



# MUNICIPAL REFORM

## ***The Policy***



Missouri's local governments often enact harmful policies and grant special tax deals. These negative practices, whether initiated locally or authorized by state law, should be reformed to promote freedom and economic growth.

## ***Municipal Policy Checklist***



- Remove the Kansas City School District Property Tax Rollback Exemption
- Expand County TIF Commissions
- Give School Districts TIF Opt-Out Authority
- Require True Public Votes for Special Taxing Districts
- Prohibit St. Louis from Collecting Earnings Tax on Remote Work
- Remove Union-Favored Fire District Annexation Rules in St. Louis County
- Prohibit Municipalities from Mandating Landlords Accept Section 8 Vouchers
- Expand County Tax Subsidy Reporting Requirements



Talk to a Policy Expert

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Missouri law does not require major revisions to reform municipal policies that inhibit freedom and impede economic growth. Below are examples of ways to achieve the needed reforms, with **boldface type** used to indicate new/revised text.

1. Eliminating the Kansas City 33 school district (KCSD) tax rollback exemption

The exemption may be removed by simply repealing Missouri Constitution Article 10, Section 11(g). Such a repeal would require a vote of the people. The repeal of Article 10, Section 11(g) would mean that the rules governing all other taxing jurisdictions in Missouri would apply to KCSD.

2. Expanding TIF commissions to the county level

In order to increase the number of county tax increment financing (TIF) commissions, Section 99.820.3(1) of the Revised Missouri Statutes could be amended along the lines noted below to provide the option to more counties. The primary counties that should be considered include Greene, Platte, Boone, Franklin, and Camden, but all counties could benefit from this change.

In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants, **[Insert the current standard legislative descriptions here for additional counties]** or in a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows . . .

3. Permitting school districts to opt out of TIF.

To protect school districts from the impact of tax reductions from TIF, reforms that allow districts to opt-out of TIF subsidies should be adopted. One way to achieve this result is to amend Chapters 99 and 100 of the Revised Missouri Statutes. For example, Section 99.848.1 could provide:

99.848. 1. (1) Notwithstanding subsection 1 of section 99.845, any ambulance district board operating under chapter 190, any fire protection district board operating under chapter 321, [or] any governing body operating a 911 center providing dispatch services under chapter 190 or 321 imposing a property tax for the purposes of providing emergency services pursuant to chapter 190 or 321, **and any public school district** shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent but not more than one hundred percent of the district's or 911 center's tax increment. This subsection shall not apply to tax increment financing projects or

redevelopment areas approved prior to August 28, 2004.

4. Requiring a vote of the public to create special taxing districts.

Special taxing districts, such as Community improvement District (CID) and Transportation Development Districts (TDD), are far too easily implemented in Missouri, and often done so in a manner designed to both get around the Hancock Amendment and increase corporate welfare. One way to address this issue is to make the following change to RSMO 67.1545<sup>1</sup>:

Language: 67.1545. Sales and use tax authorized in certain districts — procedure to adopt, ballot language, imposition and collection by retailers — penalties for violations — deposit into trust fund, use — repeal procedure — display of rate by retailer. — 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district **submits to the qualified voters of the municipality**, or, if the district is in an unincorporated area, **by the qualified voters of the county in which the district is located**, by mail-in ballot or submission of the imposition of the new sales and use tax to the voters on a general election day, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

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<sup>1</sup> This reform was proposed in HB1854, 2020, which was passed by the General Assembly but vetoed by the Governor.

5. Preventing cities from collecting earnings taxes on remote work.

One way to ensure that cities do not continue to misinterpret existing law is to include clarifying language in Section 92.112 of the Missouri Revised Statutes along the following lines:

4. For all tax returns filed on or after January 1, 2024, the term "work done or services performed or rendered in the city", as used in sections 92.105 to 92.200, **shall not include any work or services performed or rendered through telecommuting or otherwise performed or rendered remotely unless the location where such remote work or services are performed is located in the city.**

6. Removing special laws that govern fire district annexation in St. Louis County.

There are special rules governing the annexation by municipalities of unincorporated areas served by fire districts in St. Louis County. These special rules are good for the fireman's union, and bad for everyone else, especially taxpayers, as they make it almost impossible for a city to provide fire services instead of the fire district after the annexation within St. Louis County, even if that is what voters want. Hazelwood and Crestwood have been particularly harmed because of this legislation. This reform could be achieved by repealing RSMO 72.418 in its entirety. St. Louis County municipal annexation politics for fire districts would then be governed by 321.322, like the rest of Missouri.

