Y	N
FL	Community Development	7–40	✓						✓		✓	✓	✓			✓			Y	N
GA	Tax Allocation Districts	Term of bonds	✓							✓	✓	✓	✓	✓		✓			Y	N
HI	Tax Increment Financing Districts	Term of bonds					✓						✓						N	N
IA	Urban Renewal Areas	20	✓								✓	✓	✓						Y	Y
ID	Revenue Allocation Areas	24	✓		✓		✓					✓	✓			✓			Y	N
IL	Tax Increment Allocation Redevelopment Areas	23	✓	✓							✓	✓						✓	Y	N
IN	Tax Increment Financing Districts	25	✓	✓						✓		✓	✓						Y	Y
KS	Tax Increment Financing Districts	20			✓	✓						✓		✓				✓	Y	N
KY	Tax Increment Financing Districts	30	✓	✓	✓	✓						✓	✓						Y	Y
LA	Tax Increment Development	30										✓	✓				✓		Y	N

Appendix, cont'd

State Tax Increment Finance Programs

State	Program Name	Duration (years)	Requirements for District Creation									Approval Agencies							Public Hearing Required?	
			B	BF	FS	CB	CP	PP	PB	DP	O^1	CT	CO	SB	ST	RA	TC	O^2	A	D
MA	District Improvement Financing	20			✓							✓			✓				Y	N
MD	Tax Increment Financing Districts	Unspecified									✓	✓	✓						N	N
ME	Tax Increment Financing Districts	30	✓								✓	✓			✓				Y	Y
MI	Tax Increment Financing	Term of bonds										✓	✓		✓	✓	✓		Y	Y
MN	Tax Increment Financing	25	✓	✓								✓	✓					✓	Y	Y
MO	Real Property Tax Increment Allocation	23	✓	✓		✓						✓	✓				✓		Y	Y
MS	Tax Increment Financing	30				✓						✓	✓						Y	Y
MT	Tax Increment Financing	15–40	✓		✓	✓					✓	✓	✓					✓	Y	N
NC	Project Development Financing (TIF)	30	✓	✓								✓	✓		✓				Y	N
ND	Tax Increment Financing	30	✓									✓	✓	✓					Y	Y
NE	Tax Increment Financing for Redevelopment Projects	15	✓	✓	✓	✓						✓		✓		✓			Y	Y
NH	Tax Increment Financing in Development Districts	Term of bonds										✓							Y	N
NJ	Revenue Allocation District Financing	Unspecified	✓	✓		✓						✓			✓	✓			N	N
NM	Tax Increment Development Districts	10–20		✓	✓	✓					✓	✓	✓		✓				Y	N
NV	TIF and Redevelopment Areas	20	✓									✓	✓			✓			Y	N
NY	Tax Increment Financing	Unspecified	✓		✓	✓	✓					✓	✓	✓		✓			Y	Y
OH	Tax Increment Financing Districts	30	✓									✓	✓	✓				✓	N	N
OK	Tax Increment Financing Districts	25	✓	✓				✓				✓	✓					✓	Y	Y
OR	Urban Renewal Plans	Unspecified	✓									✓	✓			✓	✓		Y	N
PA	Tax Incremental Financing Districts	20	✓		✓							✓	✓	✓		✓			Y	Y

RI	Tax Increment Financing Areas	Unspecified	✓	✓								✓				✓			N	N
SC	Tax Increment Financing for Redevelopment Projects	30	✓									✓	✓	✓				✓	Y	N
SD	Tax Incremental Districts	20	✓		✓							✓	✓						Y	N
TN	Tax Increment Financing	Unknown	✓									✓	✓			✓	✓		Y	Y
TX	Tax Increment Reinvestment Zones	20		✓	✓	✓						✓	✓						Y	N
UT	Tax Increment Financing Districts	Unknown	✓		✓	✓						✓	✓	✓	✓	✓			N	N
VA	Tax Increment Financing Districts	Term of bonds	✓								✓	✓	✓						Y	N
VT	Tax Increment Financing Districts	20			✓				✓			✓			✓				Y	Y
WA	Tax Increment Financing	30		✓								✓	✓					✓	Y	N
WI	Tax Incremental Districts	20–27		✓		✓						✓				✓		✓	Y	Y
WV	Tax Increment Financing	30		✓	✓							✓	✓		✓				Y	Y
WY	Tax Increment Financing	25	✓	✓								✓						✓	Y	Y
		Totals	**34**	**18**	**17**	**13**	**4**	**4**	**3**	**3**	**12**	**49**	**35**	**10**	**11**	**14**	**6**	**12**	**42**	**21**
			B: Blight BF: "But For" Test FS: Feasibility Study CB: Cost-Benefit Analysis CP: Consistent with Comprehensive Plan or Development Plan PP: Project Plan PB: Finding of Public Benefit DP: Finding of Development Potential O: Other									CT: City CO: County SB: School Board or District ST: State RA: Community Redevelopment Agency Board TC: TIF Commission O: Other							A: Authorization D: Deal Approval	

Sources: Updated from Kenyon, Langley, and Paquin (2012) using Significant Features of the Property Tax and various state sources and statutes.

[1] Other Requirements for District Creation: CA, impact report; CT, creation of local development agency; DC, potential for tax revenue growth; FL, shortage of affordable housing; GA, deterioration and inadequate infrastructure; IL, housing impact study and map of land uses to be funded; IA, slum or economic development need; ME, suitability for commercial uses; MD, resolution designating area and pledge of revenue; MT, inadequate infrastructure; NM, no net expense; VA, development needs.

[2] Other Approval Agencies: DE, delegated by bond issuer; IA, community colleges; IL, Joint Review Board; KS, county and state in some cases; MN, governing board of authority; MT, urban renewal authority; OH, Tax Incentive Review Council; OK, review committee; SC, affected taxing entities; WA, fire protection district; WI, Joint Review Board; WY, planning commission.

