



AGENDA

COMMUNITY REDEVELOPMENT BOARD

JULY 2, 2024

AT 4:00 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT BOARD

Chair - Tom Campenni

Vice Chair - Mark Brechbill

Board Member - Anita Cocoves

Board Member - Aaron Hawkins

Board Member - Frank McChrystal

Board Member - Bonnie Moser

Board Member - Andy Noble

ADMINISTRATIVE

CRA Executive Director - Pinal Gandhi-Savdas

Board Secretary - Susej T. Meleqi

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 06/04/2024 CRB MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. HEIRS' PROPERTY ASSISTANCE PROGRAM

RESOLUTION No. 09-2024 CRA; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, APPROVING IMPLEMENTATION AND ADMINISTERING OF THE HEIRS' PROPERTY ASSISTANCE PROGRAM FOR PROPERTIES LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. PRESENTATION OF THE APPLICATIONS FOR THE BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM FOR FY 2024

STAFF UPDATE

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 7/2/2024

Prepared by:

Title of Item:

APPROVAL OF 06/04/2024 CRB MINUTES

Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

ATTACHMENTS:

1. 06042024 CRB Minutes

**MINUTES
COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART
JUNE 4, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

COMMUNITY REDEVELOPMENT BOARD

**Chair - Tom Campenni
Vice Chair - Mark Brechbill
Board Member - Anita Cocoves
Board Member - Aaron Hawkins
Board Member - Frank McChrystal
Board Member - Bonnie Moser
Board Member - Andy Noble**

ADMINISTRATIVE

**CRA Executive Director - Pinal Gandhi-Savdas
Board Secretary - Susej T. Meleqi**

CALL TO ORDER

4:05 PM

ROLL CALL

PRESENT: Chair Campenni, Board Member Hawkins, Board Member Moser, Board Member Noble

ABSENT: Board Member McChrystal, Vice Chair Brechbill, Board Member Cocoves

PLEDGE OF ALLEGIANCE

Clerk's Note: Meeting began without a quorum; quorum was met at 4:08 PM. Comments from the Public were heard prior to the Approval of the Agenda and the adoption of the Minutes.

APPROVAL OF AGENDA

MOTION: Approve

MOVED BY: Bonnie Moser

SECONDED BY: Andy Noble

Motion approved unanimously.

APPROVAL OF MINUTES

1. APPROVAL OF 05/07/2024 CRB MINUTES

MOTION: Approve

MOVED BY: Andy Noble

SECONDED BY: Aaron Hawkins

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

1. Robert Whitlach - Stuart; Representative of Avonlea; commented as an application for awnings and reviewed challenges.
2. Alan Fredrich - Port St. Lucie; Business owner who benefited from the improvement grants and spoke in favor of the BIRP program.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

No Comments.

ACTION ITEMS

2. DISCUSSION & DELIBERATION ON BUSINESS IMPROVEMENT GRANT PROGRAM (BIRP) GUIDELINES

Jordan Pinkston, CRA Program Manager, presented the history, results, and purpose of the Business Improvement Grant Program (BIRP).

Board Member Moser began the discussion, commented on urban and suburban architecture; recognizes the guidelines and the effects on the participating business. In favor of the idea of a separate landscape program and proposed it be based on a percentage instead of a point system.

Pinal Gandhi-Savdas, CRA Executive Director, stated the point system is easier and separating the landscaping would be more efficient.

Chair Campenni commented on the types of structures, and maybe separating that in the program. He also inquired about the budget.

Gandhi-Savdas reported that the program has \$50,000.00 and Campenni suggested the Director come back to the board with a dollar amount. Ms. Gandhi-Savdas stated she is working on the budget for next year and the information would be brought to the Board in August.

Board Member Hawkins asked if funds could be rolled from year to year and the CRA Director responded that it stays within the CRA budget, but goes back to the fund balance, not to the particular program. Hawkins asked about specific eligibility and stated he was in favor of separating the program which would focus on the goals of helping small business owners.

Board Member Noble inquired about the maximum amount allowed by the grant, which is

\$10,000.00. Stated he was in favor of separating the landscaping from the BIRP, to allow the focus to be specifically on what the applications are designed for.

Chair Campenni commented in favor of the separation and noted that he would like to see \$50,000.00, then \$25,000.00 for landscape and irrigation. Landscaping should be limited to \$5,000.00 per applicant and BIRP remains at \$10,000.00 with a 50/50 match and the applicants for BIRP would also be eligible for the landscape program.

There was a brief discussion on shade trees; Board Member Moser commented on Live Oaks being a good investment for year-around shade.

Chair Campenni commented that there is a separate tree program and felt business owners should be left to decide their landscaping, then the City as a whole, plant more shade trees; keeping the programs separate.

Board Member Noble asked about the commercial associations and Pinal Gandhi-Savdas responded that they have business tax.

Jordan Pinkston requested a discussion on awnings, clarified that the program currently offers to extend current awnings or the purchase new awnings, and that replacement of existing awnings are not covered in the program. Noted that in 2021, the Board made changes to the BIRP to reflect the awnings guidelines.

Ms. Gandhi-Savdas announced that applications would be brought to the board at the next meeting (July) and the adjustments would be brought to them at the following meeting (August).

A brief discussion on the reduction per applicant occurred.

The Board thanked the CRA for the presentation.

STAFF UPDATE

ADJOURNMENT

4:42 PM

Susej T. Meleqi, Board Secretary

Tom Campenni, Chair

**Minutes to be approved at the CRB
Meeting this 2nd day of July, 2024.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 7/2/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

HEIRS' PROPERTY ASSISTANCE PROGRAM

RESOLUTION No. 09-2024 CRA; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, APPROVING IMPLEMENTATION AND ADMINISTERING OF THE HEIRS' PROPERTY ASSISTANCE PROGRAM FOR PROPERTIES LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The Heirs Property Assistance Program is designed to assist heirs' property homeowners clear the title to the homes and land they consider their own, so they can take advantage of property rights. The County's Property appraiser data shows there are approximately 45 parcels of heirs' properties within the CRA, of which there are 15 heirs' properties located within the East Stuart Neighborhood.

Under the Heirs Property Assistance Program, recipients/owners of heirs' property will receive legal assistance to clear the property title for no cost to them. Eligible properties must be heirs' property located within the CRA.

The goal of the program is to increase neighborhood stability, grow individual and family wealth in disadvantaged communities, and increase access to attainable housing. The program would support the CRA's objective of community enhancement and housing and will be available throughout the CRA.