7. Prohibiting municipal ordinances that require landlords to accept Section 8 vouchers.

To protect the property rights of landlords, Missouri needs to make clear that municipalities cannot impose source of income rules. To achieve such protection, Missouri will need to define source of income and specify what is prohibited. Below is some sample language to achieve this objective.

"Source of income" means the point or form of the origination of legal gains of income accruing to a person in a stated period of time; from any occupation, profession or activity, from any contract, agreement or settlement, from federal, state or local payments, including Section 8 or any other rent subsidy or rent assistance program, from court ordered payments or from payments received as gifts, bequests, annuities or life insurance policies.<sup>2</sup>

To protect landlords, language such as the following could be added to the Missouri Revised Statutes.

441.043. No county or city, or county or city with a charter form of government may enact, maintain, or enforce any ordinance or resolution which regulates the amount of rent to be charged for privately-owned, single-family, or multiple-unit residential or commercial rental property. **No county or city, or county or city with a charter form of government, shall enact, maintain, or enforce any ordinance or resolution that prohibits landlords from refusing to lease or rent a privately owned, single-family, or multiple-unit residential or commercial rental property to a person because the person's lawful source of income to pay rent includes funding from a federal housing assistance**

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<sup>2</sup> This definition comes from the City of Saint Louis ordinances.

**program.**

8. Expand the information collected on tax subsidies in Missouri in order to give Missourians better information on the level of tax subsidies in Missouri. Missouri should also require that the information be included in the State Tax Commission's annual report, in order to make that information easily accessible to people. "Sunlight is the best disinfectant," and public knowledge of the amount of tax subsidies approved in Missouri is important.

Missouri would benefit from expanding the requirements for assessors to collect information on tax subsidies and requiring them to be reported in the annual tax report by the State Tax Commission.

RSMO: 137.237, 138.440 or 138.445

Language:

137.237. Tax-exempt properties, assessor to compile list for state tax commission. — The county assessor of each county and the assessor of any city not within a county shall, beginning January 1, 1989, and every odd-numbered year thereafter, identify, list, and state the true value in money of the property in such county or city not within a county which is totally or partially exempt from ad valorem taxes for such taxable year pursuant to sections 99.700 – 99.715 and 99.800 to 99.865; **section 100.10 to 100.200 and 100.570**, sections 135.200 to 135.260; and section 353.110 to 353.150. Such properties shall be identified and listed, with the true value in money of the property included as well as the number of years of abatement remaining and the percentage of true value exempted for the abated properties, in a report filed with the state tax commission and the assessor of the county or city not within a county on or before November 1, 1989, and November first of every odd-numbered year thereafter. Such report, in summary form, shall be included in each reassessment notice stating said tax abatements in each county or city not within a county and, in addition, include a statement that a list of specific abated property is available for inspection upon request at the county courthouse or city hall of any city not within a county.

There may be other sections of chapter 100 to be included.

138.440. Annual report — content — compensation for extra duties. — 1. A report of the proceedings and decisions of the state tax commission shall be printed annually.

**6. The annual report shall include the information on tax-exempt properties complied for each according to section 137.237, and such summary information shall be listed by county in the same format as required for reassessment notices and it shall be totaled for the entire state of Missouri, except that the list of specific, individual abated properties as described in 137.237 is not required for the annual report.**



# POLICY B R I E F

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*Mike Gattorna/Shutterstock*

## MISSOURI MUNICIPAL POLICY

*By David Stokes*

### KEY TAKEAWAYS

Policies at the county and municipal level that inhibit freedom and economic growth in Missouri should be reformed. Missouri has both the right and the responsibility to change the rules for local governments that have overstepped their authority or enacted policies that will harm the state. Among the most important local changes are:

- Removing the Kansas City school district property tax rollback exemption
- Expanding county-level TIF commissions
- Giving school districts an opt-out on TIFs, like fire districts have
- Requiring true public votes for special taxing districts
- Prohibiting St. Louis from collecting the earnings tax on remote work
- Removing special, union-favored annexation rules for fire districts in St. Louis County
- Prohibiting municipalities from mandating that landlords accept Section 8 vouchers
- Expanding county tax subsidy reporting requirements and include them in the state tax commission's annual report

**ADVANCING LIBERTY WITH RESPONSIBILITY  
BY PROMOTING MARKET SOLUTIONS  
FOR MISSOURI PUBLIC POLICY**

## BACKGROUND

Missouri counties and municipalities are subject to the same special-interest pressures as any other government. Such pressures are often exacerbated by a misguided belief in their own local authority. Too often, local governments grant special tax deals, favor certain interest groups, enact harmful tax policies, and mandate activities that are not within their power to mandate. While the federal government is a union of sovereign states, no such relationship exists for municipalities, despite what some local officials may wish. Cities and counties are creatures of the state, as the Supreme Court explained many years ago.