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Agenda #4.

Improving Tax Increment Financing (TIF) for Economic Development

One of the main responsibilities of local government is to promote economic activity for the benefit of all stakeholders, including residents and businesses. Tax increment financing (TIF) is one tool that cities can use to support economic development in a designated area by earmarking property tax revenues from anticipated increases in assessed property values resulting from investment in that district. Virtually every state allows some form of TIF, which requires cooperation between government and the private sector.

Yet, the fundamental attributes of TIF are still poorly understood, and its effectiveness is disputed. Many states do little to track or evaluate the use of TIF. Recent findings show that TIF does little to deliver economic growth and sometimes simply relocates economic activity that would have occurred elsewhere without TIF. Empirical studies suggest that communities should use TIF cautiously to avoid diverting increased property tax revenues from overlying governments, obscuring government financial records, and facilitating unproductive fiscal competition between neighboring jurisdictions.

Written by an expert and educator in public finance, business taxation, and urban economic development, this report presents data about TIF usage, explains how it is intended to work, notes its conceptual strengths and limitations, reviews academic evaluations of its use, and offers the following recommendations for improving its design.

- States should track and monitor TIF use.
- States should revise statutes to allow counties, school districts, and other overlying local governments to opt out of contributing resources to TIF districts.
- State legislators should review their "but for" TIF requirements to determine whether they are effective.
- Local governments should provide extensive, easily accessible information about TIF use, revenues, and expenditures.
- Researchers should study, document, and explain the different outcomes resulting from TIF use in various geographic areas.

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Agenda #4.

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August 2016

Tax Increment Finance and Suggestions for Reform

By Byron Schlomach

Abstract

The ideological left and right agree that Tax Increment Finance districts (TIFs) often bypass traditional taxpayer protection measures, show no evidence that they result in greater economic activity, and are often used as a tool for cronyism, among other impacts.

TIFs are privileged areas within a city, town, or county where part of sales and property tax revenues are redirected exclusively to the district, often used to fund private investments. Among several negative impacts in Oklahoma, they often tap revenue sources intended for schools and other levels of government, burdening long-standing enterprises not in the TIFs.

When it comes to TIFs, Oklahoma desperately needs greater transparency, stricter limits on how funding can be spent, and more strictly limited lifetimes and revenue sources, along other reforms mentioned in this paper.

This paper, in its entirety, can be found at **www.1889institute.org/cronyism.html**

It is a rare thing to have the ideological left and right agree on anything. Yet, this is largely the case with respect to Tax Increment Financing districts ("TIFs" or "TIF districts"). Left-leaning organizations such as Good Jobs First and Public Interest Research Group question the legitimacy of how TIF laws have been used.[1] Their recommendations for reform are often the same as those of advocates for limited government. Such agreement should be enough in itself for state lawmakers to begin asking questions and enact significant reforms.

Ostensibly for the purpose of economic development and the elimination of urban blight, TIFs tap taxpayer resources, often using them to subsidize private enterprises. TIF districts almost invariably favor big business from out-of-town while long-standing residents and business owners bear the financial brunt of meeting the continued financial needs of schools and other entities that do not create TIFs, but help to fund them. The result is the redirection of economic activity, creating the appearance of success in encouraging economic growth when, in fact, TIFs just redistribute economic activity within a state. In other words, TIFs are often used as a tool for cronyism, fooling taxpayers into thinking entirely new economic development occurs from special tax deals that appear costless to the general taxpaying public.

Accordingly, TIFs do more to benefit politicians than the economy. In fact, there is evidence, noted below, that TIFs hurt economic growth. Many TIFs, especially those that tap property taxes, cost everyone in the state of Oklahoma, though TIFs are locally constituted. They redistribute resources to the wealthy and well-connected. They allow the bypass of taxpayer protection measures. And, TIFs often allow TIF-creating entities to steal away the revenues of other taxing entities.

"According to the Oklahoma Tax Commission's ad valorem division, local governments across the state had more than $445 million in active TIF districts in 2015."[2] In 2011, there were 47 TIF districts in Oklahoma, according to a study conducted by the state's commerce department.[3] By now, there are likely many more, even though some of the TIFs from the commerce study have since expired. TIF creation has been on a steady rise in the country for many years and Oklahoma is no exception. Oklahoma City is about to create its tenth TIF, for a single building. Single-business TIFs appear to be quite common in

Byron Schlomach is the Director of the 1889 Institute.

Oklahoma, but then, with little transparency surrounding these deals, there is no way to quantify such a statistic or to know how justified such deals might be.

TIFs should be reformed to be more transparent, only fund infrastructure and rehabilitation of properties, use only the creating entity's tax resources, have a lifetime limited to the completion of an explicit purpose, and require final state approval for their creation. Better yet, the state's TIF statute should be repealed along with the TIF provision in the state constitution since TIFs bypass taxpayer-protection provisions imposed on local government. Nothing of true importance that TIFs accomplish cannot be accomplished through traditional means.

What's a TIF?

A Tax Increment Financing district (TIF) is a defined geographic area within a taxing jurisdiction, usually a city or county, within which taxes paid to pre-existing taxing entities such as cities, counties, school districts and fire districts are frozen as of the date of a TIF's creation.[4] Tax revenues above the frozen level after the creation date are used within the TIF. They can be used to fund new infrastructure, for rehabilitation of old infrastructure, to remodel and build private structures, for environmental cleanup, and even to help fund new private investment. TIFs expire after a certain number of years has passed.