Upon approval of the program by the board, the City/CRA will obtain proposals from qualified providers of probate legal services to assist property owners gain title of heirs' property through the program. The City/CRA will award the top bidder a contract and may award more than one firm if it is deemed necessary for the success of the Heirs Property Assistance Program.

The CRA will manage the program and review and accept program applications. Once approved, the CRA will contact the attorney or legal firm selected to begin work with the applicant.

The costs can vary depending on the case, but it could range from \$1,500 - \$3,000 per case and will include legal assistance to eligible heirs to clear title including, filing a petition for probate, resolving title issues, assisting with quit claim deeds, homestead exemption and related services.

Funding Source:

CRA BUDGET FY 2025 - \$25,000

Recommended Action:

Motion to approve Resolution No. 09-2024 CRA.

ATTACHMENTS:

1. Resolution No. 09-2024 Heirs' Property Assistance Program
2. Exhibit A - Heirs' Property Assistance Program Guidelines and Application

3. CRA Heirs Properties Map
4. East Stuart Heirs Properties Map



**BEFORE THE COMMUNITY REDEVELOPMENT AGENCY
CITY OF STUART, FLORIDA**

RESOLUTION NO. 09-2024 CRA

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, APPROVING IMPLEMENTATION AND ADMINISTERING OF THE HEIRS' PROPERTY ASSISTANCE PROGRAM FOR PROPERTIES LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stuart Community Redevelopment Agency adopted an Heirs' Property Assistance Program to help resolve heirs property and clarify ownership for properties within the Stuart Community Redevelopment Area; and

WHEREAS, the heirs' properties may be linked to vacant, abandoned, or distressed properties and lower property values in affected neighborhoods within the Community Redevelopment Area; and

WHEREAS, the program will offer legal assistance to heirs' property owners to clear title to the property so they can take advantage of property rights and economic benefits of ownership; and

WHEREAS, the program will help achieve rightful ownership to property, build generation wealth, and stabilize neighborhood; and

WHEREAS, obtaining clear title will prevent property loss and gain access to loans, homestead exemption, disaster relief funds, and homeowner's insurance; and

WHEREAS, the homeowner will have benefits to obtain loans or grant assistance to make needed repairs to the home; and

WHEREAS, the program will preserve homes, prevent blight and foster revitalization of the neighborhood.

BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Community Redevelopment Agency authorizes the Board Chairperson to execute the resolution to implement the Heirs' Property Assistance Program attached hereto as **"Exhibit A"**.

SECTION 2: This resolution shall take effect upon adoption.

Board Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Board Member _____ and upon being put to a roll call vote, the vote was as follows: vote was as follows:

REBECCA S. BRUNER, CHAIRPERSON
CAMPBELL RICH, VICE CHAIRPERSON
EULA R. CLARKE, BOARD MEMBER
CHRISTOPHER COLLINS, BOARD MEMBER
TROY MCDONALD, BOARD MEMBER
TOM CAMPENNI, EX-OFFICIO BOARD MEMBER
MARK BRECHBILL, EX-OFFICIO BOARD MEMBER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of ____, 2024.

Resolution No. ____-2024 CRA
Heirs' Property Assistance Program

ATTEST:

MARY KINDEL
CITY CLERK

REBECCA S. BRUNER
CHAIRPERSON

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY



STUART COMMUNITY REDEVELOPMENT AGENCY

HEIRS' PROPERTY ASSISTANCE PROGRAM

PROGRAM DESCRIPTION:

The purpose of the City of Stuart Community Redevelopment Agency (CRA) Heirs' Property Assistance Program is to increase neighborhood stability by growing individual wealth and access to property ownership through assisting owners of heirs' properties to gain clear titles to their homes.

The objective of the Program is to assist property "owners" achieve clear title to the property. This objective will enable homeowners to negotiate with lenders, obtain homeowner's insurance, obtain property tax homestead exemption, and obtain repairs or rehabilitate homes at risk for demolition.

When a property owner passes away (with or without a will), the ownership may become split between multiple heirs. This ownership is commonly known as "heirs' property," leaving each owner a fraction of the property. Without going through probate and obtaining a clear title of the property, these properties are not eligible for homestead tax exemptions and federal home improvement grants. Inheritors can also be without negotiating power for mortgage, refinancing, and bank loans. In addition, any failure to pay taxes will result in the loss of the property.

All of these factors may lead to an involuntary loss of property. Properties that exist for years without a clear title are at greater risk of slums and blight, which affect the value of surrounding properties. Probate or other appropriate legal proceedings will help the families gain clear title to the properties.

The Heirs' Property Assistance Program is designed to assist heirs' property owners in clearing the title of their property. Under the Program, the recipients will receive legal assistance at no cost to them.

ELIGIBILITY:

Eligible properties must be heir's property located within the Stuart Community Redevelopment Area (See attached CRA Boundary Map).

APPLICATION PROCESS:

Step 1. *Application Submission*

Download an application from the City's website, www.cityofstuart.us/cra or secure an application at City Hall, Community Redevelopment Agency office, located at 121 SW Flagler Avenue, Stuart.

Submit a completed application by email or in person at City Hall, CRA office.

Step 2. *Approval*

Upon submission, the CRA staff will review eligibility and notify the applicant of approval or if additional information is needed within 30 days.

Step 3. *Legal Assistance*

After approval, the applicant will be contacted by the Program Attorney, who will arrange an initial meeting to review details about the case, counsel the client, and determine whether and what appropriate legal proceedings need to be filed.

The Program Attorney will work with the applicant to identify the names and addresses of family members who have an interest in the property and the percentage of the heirs' respective ownership rights. After obtaining the required information, the Program Attorney will file the appropriate pleadings with the court and/or record appropriate documents with the Martin County Clerk of Court.

If the Program Attorney determines that a probate proceeding is necessary, the time it takes to process each case type is listed below:

- In most cases, a summary administration will be completed within three months after obtaining the necessary information from the client.
- In most cases, a formal administration will take at least six (6) months to two years.
- Contested cases are expected to take longer than one year.

If you have any questions regarding this program, please contact the CRA Executive Director at (772) 288-2532 or pgandhi@ci.stuart.fl.us or visit www.cityofstuart.us/cra.



STUART COMMUNITY REDEVELOPMENT AGENCY HEIRS' PROPERTY ASSISTANCE PROGRAM APPLICATION

APPLICANT INFORMATION

Applicant Name:

Applicant Current Address:

Phone:

Email:

PROPERTY INFORMATION

Address of the Heir's Property:

Is the Property located within the Stuart CRA?

Parcel ID:

Legal Description of Property:

Is the property currently vacant or occupied?

If it's not occupied, how long has the property been vacant?

Is the applicant an heir to this property?

How many people are heirs to the property?

