



SENATE BILL 387: Brownfields Property Reuse Act Revisions.

2025-2026 General Assembly

Analysis of: S.L. 2025-53

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Prepared by: Legislative Analysis
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S.L. 2025-53 (Senate Bill 387) makes changes to the property tax benefit for and the fees that apply to brownfields property.

With respect to the property tax benefit, the act provides that subsequent improvements to the original "footprint" of the property are subject to a separate five-year exclusionary period once the improvements are completed and as long as the property is the subject of a brownfields agreement, which is consistent with a prior Department of Revenue administrative interpretation. It also extends the property tax exclusion to improvements made after the Department of Environmental Quality (DEQ) provides written confirmation that the property is eligible for a brownfields agreement as long as the property ultimately becomes subject to a completed agreement. This modification is intended to allow improvements for which development began prior to the execution of the agreement to qualify once they are completed. These property tax changes are effective for taxes imposed for taxable years beginning on or after July 1, 2025.

With respect to fees charged to property owners by DEQ, the act:

- Makes various changes to the process and timing of payment of the fees established under current law.
- Allows DEQ to recover the unanticipated costs of implementation and monitoring of a brownfields agreement.
- Establishes a new fee applicable to an owner who is out of compliance with the statutory requirements regarding the Notice of Brownfields Property, which would be payable to DEQ and the Department of Justice in an amount sufficient to cover the costs to the State to enforce or otherwise seek to correct the noncompliance.

These fee modifications became effective July 2, 2025.

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