In Oklahoma, the power to create a TIF is limited to cities, towns, and counties and the lifespan of a TIF is limited to 25 years. TIFs cannot overlap. However, funds can be spent outside of the TIF district. TIF agreements can freeze property tax revenues from a TIF district for pre-existing property-taxing entities like school districts. They can simultaneously freeze sales tax revenues as well. Some TIFs may simply freeze one or the other type of tax. Cities, towns and counties are not required to obtain the approval of other taxing entities like school districts as a condition for creating a TIF.[5] TIF boards do have representatives from other taxing entities, however.

> In Oklahoma, the power to create a TIF is limited to cities, towns, and counties and the lifespan of a TIF is limited to 25 years.

Oklahoma's TIF law, initially passed in 1992, states that TIFs should be used "where investment, development and economic growth is difficult, but is possible if the provisions of this act are available."[6] That is, the law is intended for the development or redevelopment of blighted areas where significant private investment is unlikely to occur. There are no standards of evidence in the law that must be met to meet this requirement, although part of the process to create a TIF involves the appointment of a committee and public notice and hearings. There is no direct state oversight.

> There are no objective standards for determining the conditions that justify a TIF, and again, there is no state oversight to check if any standards in law are met.

The law also states that a TIF is not to be created in an area where economic growth would have occurred anyway. That is, the law is intended for truly dilapidated areas, to refurbish and reconstruct them. In other words, TIF is intended for urban renewal that is adjudged unlikely or impossible without some sort of nudge by government. There are no objective standards for determining the conditions that justify a TIF, and again, there is no state oversight to check if any standards in law are met.

At the same time, the law states that a TIF is to "supplement and not supplant or replace normal public functions and services."[7] This appears to require that TIF funds be used within the district for extraordinary purposes, perhaps for environmental remediation or to demolish old, privately-held structures where the demolition cost alone makes redevelopment prohibitively costly if left to the private sector alone. Again, however, the only provision for oversight appears to be the press or the general public who must protest or bring a lawsuit if they consider the law is not being followed.

What TIFs Actually Do

TIF districts redistribute wealth by redistributing tax burden. TIFs are effectively business districts within which businesses, and often residents, benefit from having taxes that would have been paid to general government, often including schools, used to beautify and improve the district, making a TIF district especially attractive to new businesses and patrons of those businesses. While taxpayers in other areas see their sales and property taxes on new and expanded businesses dissipated to cities, counties, school districts, and other special districts, TIF district participants see their taxes on new business fund only projects within the TIF. This further redistributes wealth by making TIF district properties more valuable and by redirecting business to the TIF. Meanwhile, the burden for maintaining basic infrastructure and schools in the surrounding community falls squarely on the shoulders of those not in the TIF.

TIFs Benefit Politicians

When a TIF district is birthed, it is sometimes, but not always, aimed at a depressed area. TIF benefits are potentially so great that it is not all that hard to get private companies interested in investing inside the district. First of all, if an area covered by a TIF is blighted, even minimal investment in making it nicer, even if the investment is purely cosmetic, will result in higher property values. If the TIF is structured to claim a share of property taxes, this allows for the selling of bonds for improving infrastructure and increasing the attractiveness of the district, pushing up values even more. The increased property values push up property tax revenues, but all of the increase accrues to the TIF district rather than schools or other entities, and the cycle continues. The amount of money involved might even allow for spending on behalf of private entities in special deals to draw businesses like Cabela's who refuse to invest in an area without government making part of their investment for them.

When an area that was run down, old, and generally sad looking almost magically transforms into something unique, new, attractive, and dynamic after a TIF is formed, politicians involved get to point to the TIF district as an accomplishment. The costs that the TIF engenders are not apparent. All people readily see are the benefits.

The costs that the TIF engenders are not apparent. All people readily see are the benefits.

Politicians are not only benefited in their next election by pointing to a success. They might also enjoy the gratitude of those who directly benefited from the TIF, namely developers, contractors, and business owners. It is rare that a community's leaders cannot be persuaded, based on these benefits, to pass more than one TIF.

The Crony Role of TIFs

A recent commentary in the Wall Street Journal described the history of a city block in Manhattan. Seemingly worthless land became farmland, which gave way to brothels for a short time. These were demolished at private expense in favor of garment factories. The factories closed as manufacturers moved to new buildings following the Triangle Shirtwaist Factory fire, which brought new fire regulations. Central planners wanted to raze the block, but were thwarted and a dynamic arts community arose, which thrives to this day.[8]

This example from New York shows the way of free enterprise. Nothing develops in a straight line. There are starts, stops, detours, and unexpected turns. All the while, the direction of a business and business in general in a given area is determined by entrepreneurial initiative seeing opportunity where others do not and with entrepreneurs using their own money rather than deflecting risk to taxpayers.

TIF districts often benefit businesses within the district by decoupling a portion of general taxes from supporting the wider, general community. These decoupled funds are used within the TIF district to create an environment and experience for patrons of retail businesses within the district that cannot be afforded elsewhere. These amenities cannot be afforded elsewhere partly because businesses in other areas are bearing the full cost of general community infrastructure and amenities in their general taxes. With respect to industrial businesses, TIFs often provide free land and/or infrastructure that developers are normally required to fund from their own pockets while still paying the same general taxes as everyone else.

TIF districts often benefit businesses within the district by decoupling a portion of general taxes from supporting the wider, general community.

Businesses in TIFs also often benefit from lower transactions costs in negotiating the nature of common infrastructure amenities that make the district attractive. For example, costly custom streetlight fixtures can be provided by the TIF without the businesses in the district paying any extra taxes. The district, already constituted, can make decisions about such amenities without extensive discussion, and the cost to each business is automatically settled. This does not mean consensus about how to spend TIF funds is always easy to achieve, but the nature of TIFs makes reaching consensus easier.