If known, list the names and contact information (address and phone number) for heirs other than the applicant:

APPLICATION CHECKLIST

- ☐ Completed application form.
- ☐ Copy of the death certificate of the original owner, if available.

ACKNOWLEDGEMENT AND SIGNATURE

By signing and submitting this application, the applicant certifies, attests, and agrees to the following:

- The applicant has been provided with a copy of and has read, understands, and complies with the program policies. Applicant's failure to comply with the policies will result in ineligibility to participate in the program.
- Applicant certifies that all information in the application and furnished in support of this application is accurate and complete to the best of applicant's knowledge and belief. Any false statement will be grounds for immediate termination of the application, and if any funds were disbursed to the applicant, the city may require the applicant to reimburse the funds. The applicant has a continuing obligation to inform the city (in writing) of any changes relative to the information provided in this application.
- The applicant shall not assign or attempt to assign, directly or indirectly, any rights under this agreement or any instrument referred to herein without the prior written consent of the city in each instance. Any assignee shall be bound by all the terms of this agreement and associated documents.
- The applicant and the city each binds itself, its partners, successors, legal representatives, and assigns of such other party regarding all covenants of this agreement.
- This agreement and any associated documents will be construed in accordance with and governed by the laws of the State of Florida, without giving effect to its provisions regarding choice of laws.
- This agreement and payment of any program funding are subject to the availability of funding.
- All activities authorized by this agreement are subject to and must be performed in accordance with the provisions of this agreement and all applicable federal, state, and local laws.
- The applicant agrees to waive any rights to, hold harmless, and indemnify the city (which includes the CRA), its officials, agents, and employees from suits, actions, damages, liability, expenses, losses, and costs, including but not limited to reasonable attorney's fees, in connection with this agreement and any program administration herein. This provision shall survive termination of this agreement.
- Nothing in this agreement may be interpreted as a waiver of the city's sovereign immunity as granted under Section 768.28, Florida Statutes.
- The applicant acknowledges that the city has the right and responsibility to enforce this agreement.
- The Program Attorney is an outside attorney and not an employee of the city. The city is not responsible for any quality of the counseling, or results obtained from legal services provided by the Program Attorney.
- Applying for an application does not create an attorney-client relationship between the applicant and the city.

Signature of Applicant

Date

State of Florida, Martin County The foregoing instrument was acknowledged before me on this _____ day of

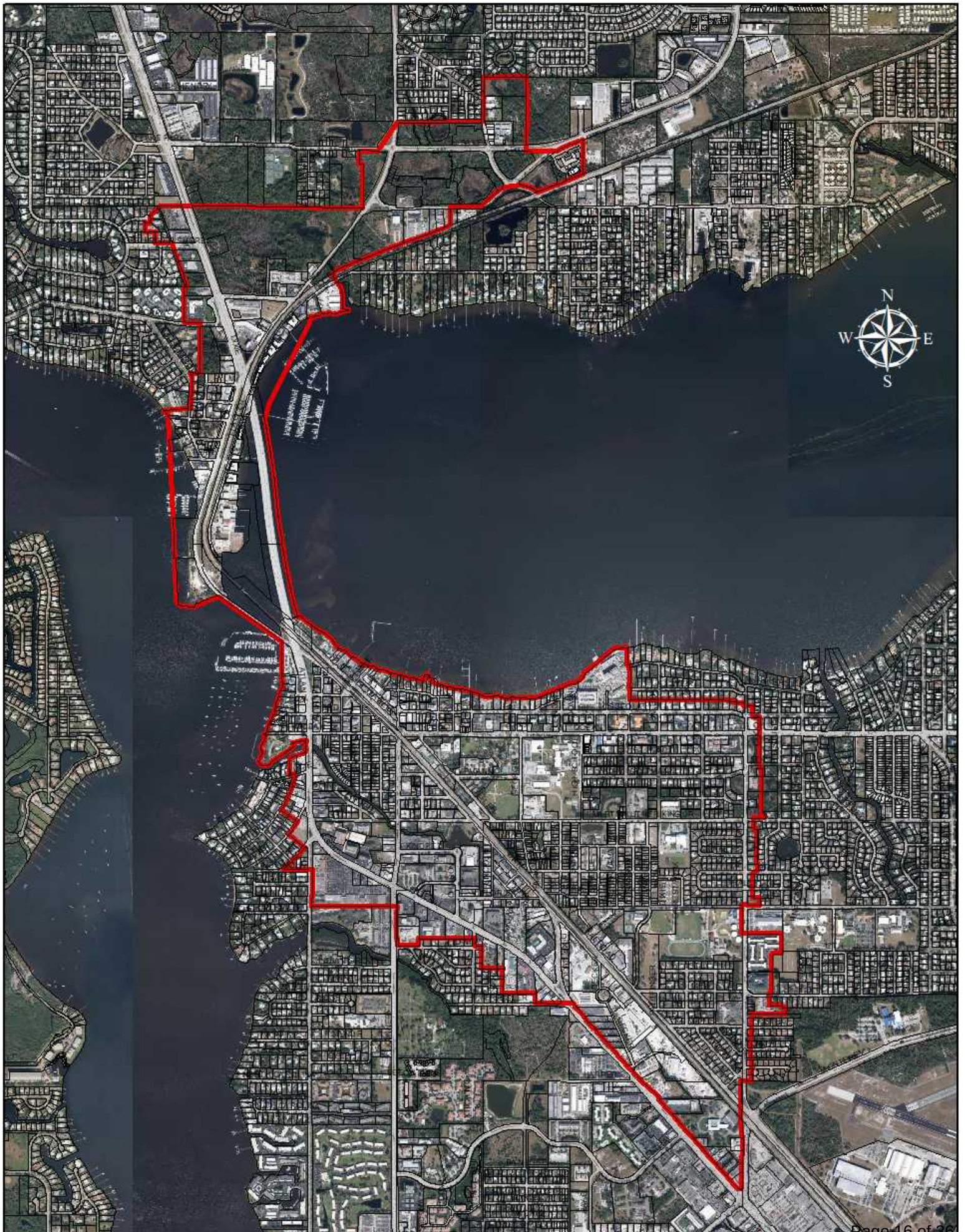
_____ by _____ who is personally known to me, or who has produced

_____ as identification and who did/did not take an oath.

Notary Signature

Commission expires:

Community Redevelopment Agency (CRA) Area Map



■ CRA Limits
■ East Stuart

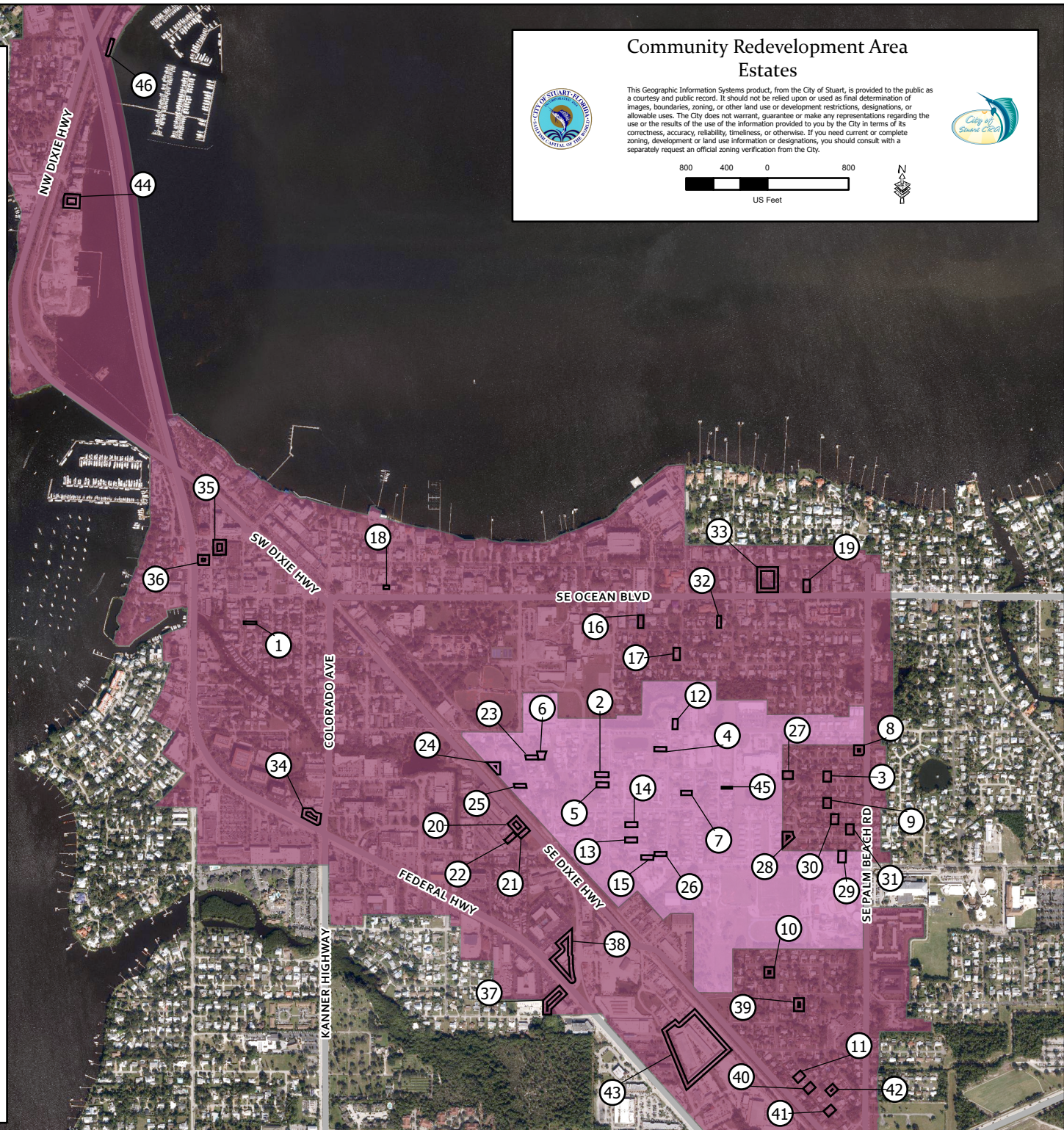
CRA Heirs Properties

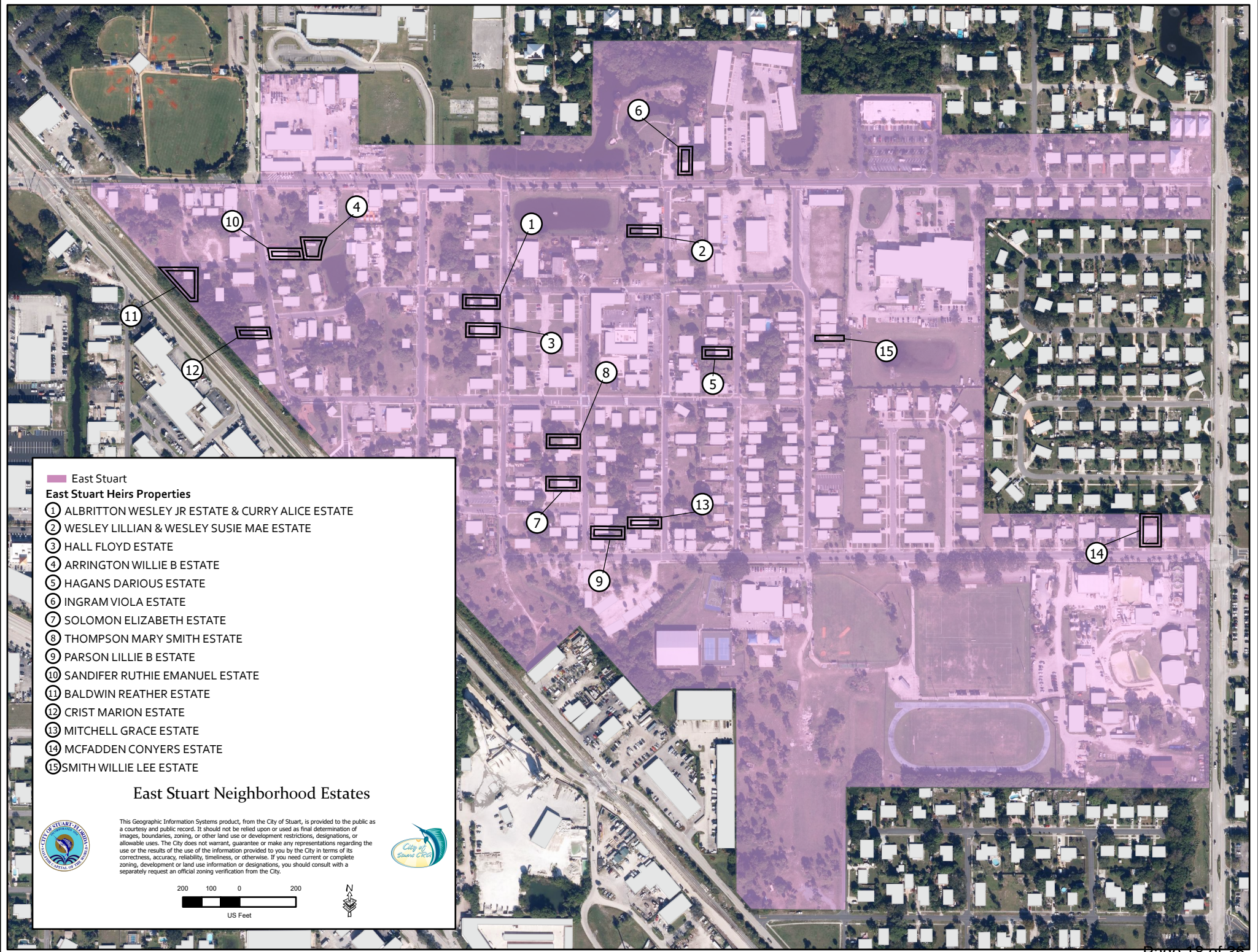
- 1 WILLIAM K & ELIZABETH J WERNER 2012 ESTATE TRUST
- 2 ALBRITTON WESLEY JR ESTATE & CURRY ALICE ESTATE
- 3 JONES ROSE L ESTATE
- 4 WESLEY LILLIAN & WESLEY SUSIE MAE ESTATE
- 5 HALL FLOYD ESTATE
- 6 ARRINGTON WILLIE B ESTATE
- 7 HAGANS DARIOUS ESTATE
- 8 COATS CAROLYN ESTATE
- 9 BROCK VELMA L ESTATE
- 10 JOHNSON DAVID ESTATE
- 11 JAMISON LILLIE MAE ESTATE
- 12 INGRAM VIOLA ESTATE
- 13 SOLOMON ELIZABETH ESTATE
- 14 THOMPSON MARY SMITH ESTATE
- 15 PARSON LILLIE B ESTATE
- 16 DRIFTWOOD REAL ESTATE LLC
- 17 DOLPHIN ESTATES TRUST 2015
- 18 DRIFTWOOD REAL ESTATE LLC
- 19 DETURE REAL ESTATE HOLDINGS LLC
- 20 TSW REAL ESTATE HOLDINGS LLC
- 21 PCS REAL ESTATE SERVICES LLC
- 22 TSW REAL ESTATE HOLDINGS LLC
- 23 SANDIFER RUTHIE EMANUEL ESTATE
- 24 BALDWIN REATHER ESTATE
- 25 CRIST MARION ESTATE
- 26 MITCHELL GRACE ESTATE
- 27 COLEMAN CATHERINE ESTATE
- 28 DAVIS VERNON J ESTATE
- 29 MCFADDEN CONYERS ESTATE
- 30 JOHNSON WILLIE M ESTATE
- 31 NEWTON NETER P ESTATE
- 32 NAV REAL ESTATE HOLDINGS LLC
- 33 DMB REAL ESTATE HOLDINGS LLC
- 34 SUNSHINE REAL ESTATE HOLDINGS LLLP
- 35 111 REAL ESTATE HOLDINGS LLC
- 36 111 REAL ESTATE HOLDINGS LLC
- 37 MACMILLAN REAL ESTATE LLC
- 38 CERTIFIED REAL ESTATE HOLDINGS LLC
- 39 DOLPHIN ESTATES TRUST 2015
- 40 HERBERT JOANNE ESTATE
- 41 DILLARD FLORA M ESTATE
- 42 STRAWTER CLARETTIA ESTATE
- 43 MOONEY WILLIAM K ESTATE
- 44 HAYDEN REAL ESTATE INVESTMENTS LLC
- 45 SMITH WILLIE LEE ESTATE
- 46 MILLER MARILYN L ESTATE

Community Redevelopment Area Estates



This Geographic Information Systems product, from the City of Stuart, is provided to the public as a courtesy and public record. It should not be relied upon or used as final determination of images, boundaries, zoning, or other land use or development restrictions, designations, or allowable uses. The City does not warrant, guarantee or make any representations regarding the use or the results of the use of the information provided to you by the City in terms of its correctness, accuracy, reliability, timeliness, or otherwise. If you need current or complete zoning, development or land use information or designations, you should consult with a separately request an official zoning verification from the City.





East Stuart

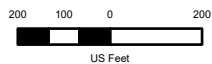
