



Shelby County Government

MARK H. LUTTRELL, JR.
MAYOR

JUL 22 2016

HARVEY KENNEDY
CHIEF ADMINISTRATIVE OFFICER

July 18, 2016

Mr. Ryan D. Jayne
Freedom from Religion Foundation
P.O. Box 750
Madison, WI 53701

Dear Mr. Jayne:

Shelby County has considered the Foundation's request, in its letter to me dated June 15, 2016, for the County to make a change in the eligibility requirements for the conveyance of properties to non-profit organizations under the authority granted to it by T.C.A. § 67-5-2509(d)(4). This statute authorizes the County to convey properties acquired by the County at tax sales to non-profit community development corporations, which the County has judged to include non-profit religious organizations when these requests were for property to be used for community development activities.

After an examination of the statutory authority granted by the state and a more thorough review of various cases involving the requirements for governmental programs seeking to provide economic support for programs and activities of non-profit religious organizations, the County will agree to issue a moratorium on conveying any County-owned property to a non-profit religious organization for a nominal fee until such time that we can obtain an opinion from the Tennessee Attorney General's Office or the law is more clearly defined to address what constitutes a community development corporation under T.C.A. § 67-5-2509.

This decision in no way affects the County's ability to sell property to these organizations for fair market value. Further, the County believes it is important to recognize that in many cases the value of such properties is extremely low due to the extended period of neglect and disuse that frequently are present in properties taken by the County in tax sales. The County will ensure that when a property is proposed for sale to a non-profit religious organization, identical price, terms and conditions will be established that are applicable to a sale which would be given to any other member of the public.

Should you have any question about this change in the County's operation of this program, please do not hesitate to let us know.

Sincerely,


Harvey Kennedy
Chief Administrative Officer

cc: Tom Needham, Director Public Works
Tom Moss, Administrator Support Services
Marcy Ingram, County Attorney