Without TIFs, some projects that are highly profitable for business participants would not be possible in the way they are constituted using TIFs. As one Oklahoma law firm has put it, "Joint private-public financing is making it possible to build shopping centers and industrial facilities. Without that funding – TIF Districts – shopping centers like the Tulsa Hills at East 71st St. and Highway 75, and the River District project in Jenks would not be possible."[9]

Such sales pitches are designed to make TIF projects sound wonderful, but consider what this really means. If it is possible to make a profit selling products sold in the Tulsa Hills shopping center, then those products will be sold in Tulsa regardless of a store's location. Perhaps they would not be sold at Tulsa Hills, but they would have been sold somewhere. The TIF merely redistributed business to Tulsa Hills, and given the nature of TIFs and their ability to draw business to them with strategic investment in amenities, any business that locates at Tulsa Hills is likely to do well compared to how they would do otherwise, likely drawing business from other retailers in the area that do not enjoy TIF benefits. Keep in mind, too, that such developments often involve a single landlord whose commercial rents are enhanced by the TIF's existence.

TIFs focus development within the districts and this development can often have nearby positive spillover effects, as has been demonstrated in Tulsa and other communities in Oklahoma.[10] The visibility of TIF development, however, should not be mistaken for having stimulated economic activity in general. Despite the eloquence of the editorial board of Stillwater's paper of record when it endorsed a TIF that benefits an Academy sporting goods store, among others,[11] TIFs likely just redistribute business within the state and within communities.

A rigorous economic study that looked at TIFs in Chicago concluded that there is evidence communities that adopt TIFs actually grow more slowly than those that do not adopt TIFs.[12] In a different paper, the same authors conclude that TIFs have no positive economic effects in TIF-adopting communities as a whole.[13] Another study looking at TIFs in Iowa concluded that the benefits of TIFs fail to outweigh the costs and, in fact, are essentially entitlements to industry and housing developers.[14] Yet another study concludes that TIFs focused on industrial development do increase jobs in a community, likely because the jobs are cherry-picked from other communities. Retail-oriented TIFs appear to reduce employment due to the attraction of more efficient retailers.[15] The efficient retailers are likely just large big-box retailers. Research also shows there is a natural tendency of decision makers who implement TIFs to favor large corporations, a risk noted even by TIF proponents, likely because large stores like Academy are noticeable, and because negotiating such agreements can be personally aggrandizing for those who do the deals.[16]

Oklahoma City has shown a willingness to use TIF to accomplish any number of redevelopment projects, including the refurbishment of an historic bank building, which will be its tenth TIF.[17] Another TIF is proposed for convention center parking.[18] Currently, the city has 9 TIFs. Two of them consist of specific buildings and little else, the Devon Energy tower (although Devon has used the money on surrounding community projects and not on the building itself), and the Skirvin Hotel.[19]

While it is beyond the scope of this paper to list every TIF in the state or any given jurisdiction and then discuss

> Research also shows there is a natural tendency of decision makers who implement TIFs to favor large corporations...

the level of cronyism involved, it is worth noting that many TIFs created in Oklahoma have crony impacts. All TIFs are aimed at specific areas and have as a goal the increase in the value of the property within those areas. So TIF funding often goes to street improvement and public amenities, e.g. the Myriad Gardens. Of course any public spending on infrastructure, whether financed by TIF or regular bond issues, tends to increase the value of real estate around the area where the infrastructure is built.

However, TIFs can have an added problem. TIFs often expend funds on behalf of private investors on private property. For example, the Devon Tower TIF district appears to have spent $1.5 million on behalf of the Oklahoma Publishing Company, publisher of The Oklahoman newspaper, to help them move from one location in Oklahoma City to another.[20] Oklahoma City's TIF districts #1 and #7 are slated to spend $6.5 million on "Bio-Pharmaceutical Manufacturing Facilities" and $3.425 million on a parking lot for a new office building for GE.[21] Probably the most rapacious TIF proposal came from Clayco, a Chicago-based real estate developer, who wanted $69 million of tax dollars to finance new buildings on a prime spot in downtown Oklahoma City, with 300,000 square feet rented to OGE Energy, the parent corporation of Oklahoma Gas & Electric.[22]

Another TIF district in Broken Arrow, hardly a blighted community, is entitled "Broken Arrow FlightSafety and Downtown Economic Development One."[23] FlightSafety International builds flight simulators. In an article published by the National League of Cities, the mayor of Broken Arrow characterizes as "infrastructure" a 375,000 square foot facility made possible for FlightSafety by a $6.4 million "job retention and creation package," at least part of which is funded through the TIF district.[24] Private facilities are rarely referred to as infrastructure by public officials, and while the circumstances described by the mayor note that FlightSafety was threatening to move, there is nothing to indicate the TIF district was created in a blighted area.

Many TIF districts might well be constituted entirely for legitimate public purposes, but too often, they are tools for crony largesse.

In Stillwater, TIF has been used to subsidize an Olive Garden restaurant to the tune of $500,000. Almost a third of the restaurant's sales tax collections (1 cent of the city's 3.5 cents in sales tax) will be returned to the restaurant's corporate owner for ten years. That city has also turned to the sales-tax TIF subsidy method to aid the construction of an Aldi discount grocery store. The Aldi chain is based in Germany.[25]

In every case where there is some readily retrieved record of how TIF district monies are spent, much of the money is spent on truly public infrastructure, even when some of the money is clearly spent on what should be private investment. Many TIF districts might well be constituted entirely for legitimate public purposes, but too often, they are tools for crony largesse.

A Single TIF Costs the Whole State

Any TIF, regardless of whether it is constituted by a city, town, or county, can involve property taxes. Most TIFs in Oklahoma are established by cities and towns. Although cities and towns only have access to sales taxes for tax revenue, by state law, many TIFs in Oklahoma redirect property taxes from entities like school districts that do not establish TIFs. The property taxes redirected into TIFs come from school districts, counties, and special districts. What's more, while TIF districts' boards include representatives of property-taxing entities, there is no requirement in Oklahoma law that towns, cities and counties receive permission from property-taxing entities to tap those entities' revenue streams for the TIF.