East Stuart Heirs Properties

- ① ALBRITTON WESLEY JR ESTATE & CURRY ALICE ESTATE
- ② WESLEY LILLIAN & WESLEY SUSIE MAE ESTATE
- ③ HALL FLOYD ESTATE
- ④ ARRINGTON WILLIE B ESTATE
- ⑤ HAGANS DARIOUS ESTATE
- ⑥ INGRAM VIOLA ESTATE
- ⑦ SOLOMON ELIZABETH ESTATE
- ⑧ THOMPSON MARY SMITH ESTATE
- ⑨ PARSON LILLIE B ESTATE
- ⑩ SANDIFER RUTHIE EMANUEL ESTATE
- ⑪ BALDWIN REATHER ESTATE
- ⑫ CRIST MARION ESTATE
- ⑬ MITCHELL GRACE ESTATE
- ⑭ MCFADDEN CONYERS ESTATE
- ⑮ SMITH WILLIE LEE ESTATE

East Stuart Neighborhood Estates



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CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Community Redevelopment Board

Meeting Date: 7/2/2024

Prepared by: Jordan Pinkston

Title of Item:

PRESENTATION OF THE APPLICATIONS FOR THE BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM FOR FY 2024

Summary Explanation/Background Information on Agenda Request:

The Stuart CRA Business Improvement Reimbursement Program is an incentive program designed to encourage visible, exterior improvements to commercial properties within the Community Redevelopment Area. The program provides a reimbursement of 50% of the total project costs up to \$10,000.

The CRA outreach efforts to promote the program included distributing an electronic newsletter to City contact list, distributing flyers to local businesses, mailing postcards to local business owners, and social media, Twitter, Facebook, Instagram.

The CRA received 4 applications to be considered for funding. None of the applications met the minimum point requirements for funding. However, after working extensively with the applicants, staff feels comfortable moving forward with each application to offer financial support in funding these business improvements. The improvements proposed include parking lot resurfacing, fencing, monument signage, and entryway improvements.

It is important to note that applicants have been finding it increasingly difficult to meet the minimum application requirements for this program. Therefore, staff extended the deadline twice this fiscal year to try to acquire more viable applications. For these reasons, staff will be bringing forward the Business Improvement Grant Program guideline revisions for your review to ensure the success of the program and encourage applicants to apply.

A presentation with further project details is attached.

Funding Source:

Approved CRA budget in the amount of \$50,000 for FY 2024.