The model policies discussed here would change, in various ways, harmful local rules that are inhibiting freedom and economic growth in Missouri. Some of these poor policies can be blamed on cities or counties themselves, such as local “source-of-income” rules and earnings taxes on remote work, but many of them have been authorized by state law, and we need state law to change to address these policy failures.

In no particular order, below is a list of reforms that Missouri would benefit from implementing.

### **Reform: Remove the Kansas City 33 School District’s property tax rollback exemption**

In recent years, the Kansas City 33 School District (KCSD) has seen tremendous increases in assessed valuation and has chosen not to roll its tax rates back at all. That has led to enormous property tax increases for residents and businesses within KCSD, which includes significant parts of Kansas City within Jackson County. The Kansas City school desegregation case ended a long time ago. It is time to remove this holdover as well.

From 2018 to 2022, Kansas City 33 school district’s assessed valuation went up 31%, and its property tax revenues went up 31% as well. In every other taxing entity in Missouri, the tax rate would have been decreased somewhat to offset the property assessment hike. But not in the KCSD. In the 2023 reassessment, the trend continued with the school district’s assessed

valuation going up 24% while the tax rate remained exactly the same. This resulted in a \$49 million increase in property tax revenues, also a 24% increase.

The Kansas City 33 school board has shown no inclination to reduce its tax rate to help homeowners and taxpayers. The constitutional amendment giving the school district this exemption should be repealed.

### **Reform: Create additional county TIF commissions**

The five counties that use the county TIF (tax-increment financing) commission mechanism have been more careful and judicious in their use of TIF.<sup>1</sup>

The implementation of the county TIF commission format in St. Charles, Jefferson, and (to a lesser extent) St. Louis counties has reduced the use of TIF in those counties. Since the county TIF commission law was strengthened in 2016, St. Charles has approved only one TIF, and Jefferson County has approved zero. St. Louis County has approved several, but it has also rejected some (which almost never happened before).

With the more common municipal TIF commission format, TIF decisions are made by cities that do not generally answer to the electorates they are affecting with their decisions. For example, residents of school districts impacted by TIF subsidies often don’t live within the city making the decision and have no ability to influence the decision through voting. County officials are much more likely to think regionally and are responsible to a much wider electorate. As seen in the above counties, the adoption of county TIF commission has resulted in a significant reduction of the usage of TIF. (Note that there are two counties, Cass and Clay, that have only recently adopted the county TIF commission format, so it is too soon to judge the effects there.)

Requiring a county TIF commission in the following additional counties (which have regional interests) would impose greater fiscal discipline and accountability to taxpayers in those regions: The change would benefit all counties, but in particular it should be enacted for Jackson, Platte, Camden, Boone, Franklin, and Greene counties.



## Reform: Allow School Districts to Opt Out of TIF

School districts are dramatically impacted by tax reductions from TIF and should be allowed to opt-out of TIF subsidies as some other taxing jurisdictions are allowed.<sup>2</sup>

It is often overlooked that TIF diverts property tax revenue away from more than just the city that usually approves it. Cities rely more on sales taxes than property taxes, while other taxing districts depend almost entirely on property taxes. School districts, emergency service districts, and others also lose out on tax revenue when TIF is implemented, but those taxing agencies have very limited say, if any, in the overall process. Overlooking this imbalance can have disastrous effects, especially when TIF is used for projects with a residential component. Residential developments can add dozens of new families to a city and thereby require increased spending on public safety and other services, yet TIF can mean that public safety providers do not receive any increase in tax dollars to account for these new families. Similarly, school districts gain students without gaining the funding to educate them. The state had addressed this need for public safety by allowing certain fire, ambulance, and 911 districts to opt out of TIF proposals.<sup>3</sup> We should do the same thing for school districts.

## Reform: Public Votes for Special Taxing Districts

Special taxing districts, such as Community Improvement Districts (CIDs) and Transportation Development Districts (TDDs), are far too easily implemented in Missouri, and often done so in a manner designed to get around the Hancock Amendment.<sup>4</sup>

We need to make new special taxing district taxes subject to the voters of a city or county, not to a vote by signature by a small number of property owners as is frequently the case now. Full public votes should be required for all CIDs, TDDs, etc., within a city or county.<sup>5</sup>

## Reform: Exempt Remote Work from the Earnings Tax in the City of St. Louis

During and after the pandemic, St. Louis has been violating the plain language of the state law and its own ordinances by forcing collection of the earnings tax for remote work. (Kansas City has not been doing so).