While there is no legal requirement for an authorized local government to receive permission from other taxing entities to establish a TIF, it is not uncommon to see announcements in which school districts in Oklahoma endorse a TIF that impacts them. If school districts are losing money to TIFs, it seems irrational to politically acquiesce to a TIF's creation when it impacts a school district's revenue stream.

There are three reasons school districts and other taxing entities so often do not object. First, TIFs are intentionally constituted so that they do not appear to reduce property tax streams. When a TIF is created, a base tax revenue calculation is made. Revenues from property taxes and/or sales taxes (depending on the revenue source or sources tapped) are calculated for the state of property values and/or taxable sales that exist at the time the TIF is created. As property values and/or sales rise after the TIF is created, the increase is raked off for the TIF. Thus, taxing entities that receive taxes from the TIF's territory do not see revenues from the TIF district decline.

In fact, because of inflation and the number of years that TIFs can last, taxing entities' revenues from TIFs decline in inflation-adjusted terms. There is no provision in law to increase the base tax revenues with inflation. In addition, if the sales tax rate were increased by a taxing entity, the TIF gets the added revenue on all sales above the base. The same is true if a property tax rate were increased, even if a school district with no previous debt passed a new property tax rate to pay for bonds issued to buy new buildings.

The second reason taxing entities like school districts rarely object to TIFs is because they are all ultimately run by politicians. A TIF is almost always created after a deal has been struck with an established big corporation to bring business into the TIF's territory. It would be the political kiss of death for politicians in charge of other entities to object to the supposed creation of new jobs, new shopping centers, rebuilt infrastructure, and the benefits that flow from all these alleged benefits of a TIF.

The entire state helps to pay for a TIF that accesses school property taxes.

The third reason other taxing entities do not object to a TIF is almost entirely unique to school districts, and it has to do with how funding for common education in Oklahoma is shared between the state and districts. The entire state helps to pay for a TIF that accesses school property taxes.[26] A detailed understanding of how Oklahoma's school finance system works is not necessary to understand this, but it is necessary to understand the big picture of how school finance operates.

Think of Oklahoma's common education money sources as two liquids, water and oil (federal funding is ignored). The volume of water available to common schools statewide comes from property taxes. The volume of oil comes from the state. The two volumes together determine the amount of money available for schools to spend. Now imagine a beaker big enough to hold all the water and oil at the same time. Water is heavier than oil, and oil and water do not mix, so if the water is dyed, we can see the relative amounts of the water and oil – the relative amounts of local and state money that fund all the schools in the state.

The size of the beaker is only important in that it hold all the liquid. What is more important is what determines the level of the two liquids in the beaker. For every-day operations, school districts in Oklahoma have no control over property tax rates or property values. Therefore, the amount of water is outside their control. State money is poured into the beaker, and combined with the amount of water, the total amount available to school districts statewide is determined. It really is that simple – until TIFs are thrown into the mix.[27]

Now suppose that a TIF that impacts property taxes is created. The TIF can be analogized to drilling a tiny hole in the bottom of the beaker, fitted with a spigot that releases a fixed volume of water depending on the size of the TIF. Each new TIF is a new hole and spigot, each releasing some of the water. One or even several TIFs might have so little impact on the volume of water that the lower level is hardly noticed. Regardless, the level of water and oil is reduced. The level of water cannot be increased because property tax rates and property values available to districts are fixed. It is up to the state to decide whether to increase the volume of oil in order to make up for the lost funding. So, if a single TIF in Tulsa, Oklahoma City, or Broken Arrow drains off a little water, every taxpayer in the state makes up for it IF the legislature decides to keep the level from falling. Otherwise, every school district's funding is slightly decreased to make up for the reduction.

TIF proponents will object to the notion that TIFs drain off property tax revenues. They will point to property values around TIFs increasing and argue that in fact, TIFs pour more water in the beaker. But keep in mind that the beaker is an analogy to the whole state.

The Devon Tower TIF likely did help to enhance the value of surrounding properties, but there is no evidence at all that it enhanced the value of properties in Edmond or Norman or Tulsa. In fact, by drawing tenants away from buildings in these other cities, property values throughout the state likely marginally fell because of Devon Tower, at least compared to what they would have been otherwise. The net effect, due to the TIF is, in fact, a draining of local property tax revenue.

TIF proponents will still object that this analogy is too static. They will likely argue that TIFs result in economic growth above what would have otherwise occurred in the state. So, all the little TIFs draining off water are offset not only with more water from all the properties outside of TIFs (keep in mind that no new revenue results from TIF for its duration), but from more oil pouring into the state treasury from increased economic activity overall.

The only way TIFs can increase overall economic activity is to bring business into the state (or perhaps keep it if it was threatening to leave) that would not otherwise be here. The evidence for this assertion is scant to nonexistent. The best evidence is anecdotal, and the anecdotes always come from businesses that directly benefit from TIFs and the economic development professionals who put these deals together. Economic studies, as pointed out above, do not support the contention that TIFs enhance growth. At best, they redistribute it. At worst, they actually hurt growth.

Economic studies, as pointed out above, do not support the contention that TIFs enhance growth.

Consider this example. Olive Garden received a TIF deal in Stillwater with its location near an already-existing Italian restaurant. That restaurant later closed, likely at least in part as a result of losing business to Olive Garden. The argument in favor of the Olive Garden subsidy was in favor of the alleged net economic benefit of having the restaurant locate in Stillwater. While it is possible that Olive Garden draws customers from surrounding areas who might have patronized other more-local establishments, it is unlikely to have drawn customers from other states. There are many Olive Garden restaurants in those states that are far more convenient for those states' residents than the restaurant in Stillwater. The local subsidy to Olive Garden, at best, has only marginal benefit to Stillwater, but given the closed pre-existing restaurant, the net is likely negative.