Recommended Action:

Approve staff recommendation for the FY 2024 BIRP grant disbursement.

ATTACHMENTS:

1. BIRP Program Application Packet_FY2024_May 31 2024 Deadline



STUART COMMUNITY REDEVELOPMENT AGENCY

BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM

PROGRAM DESCRIPTION:

The City of Stuart Community Redevelopment Agency (CRA) Business Improvement Reimbursement Program is an incentive program designed to encourage visible, exterior improvements to commercial businesses in the Stuart Community Redevelopment Area.

The grant program provides a reimbursement grant of up to \$10,000 of public funds per property to match private funds to pay for the design and completion of property improvements. The grant shall be available for commercial businesses which may qualify for a reimbursement of 50% of the applicant's total project costs up to \$10,000.

The CRA recognizes that many properties within the Community Redevelopment Area were constructed before the adoption of the City's current landscape code. This has left the CRA with many commercial properties that provide little, if any, aesthetic appeal. It is the intent of the CRA to rectify this situation by encouraging all eligible applicants to upgrade landscaping along the perimeter of a commercial property that abuts a public right-of-way and interior parking lot landscaping to enhance the visible appearance of the property and provide shade along streets to improve walkability. If there are site limitations, the applicant may consider planting shade trees within the City's right-of-way adjacent to their property. This may include but not limited to asphalt removal, plant materials, xeriscaping, native plants, shade trees, and irrigation systems. Where the landscaping cannot reasonably be provided, the applicant is requested to provide a justification statement for why it can't be met.

The grant cycle opened October 1, 2023 and ended on January 26, 2024, but has been extended until Friday, May 31, 2024. To be eligible for consideration, applicant must submit a completed application by **5 PM on Friday, May 31, 2024** at the City Hall, CRA office located at 121 SW Flagler Avenue, Stuart. Funds are limited and subject to availability. Funding may be appropriated annually in the CRA budget. The continuation of the program is subject to the availability of funds in the CRA budget.

ELIGIBILITY:

- All owners of a licensed business within the Stuart Community Redevelopment Area shall be eligible for the program. Refer to attached CRA map.
- The property owner is the applicant; however, if the property is currently leased to a tenant, then the application and agreement must be jointly executed by both the owner and the tenant.
- Residential, non-profit and City owned/leased properties are not eligible.
- First time applications will receive priority consideration for funding allocation.

- Properties must not have building code or code enforcement issues. City staff will verify this during its due diligence.
- Property must not have any tax liens and must be current on property taxes paid to the City of Stuart.
- Commercial Businesses must have a current Business Tax License with the City of Stuart.

ELIGIBLE IMPROVEMENTS:

The Stuart CRA Business Improvement Reimbursement Program shall provide, on a reimbursement basis, 50% matching grant for eligible exterior improvements, up to \$10,000, which are consistent with and further the implementation of the Stuart Community Redevelopment Plan and City of Stuart Land Development Code, and visible from the roadway. Funds may be used for one or more of the following types of enhancements as a part of an improvement program:

- Restoring or sustainably beautifying or enhancing the façade or elevation of a commercial building.
- Exterior architectural amenities to provide shade over the public right-of-way/sidewalk (*e.g., addition or improvement of new awnings, balconies, porches, entryways, or arcades*) excluding Downtown Outdoor Dining Program establishments.
- Landscaping improvements around the perimeter of a property that abuts a public right-of-way and interior parking lot landscaping. This may include but not limited to asphalt removal, plant materials, xeriscaping, native plants, shade trees, and irrigation system.
- Replacement of non-conforming pole signs to conforming freestanding or monument signs.
- Property improvements such as lighting, fencing, benches, bicycle racks, walkway and driveway improvements, parking lot improvements.
- Architectural, engineering or landscape architectural services for design to be funded through this program (maximum of \$500 in grant funding).

The following is not eligible for funding on its own, but it may be funded as part of a more comprehensive façade improvement: replacement of windows and doors, replacement of wall air-conditioning units on a building to energy efficient central air conditioning system, replacement of existing awnings, exterior cleaning and painting, exterior lighting, decorative Bahama or Colonial Shutters, exterior signage and dumpster enclosures.

NOTE: All improvements proposed with this grant application must be consistent with the Community Redevelopment Plan and the Land Development Code overlay design guidelines.

MAINTENANCE OF IMPROVEMENTS:

The applicant shall assume responsibility for maintenance of improvements funded with the grant for a minimum of three (3) years. Failure to maintain can negatively impact future funding of projects for the subject property.

EVALUATION CRITERIA STANDARDS:

The following factors shall be considered in determining whether to award a grant. Grant applications must score a minimum of sixty (60) points to be considered for funding. A score of sixty (60) or more points does not guarantee funding. All funding is contingent of remaining fund availability.

The following evaluation matrix is a guide to assist the city staff in the evaluation process and provide a recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board:

Evaluation Criteria	Possible Points	Awarded Points
Visual Impact • Improvement in the attractiveness of the location and the level of blight or deterioration removed; • Highly visual elements of the buildings are being improved and visible from the street; • For building facades that are not visible from the street, the improvements allowed will serve to remove blight or deterioration condition; • Level of improvements impact on overall appearance of the property.	30	
Urban Street Impact • Upgrade landscaping around the perimeter of the property that abuts the public right-of-way and interior parking lot; or within the public right-of-way if there are site limitations. • Bike racks, benches, lighting, etc. • Level of improvements improve the pedestrian and transportation functionality of the property.	30	
Economic Impact • Amount of additional funding expended by business; • Facade project is part of a larger project that improves other exterior or interior parts of the building); • Reuse of vacant or underutilized property; • Adjacent to other CRA projects (e.g., streetscape improvements, sidewalks, neighborhood improvements); • Location within high traffic and/or high visibility area (e.g., Federal Highway, Dixie Highway, Ocean Blvd., Martin Luther King Jr. Blvd., Old Downtown District, "The Creek" Arts & Entertainment District, etc.); or Located within the approved priority area (map attached); • Will serve as a catalyst for redevelopment activity on the corridor or neighborhood.	10	
Historic/Community Impact • Renovation and rehabilitation of historic buildings (listed on the City of Stuart Local Historic Register, National Historic Register, "1991 Historic Properties Survey" or local landmark designation)	10	

APPLICATION PROCESS:

1. Download an application from the City's website, or secure an application at City Hall, Community Redevelopment Agency office located on 121 SW Flagler Avenue, Downtown Stuart.
2. Review the application if you have any questions please call (772) 288-5375 or email jpinkston@ci.stuart.fl.us.
3. Submit a completed application package to City Hall, CRA office, which includes the following:
 - Completed application
 - Complete budget spreadsheet (*attached to application*)
 - Proof of ownership of the property (ex. tax deed)
 - Copies of TWO cost estimates by licensed contractor/agent registered with the City of Stuart or Martin County
 - Photographs of existing site/building to be improved (2 minimum).
 - Project renderings/drawings/specifications of proposed improvements (e.g. building elevations, landscape location/material, awning design/color, paint color, proposed sign)
 - New vendor application and W-9 Form (this is required for reimbursement)

The applicant is responsible for all building and other permits and fees which are associated with the proposed project.

