

Proposed Special District protest procedures 12-6-12

Current law:

Proposed change:

Protest must be filed within 30 days from first publication of the notice of passage of the resolution of intent to create the district

Protest must be filed within 45 days from first publication of the notice of passage of the resolution of intent to create the district

Written protest

Protest form must be prepared by the local government and accompany the notice of passage of the resolution of intent to create the special district

Protest form must describe the protest method and contain the property address or tax or geo code, a statement that the owner is protesting creation of the special district and a signature line

Identify the property

No change

Signed by all owners

Signed by any owner or owner representative with physical (original/paper) or electronic signature

Record owner of fee simple title or recorded contract buyer

No change

Does not include tenant or leasehold

No change

Condo association must sign if unit owners have undivided interest in common area(s)

Unit owner, including the owner's undivided interest in common areas, or a condo association

Delivered to the City/County Clerk

Delivered to the City/County Clerk in person, by US Mail, by tele-facsimile or by email

Date stamped

Date stamped or printed copy of email showing the delivery date

Protests are weighted in proportion to the amount of assessment levied against the lot or parcel

Strike

Protest is successful if owners represent properties being assessed for more than 50% of the cost of the proposed program or improvements

Protest is successful if:

- a) Signed by owners of properties being assessed for more than 50% of the district's cost
- b) Signed by owners of properties that equal more than 50% of the district's total area
- c) Signed by owners of properties that equal more than 50% of the lots or parcels in the district
- d) Signed by more than 50% of the property owners within the district

Further action barred for 12 months

No change

Government owned property has equal protest rights

No change