State law should make clear that in no case should existing statutes be construed as allowing the city earnings taxes in St. Louis and Kansas City to be applied to telecommuting nonresidents who work from home. For many years, both cities have recognized that the earnings tax does not apply for earnings related to work done outside of the city limits by nonresidents. This practice comports with the plain language of the applicable statute (emphasis added):

Salaries, wages, commissions and other compensation earned by nonresidents of the city for **work done or services performed or rendered in the city**. [RSMO 92.111.2(2)]

Despite the clarity of existing law, since 2020, the City of St. Louis has collected earnings-tax revenue from nonresidents who work for businesses within the city even if they performed their work from their homes located outside of the city limits. The pandemic posed significant financial challenges for individuals, businesses, and governmental bodies alike, but this decision was misguided and violated the law. If the lawsuits that have been filed against the city are any indication, it seems many workers and businesses agree. Furthermore, in early 2023 a judge ruled that the City of St. Louis acted improperly and owes refunds. The city is appealing that decision.

The argument for the earnings tax has always been that people working in the city need to contribute to city coffers. Whatever you think of that rationale, it would be a dramatic and improper expansion of the City of St. Louis' authority to continue to allow it to collect taxes for work performed outside of the city.



### **Reform: Remove union-favoring fire-district annexation policies in St. Louis County**

There are special rules governing the annexation of unincorporated areas served by fire districts in St. Louis County.<sup>6</sup> Special laws like RSMO 72.418 shield fire-protection districts from municipal competition for local tax dollars and harm taxpayers. This law needs to be removed. The law is highly beneficial for the fireman's union and bad for everyone else, especially taxpayers. If residents and voters wish to have municipal annexations or incorporations that include fire protection by municipal fire departments, they should be able to do that throughout Missouri.

### **Reform: Prohibit municipalities in Missouri from requiring landlords to accept housing vouchers**

Certain cities in Missouri, including Kansas City, Columbia, St. Louis, Maplewood, Webster Groves, and Clayton, require landlords to accept housing vouchers for rental property. The housing voucher program, commonly referred to as Section 8 housing, is a federal program. There is no federal requirement that landlords participate in it.<sup>7</sup> The voluntary nature of the program is one of the reasons for its relative success. People are not forced to participate in it, yet many landlords do, and there is no documented shortage of low-income housing in St. Louis County. In fact, the St. Louis metropolitan area was recently ranked as the fourth-most-affordable housing market in the county in one survey.

There are numerous examples of government social programs where participation is voluntary. Doctors are not forced to accept Medicaid payments, yet many do. Grocery stores are not required to accept food stamps, yet many, if not most, do. That is how the housing voucher program has worked for many years. Requiring a local mandate by Missouri municipalities will force landlords either to accept the burden of joining the program against their will or to creatively find other reasons to deny potential renters. The state should ban this practice, in the same manner as it has disallowed municipal rent-control rules in Missouri.

### **Reform: Expand the requirements for assessors to collect information on tax subsidies and require that the annual report of the State Tax Commission include this information**

The goal of this reform is to ensure that information on tax subsidies is reported in a timely fashion and is easily accessible by taxpayers. Tax subsidies authorized under RSMO section 100 should be added to the list of subsidies reported by county assessors. Requiring that the annual State Tax Commission report include this information by county is an easy method of accomplishing these objectives.

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## NOTES

1. Stokes, David, “TIF Decisions Should Be Made at the County, Not City, Level,” Show-Me Institute, Dec. 19, 2023, <https://showmeinstitute.org/blog/subsidies/tif-decisions-should-be-made-at-the-county-not-city-level>.
2. RSMO 99.848.
3. SB 362, 2023, and SB 306, 2023.
4. HB 1854, 2020.
5. Renz, Graham and Tuohey, Patrick, “Taxes and Taxing Districts on the Rise in Missouri”, Show-Me Institute, June 5, 2019, <https://showmeinstitute.org/publication/special-taxing-districts/taxes-and-taxing-districts-on-the-rise-in-missouri>.
6. RSMO 72.418.
7. Section 8 Housing Wikipedia article, [https://en.wikipedia.org/wiki/Section\\_8\\_\(housing\)#:~:text=Landlords%20are%20not%20required%20to,remains%20voluntary%20in%20most%20places](https://en.wikipedia.org/wiki/Section_8_(housing)#:~:text=Landlords%20are%20not%20required%20to,remains%20voluntary%20in%20most%20places).



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