4. City staff reviews the application for completeness, and eligibility. City staff may go to the project site and do a "walk-thru" of the property to consider the proposed improvements.
5. Staff will review the completed application based on the evaluation guidelines for recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board. Staff will make recommendations to the application about how to prepare a competitive grant application.
6. Staff will present a recommendation for funding to the Community Redevelopment Board (CRB). The applicant or a representative must be present at the CRB meeting to be considered for the grant program. City staff will provide the public hearing date and time for the CRB meeting. The meeting will be held in the Stuart City Hall Commission Chambers located at 121 SW Flagler Avenue. The CRB will make a recommendation to the Community Redevelopment Agency (CRA) Board.
7. The Community Redevelopment Agency (CRA) Board will hear the agenda item and make the final recommendation for approval or denial of funding. City staff will provide the public hearing date and time for the CRA Board meeting. The applicant or a representative must be present at this meeting also. Staff will provide information for the meeting date and time.
8. The CRB and CRA Boards may award grant fund with certain provisions, conditions, or other requirements as it deems appropriate.
9. Construction of any component of the grant application cannot begin until the board approves the project. Any work completed prior to this approval will not be eligible for reimbursement. Upon CRA approval, the applicant will need to sign the contract and will have one year for project completion. If the project is not completed, is not approved in its final inspection, or does not receive its certificate of occupancy (if applicable) within one year from the approval of the grant, the grant award shall expire. A request for extension may be requested at least 30 days prior to grant award expiration by contacting the CRA Director.

Once approved, the property owner will have to sign to specify the obligation of the applicant for grant reimbursement. The contract may be recorded in the public records of Martin County, Florida. For the duration of the improvements, the applicant will post a sign to be provided by the City which indicates the project has

received a Property Improvement Grant and relevant program information. The sign can be picked up at Stuart City Hall, located at 121 SW Flagler Avenue, Stuart.

REIMBURSEMENT PROCESS:

Upon project completion, the applicant contacts the CRA Program Manager at (772) 288-5375. Disbursement of grant funds shall only occur when the following documents are submitted, and all other required conditions are met:

The applicant submits a “reimbursement package” to the CRA which includes the following:

- Proof of payment for improvements (which must be at least as much as the amount indicated in the application)
- Copies of applicable invoices must show “paid in full” (*receipts must clearly show how the project was paid, i.e. check, cash must be made by cashier's check or credit*)
- Copies of passed final inspection
- Two photos of completed project/improvements
- Completed W-9 form (if not provided with application submission)

If the project is not completed, is not approved in its final inspection, or does not receive its certificate of occupancy (*if applicable*) within one year from the approval of the grant, the grant award shall expire.

If you have any questions regarding this application, please contact the CRA Program Manager at (772) 288-5375 or jpinkston@ci.stuart.fl.us or visit www.cityofstuart.us/CRA.





**STUART COMMUNITY REDEVELOPMENT AGENCY
BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM APPLICATION**



APPLICANT INFORMATION

Owner Name:

Owner Address:

Phone:

Email:

Tax ID#

Authorized Agent/Contractor:

Agent Address:

PROPERTY INFORMATION

Name of Business:

Type of Business:

Years in Operation:

Number of Employees:

Description of Improvements:

Address of Proposed Project:

Describe how this project benefits the Community Redevelopment Area:

Total Project Cost \$

Signature of Applicant/Property Owner

Date

Signature of Lessee/Tenant (if applicable)