Redistribution of economic net benefit is practically the very definition of cronyism. Cronyism can be the death of economic growth because it is the death of economic freedom. Few are clever or lucky enough to fly through crony regulatory loopholes like Uber and Lyft have done. It is at least as tough for small business people with good ideas to compete with crony subsidies like TIFs as to deal with crony regulation. The bottom line for now, though, is that ALL Oklahomans bear the cost of a TIF, especially those that impact property taxes, no matter where or how big the TIF might be.

TIFs Redistribute to the Wealthy and Politically Connected

Though this point was indirectly made in the previous sections it deserves to be made explicitly. Economic evidence and economic reasoning make it clear that TIF districts, at best, can only redistribute the blessings of economic activity. This is particularly true of TIFs that make direct payments to businesses or real estate developers. In all likelihood, it is rare that TIFs redistribute economic activity across state lines. Far more likely, TIFs are much better tools for big businesses, and politicians and bureaucrats who aid them, to redistribute economic blessings to themselves than to create new economic blessings. TIFs, with all but one state participating in the TIF game, allow private businesses to play communities against each other, often to get the best deal from decisions the businesses would have made anyway.

Economic evidence and economic reasoning make it clear that TIF districts, at best, can only redistribute the blessings of economic activity.

If TIFs were a powerful economic growth tool, then California, by far the biggest creator of TIFs, would be doing far better economically. And, given California's natural advantages, people should ask why California needs so many TIFs to compete with other states. The answer is it doesn't. TIFs are for cronies, not growth. While much, perhaps most, TIF money covers legitimate infrastructure expenses, as noted above, much is used to explicitly lower costs for private investors.

Those who receive the benefits of TIFs and other economic incentives are not necessarily long-standing residents and businesses of the state. In fact, one of the more disturbing philosophies often expressed by supposed economic development experts and elected officials is that if they take care of, and attract, big businesses, then the small businesses take care of themselves. In other words, small businesses can act as suppliers and servicers of big businesses and their employees – and pay the taxes – while big businesses swallow up the bulk of business and get paid by the little businesses to do so.[28] This philosophy of economics has a name. It is consistent with Mercantilism, and is often called Corporatism or Fascism (which was an economic philosophy before World War II). These philosophies have been discredited, starting with Adam Smith some 240 years ago.

TIFs Allow Avoidance of Taxpayer-Protection Measures

Suppose there is a realization by a city council that roads, drainage, pipelines, and parks in a particular area of town are in bad shape, bad enough that businesses disgusted with the resultant problems are leaving. Others do not want to move in. All those years of government spending on other projects have seen these basics neglected for too long.

The normal course of city business would be to figure out what really needs to be done to repair the neglected infrastructure, preferably seeking to minimize the costs as much as possible. Then, the issue of how to pay for it must be addressed. Given the dire circumstances, redirecting existing resources to gradually repair and reconstruct the neglected area's infrastructure could look like throwing good money after bad since the time it would take would see the area economically depressed for years even as money is spent on it. Perhaps the better alternative would be to issue bonds, get the work financed and completed quickly, and then pay off the bonds gradually with revenues from the accompanying tax increase.

Local bond debates are not fun. First, there would have to be some admission of neglect. Second, there is the debate over what is and is not needed, which can get quite heated. Third, the area that needs the work might be small but the tax to pay off the bonds will apply to everyone within the jurisdiction. Finally, bond issues always carry a new tax with them. Nobody likes taxes.

TIFs allow for the avoidance of all the unpleasantness just described. As a city councilman, you create the TIF. The TIF issues the bonds without an election or debate. There is no tax increase, at least none explicitly associated with the neglect of infrastructure in a particular area. That area is almost magically revitalized using tax revenues that would otherwise flow into the state's education system. But nobody is the wiser. While it's not economically true, from a political point of view, it's a win-win-win for everybody.

TIFs Are a Way for Some Taxing Entities to Steal Revenue from Others

This is another point that has been made already, but deserves to be made explicitly. In Iowa, a state that has allowed TIFs since the mid-1980s, TIFs now take more than 6 percent of all property tax revenues, a rising trend that shows no signs of abating.[29] A TIF that only impacts sales taxes affects the sales tax collections of the state and other sales-taxing entities. A TIF that only impacts property taxes affects the property tax collection of schools, counties, and special districts. If a property taxing entity increases its rate, part of the increased revenue just from that rate increase goes to the TIF district. Yet, the TIF district has no taxing authority of its very own.

It is little wonder that TIF districts can afford to make their areas so very nice when they are able to focus the taxes paid by businesses and residents in the district only on the district.

It is little wonder that TIF districts can afford to make their areas so very nice when they are able to focus the taxes paid by businesses and residents in the district only on the district. Not only do they concentrate the taxes they would have paid to the local government that created the TIF, they are able to focus the taxes that would have been paid to every other taxing entity with jurisdiction over the district.

The amount of property tax revenue that could have gone to school districts but is redirected to TIFs in Oklahoma is not known and cannot be easily determined. In 2015, Oklahoma City TIF districts redirected a total of about $23 million in property taxes, with the loss of revenue split (unevenly) between Oklahoma County and the Oklahoma City school district.[30] In the same year in Tulsa County, roughly $2.1 million in property taxes were redirected by TIFs.[31] These numbers come from a mere handful of all the TIFs in the state and are a small fraction of all the property taxes redirected, despite the fact that some TIFs only redirect sales taxes. A substantial amount of school property tax funds are redirected to TIFs in Oklahoma, likely tens of millions of dollars per year.