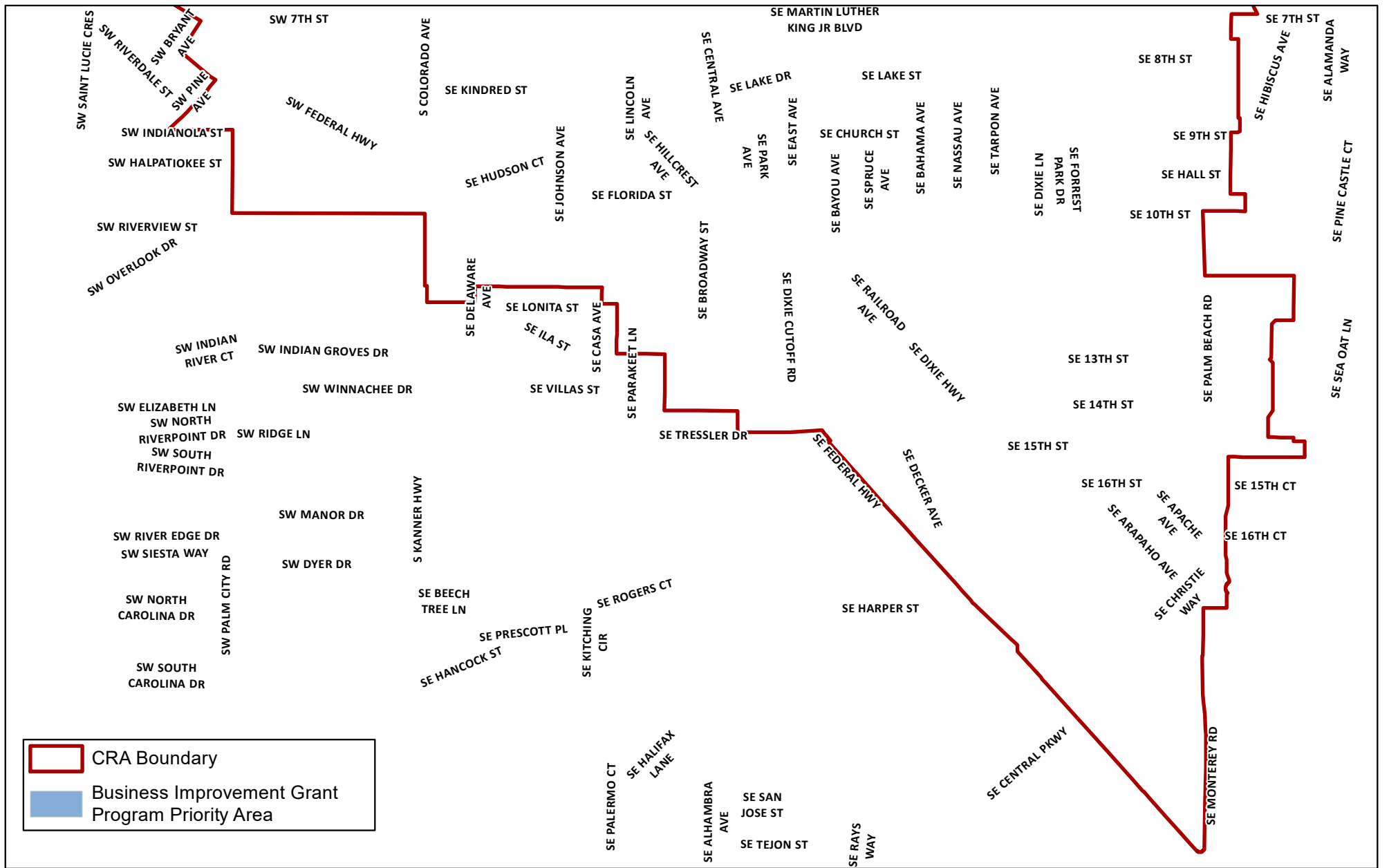
Date

- Submit a completed application package to City Hall, CRA office, which includes:
- Completed application
 - Complete budget spreadsheet (*attached to application*)

- Proof of ownership of the property (ex. Tax Deed)
 - Copies of TWO cost estimates by licensed contractor/agent registered with the City of Stuart or Martin County
 - Photographs of existing site/building to be improved (2 minimum)
 - Project renderings/drawings/specifications of proposed improvements (e.g., building elevations, landscape location/material, awning design/color, paint color, proposed sign)
 - New vendor application and W-9 Form (this is required for reimbursement)
- The applicant is responsible for all building and other permits and fees which are associated with the proposed project.
 - An application to the Business Improvement Reimbursement Program will not be processed until a completed application packet is submitted to the Stuart Community Redevelopment Agency located in the City Hall, CRA Office at 121 SE Flagler Avenue, Stuart.
 - Completed applications are due **Monday, April 15, 2024 by 5 PM**. Applications with all documents attached will be accepted at the CRA Office located at City Hall, 121 SW Flagler Avenue. If you have any questions, please call the CRA Program Manager at 772-288-5375.
 - Submitting an application is not a guarantee of funding.

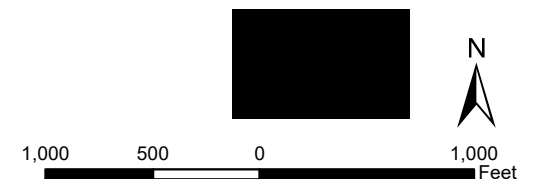
Community Redevelopment Agency (CRA) Area Map





City of Stuart CRA Business Improvement Reimbursement Program Priority Area

Proposed Arts and Entertainment has been created by the City of Stuart Development Department as well as the Arts Council of Martin County. Aerial Imagery source is ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS Users Community. This map is a conceptual planning tool only.





STUART COMMUNITY REDEVELOPMENT AGENCY PROPERTY IMPROVEMENT GRANT PROGRAM

PROJECT COST ESTIMATE/REIMBURSEMENT FORM

Note: All property improvement grant applicants need to complete the "Project Cost Estimate" portion of this form and submit documented cost estimates as a part of the application packet. To receive the grant reimbursement, the "Reimbursement Summary" portion of this form must be completed and submitted with copies of paid invoices indicating completion of improvements. All improvements must be completed, inspected, and have received final approval from the City of Stuart prior to reimbursement.

Project Cost Estimate				Reimbursement Summary		
Item	Category of Improvement (landscaping, parking lot, architecture, painting, etc.)	Contractor	Cost Estimate	Contractor	Date of Completion	Actual Cost (include proof of payment)
1			\$			\$
2			\$			\$
3			\$			\$
4			\$			\$
5			\$			\$
6			\$			\$
7			\$			\$
Total Cost Estimate			\$	Total Actual Cost		\$



Financial Services Department
121 SW Flagler Avenue
Stuart, Florida 34994-2172
Tel: 772-288-5314 Fax: 772-288-5323

**REQUEST FOR TAXPAYER IDENTIFICATION NUMBER
SUBMIT WITH IRS FORM W-9**

Dear Vendor:

Federal Income Tax Law requires a Form 1099 with a valid taxpayer identification number to be filed for payments made in the course of conducting a trade or business. Further, these payments may be subject to Backup Federal Income Tax Withholding for all payees who have not submitted a correct Federal Tax Identification Number at the time of payment.

Please read this form and complete the information thereon before signing and **returning with a copy of your IRS W9 Form**. If you are a corporation, we will not issue you a Form 1099 (Reference: 1.6401-3(c)). However, kindly return this form to document your corporate status.

In order to avoid the possibility of future payments being held subject to Backup Withholding at a rate of 31%, please complete the form printed below and return this letter to the above address or E-mail request to: cityaccountspayable@ci.stuart.fl.us

VENDOR NAME _____

DBA: _____

CORPORATE ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

TELEPHONE: (____) _____ **FAX:** (____) _____ **ALTERNATE PHONE:** (____) _____

COMPANY CONTACT NAME: _____ **EMAIL ADDRESS:** _____

TYPE OF CERTIFICATION

- | | | |
|----------------------------------|---------------------------------|--|
| 1. ☐ MBE | 3. ☐ SBA | 5. ☐ DVBE |
| 2. ☐ MWBE | 4. ☐ SDB | 6. ☐ Other: _____ |

"THE ABOVE INFORMATION WILL BE USED FOR PURCHASE ORDERS"

REMIT TO ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

TELEPHONE: (____) _____ **FAX:** (____) _____ **ALTERNATE PHONE:** (____) _____

COMPANY CONTACT NAME: _____ **EMAIL ADDRESS:** _____

TYPE OF ORGANIZATION

- | | | |
|---|---|---|
| 1. ☐ Corporation | 3. ☐ Sole Proprietor | 5. ☐ Government Agency |
| 2. ☐ Partnership | 4. ☐ Individual | 6. ☐ Other: _____ |

1099 REPORTING STATUS (Check One): ☐ Yes ☐ No

TAXPAYER IDENTIFICATION NUMBER:

Employer Identification Number: _____ - _____

Print name of Taxpayer if using SS#: _____

Under penalties of perjury, I certify that this statement is accurate and complete.

Signature: _____ **Title:** _____

Date: _____ **Phone:** (____) _____

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-			-		
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C corporation, or S corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.