Arguments for TIF

The first TIF law was written and passed in California in 1952. Then, within 5 years of the 1974 repeal of Title I of the Housing Act of 1949, which provided federal funding for urban renewal and was greatly criticized for its role in destroying neighborhoods with affordable housing, 15 states passed TIF laws.[32] TIF quickly served as a substitute for federal funding to carry out urban renewal projects. Today, Arizona is the only state without a TIF statute.

It is easy to understand why TIF is attractive to community leaders. They sell TIF as a way to accomplish redevelopment seemingly without either tapping existing public funding streams and without a tax increase.[33] There are reasons to suspect the claim that existing funding streams are undisturbed, as pointed out above. Nevertheless, TIFs do not generally draw much attention from taxpayers even as TIFs tweak the interest of wealthy developers. To all appearances, TIF districts seem not to cost the wider community anything at all. Yet, developers within a TIF district have more cash to direct for the district's purposes than they would have otherwise, making the businesses within the area more economically competitive than if the district did not exist.

Most TIF laws, Oklahoma's included, aim the policy at blighted areas, which are areas unlikely to see economic development due to conditions that make them undesirable for new investment. Blight is usually equated with run-down neighborhoods with housing long past its prime and in need of demolition, business districts that are largely unoccupied and in bad repair, and often decrepit, outmoded infrastructure. Environmental hazards also play a part as people have become increasingly concerned about various contaminants.

Redeveloping run-down areas of a city can be very costly. Street, sewer, and other infrastructure upgrades are often needed. In some cases, buildings must be demolished. In others, environmental remediation might be required. As a result, it is easy to understand why businesses considering investing in or around a city would prefer to develop on previously undeveloped or lightly developed land.

There are at least three issues with economic expansion in previously undeveloped areas when that expansion, at least in principle, could otherwise occur in blighted areas. First, while an area might be blighted, this does not remove the value of already-existing infrastructure that was built for a once-thriving and growing area. Such investments as streets and sewer cannot be easily thrown off and costlessly ignored. Highways, often expensively elevated, might pass through such areas with now almost useless ramps, for example.

Disused highway ramps bring up the second issue with investment on previously undeveloped land in preference to blighted areas. It necessitates effectively duplicating infrastructure that already exists. While already constructed streets, highway ramps, sewers, parks, and other public infrastructure are disused in blighted areas, government is making these very investments in newly developing areas. Again, in principle, it would seem less costly to reuse old public infrastructure investments rather than continuously build new.

TIF is often justified as a way to revitalize an area rather than abandoning it to a slow slide toward economic oblivion...

A third issue more related to blight itself than investing in areas previously undeveloped is blight propagating itself. Once an area becomes blighted, its borders often expand as those on the blighted area's boundaries see blighted conditions encroaching on them. Their property values fall. Many leave for better areas as maintenance becomes neglected. Office buildings and other facilities worth maintaining find themselves islands in a sea of blight with tenants often on the lookout to find a more desirable area to locate.

TIF is often justified as a way to revitalize an area rather than abandoning it to a slow slide toward economic oblivion, dragging down surrounding areas along with it and negatively impacting a city's reputation as a desirable place to live and work. It is often argued that TIFs have positive economic impacts beyond their own borders as development occurs nearby in order to exploit activity inside TIFs.

Recommendations for Reform

Increase Transparency

TIFs lack state-level oversight, a must, given the impact TIFs can have on state-level finances through school funding. TIFs are organized by local governments, which, in creating a TIF, essentially creates another sub-government by a vote of elected officials who are elected in low-turnout, non-November elections. These officials then, in turn, appoint an unelected board. TIF boards do not have taxing authority, but they do have spending authority. In passing a TIF law, the legislature has created a system that, if it has not been corrupted at some point, has remained uncorrupt only by good fortune.

As noted above, there is no way to quantify the exact amount of property tax money intended for schools that is flowing into the coffers of all the TIFs in the state. The legislature has no idea how much the state's budget and revenue picture is being impacted by all the TIF districts collectively. Where oversight of TIF creation at the state level, which is justified by the fact that TIFS are made possible by state law, is currently almost nonexistent, more attention might be paid if the legislature knew exactly to what degree TIFs impact school finance.

Oklahoma City councilman Ed Shadid has pointed out that transparency and public input are missing as Oklahoma City has implemented nine TIFs and counting and plans to create six more.[34] However, it should be noted that Oklahoma City is more transparent with its TIFs than most. Maps are readily available, and although the financials posted on the internet are rather cryptic, it is possible to at least get some idea of the revenues and expenditures of Oklahoma City's TIFs. Other TIFs throughout the state are almost impossible to identify, much less obtain financial information, at least not without considerable time and resources spent in doing freedom of information requests.

The legislature should enact a TIF transparency law that requires: 1) every TIF to be catalogued and mapped by the state with easy access to the data by the public,[35] 2) every TIF to release a comprehensive annual financial report that includes details on salaries and benefits paid, contracts, debt, and revenues by source as well as expenses, categorized intuitively, and 3) easy access to TIF information on the websites of TIF-creating entities.

Limit What TIFs Can Fund

Oklahoma law explicitly allows TIFs to fund privately owned projects. It is one thing for school tax money to be diverted to fund publicly-owned infrastructure like water, sewer, streets, and public parks. It is quite another to hand $500,000 over to a restaurant owner. TIFs should only be allowed to fund publicly-owned infrastructure and to cure property defects that thwart private investment by adding extraordinarily to development costs. The Olive Garden deal in Stillwater is an example of an outright gift to the restaurant's parent corporation, and should not be allowed in the future. Oklahoma City's TIFs accomplish a mixture of public and private investments, some of which are justified under the criteria laid out below, and some of which are not.

Among those expenditures that are unambiguously in the public interest and that can be justified as aiding to control, limit, or end blight, are: 1) cleaning up brownfields – areas certified as so environmentally contaminated that they pose a danger to public health, 2) demolishing effectively abandoned structures, 3) refurbishing/expanding traditionally publicly-owned infrastructure, including roads, sewer, water pipelines, and, perhaps, generally accessible, privately-owned historical structures.

Restrict TIFs' Ability to Access the Tax Bases of Taxing Entities

A city only granted access to sales tax as a source of revenue should not be allowed to create a TIF that accesses property taxes with impunity. This seems like obvious common sense. However, some might argue that when a city creates an environment that is more conducive to growth, other taxing entities too easily "free-ride" on that effort; therefore, the city should receive the tax benefits – all of them, at least for a time – from those efforts. Such an argument ignores the lack of evidence that overall economic growth and prosperity is actually enhanced by a TIF. It also ignores the enhanced incentive such extraordinary funding provides for cities to needlessly create TIFs and fund projects that are unnecessary or even deleterious to the public interest, as well as the open invitation to corruption.

Stillwater's TIFs appear to only access Stillwater's city sales tax. Oklahoma City, however, makes a regular practice of accessing other taxing entities' tax bases, including school districts' property taxes.

As noted above, school districts often acquiesce to TIF raids on their property tax base. The impact, though, is on more than the individual school districts. This is why they agree to the TIFs. They bear only a small fraction of the financial cost of their decision (see A Single TIF Costs the Whole State discussion above). The legislature should not allow local decisions to so directly impact others and the state budget. Therefore, if TIFs are allowed to continue to access school property taxes, and other taxing entities' tax bases in general, the TIF-proposing cities, towns or counties should be required to get the explicit permission of the other taxing entities to access their tax bases. Furthermore, where a school district's property tax revenues have fallen due to an agreed TIF, state aid should be calculated as if that property tax revenue were still flowing to the school district.[36]

Limit the Lifetime of TIFs

As the state's TIF law is currently written, a TIF's lifetime is limited to a maximum of 25 years. Given their potentially rich source of funding, a 25-year life-span seems excessive. On the other hand, given some infrastructure needs it is conceivable that 25 years is too short. If TIFs were limited to accomplish only basic functions, they could and should be limited to a life span that is only necessary to accomplish specific, basic functions such as reconstruction of specific roads. That limited life span would vary from one TIF to another, depending on the specific circumstances.

Require State-Level Approval for TIF Creation

Whether it is the Governor, Attorney General, State Auditor, or Treasurer, a state office holder, preferably one who is elected, should stand as a gatekeeper to grant final approval for a TIF's creation in order to make sure the TIF's purpose is legitimate and to make sure the TIF's existence is catalogued. Already, the Attorney General is providing oversight for licensing agencies to make sure the rules they pass do not violate national anti-trust legal precedent. With additional restrictions placed on TIFs for what they can fund, and given the liberality with which cities have constituted TIFs and spent the funds, such oversight will be sorely needed. This reform should only occur in concert with transparency, given the incentives toward corruption inherent in TIF laws.

Repeal Oklahoma's TIF Law

The best and ultimate reform regarding Tax Increment Financing would be to simply repeal the law. Though some reform-minded organizations that would support the recommendations above, seem to believe TIF laws serve a legitimate purpose, frankly, they are not needed.[37] It's only function is to create a level of insulation between elected officials and their constituents. This, in turn, allows decisions to provide crony benefits to the wealthy and well-connected with near impunity. Claimed TIF benefits are not substantiated, likely non-existent, and are likely even negative.

Oklahoma provides for many economic incentives, begging the question of why TIFs are needed from a purely "economic development" point of view.[38] If TIF-creating entities saw TIFs limited to funding from only the TIF-creating entities' tax base, and limited only to actual infrastructure, TIF creation would likely cease or reduce greatly. It's only advantage would possibly be speed for developing and paying for infrastructure in specific circumstances. The only other advantage to TIF is that it creates a sub-government within cities, town, and counties that have near autonomy in determining how a significant portion of general taxes are spent. City councils and county supervisors already have the ability to direct funding where it is truly needed, to borrow for specific purposes, and to target spending to remediation for public health and safety. Zoning within cities allows for the creation of special districts to which funding can be directed. Bricktown in Oklahoma City is one such example.

For TIF to be fully repealed, it would require a referendum since the Oklahoma Constitution was originally amended to allow the legislature to pass a TIF statute.[39]

Conclusion

Tax Increment Financing Districts are sold as a way to increase economic development in the state at public expense without costing taxpayers anything whatsoever. The evidence that this is not true, however, is clear. There is no solid evidence that TIFs, on net, increase economic activity. They do, however, allow for wealthy businesses to access public funds to make private investments. They allow the diversion of tax funds that TIF-creating entities would not normally be able to access. TIFs contribute to the creation of a crony economy that hurts, rather than enhances, economic growth. TIFs avoid the usual checks and balances that protect taxpayers from being fleeced and their TIF finances, in the vast majority of circumstances, are opaque.

Oklahoma's TIF laws should ideally be repealed. In the absence of repeal, other critical reforms should be passed. TIFs should be far more financially transparent. They should only have access to the tax base of the entities that create them. They should be limited to spending on legitimate publicly-financed infrastructure and to protect the public health and safety in cases of true blight. There should be greater state monitoring, with state-level final approval of new TIFs. In these ways, the public can be protected from abuse by an institutional structure that is not needed.

End Notes

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Public Safety Advisory Committee
Discussion Questions
June 19, 2024

1. Do you feel that police, fire, legal and court provide adequate service levels to the community?

2. If you don't feel that services are adequate to service the community - now and with future growth - where are services specifically deficient?

3. If you were to prioritize those deficiencies, what does that look like and for what departments?

4. What options remain for the commission to fund resources you have prioritized?