

House Resolution 391

By: Representatives Stancil of the 16th, Walker of the 141st, Royal of the 164th, Pinholster of the 15th, Shanahan of the 10th and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that counties and municipalities
 2 may establish community redevelopment tax incentive programs under which increased
 3 taxation shall apply to properties maintained in a blighted condition and decreased taxation
 4 shall apply for a time to formerly blighted property which has been rehabilitated; to provide
 5 for related matters; to provide for submission of this amendment for ratification or rejection;
 6 and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article IX, Section II, Paragraph VII of the Constitution is amended by adding at its end a
 10 new subparagraph (d) to read as follows:

11 "(d) The existence in a community of real property which is maintained in a blighted
 12 condition increases the burdens of state and local government by increasing the need for
 13 governmental services, including but not limited to social services, public safety services,
 14 and code enforcement services. Rehabilitation of blighted property decreases the need for
 15 such governmental services. In recognition of such service needs and in order to encourage
 16 community redevelopment, the counties and municipalities of this state are authorized to
 17 establish community redevelopment tax incentive programs as authorized in this
 18 subparagraph. A community redevelopment tax incentive program shall be established by
 19 ordinance of the county or municipality. Any such program and ordinance shall include
 20 the following elements:

21 (1) The ordinance shall specify ascertainable standards which shall be applied in
 22 determining whether property is maintained in a blighted condition;

23 (2) The ordinance shall establish a procedure for the official identification of real
 24 property in the county or municipality which is maintained in a blighted condition. Such
 25 procedure shall include notice to the property owner and the opportunity for a hearing
 26 with respect to such determination.

1 (3) The ordinance shall specify an increased rate or increased rates of ad valorem
2 taxation to be applied to property which has been officially identified as maintained in
3 a blighted condition. Such increases in the rate of taxation may be accomplished through
4 application of a factor to the property's assessment, application of a factor to the millage
5 rate applied to the property, or otherwise as may be provided by general law.

6 (4) The ordinance may, but shall not be required to, segregate revenues arising from
7 any increased rate of ad valorem taxation and provide for use of such revenues only for
8 community redevelopment purposes;

9 (5) The ordinance shall specify ascertainable standards for rehabilitation through
10 remedial actions or redevelopment with which the owner of property may comply in
11 order to have the property removed from identification as maintained in a blighted
12 condition;

13 (6) The ordinance shall specify a decreased rate or decreased rates of ad valorem
14 taxation to be applied for a specified period or periods of time after either or both of the
15 following events:

16 (A) Real property which has been officially identified as maintained in a blighted
17 condition has undergone remedial action or been redeveloped and removed from
18 identification as maintained in a blighted condition; or

19 (B) The county or municipality has accepted a plan submitted by the owner for
20 remedial action or redevelopment and the owner is in compliance with the terms of the
21 plan.

22 Such decreases in the rate of taxation may be accomplished through application of a
23 factor to the property's assessment, application of a factor to the millage rate applied to
24 the property, or otherwise as may be provided by general law.

25 (7) The ordinance may contain such other matters as are consistent with the intent and
26 provisions of this subparagraph and general law.

27 Variations in rate of taxation as authorized under this subparagraph shall be a permissible
28 variation in the uniformity of taxation otherwise required. When an increase or decrease
29 in rate of taxation is accomplished through a change in the otherwise applicable
30 assessment, the changed assessment shall apply with respect to and affect state ad valorem
31 taxation, ad valorem taxes for educational purposes, and ad valorem taxes to retire bonded
32 indebtedness. When an increase or decrease in rate of taxation is accomplished through
33 a change in the otherwise applicable millage rate, only the general millage rate for county
34 or municipal maintenance and operations shall be affected. A county and one or more
35 municipalities in the county may, but shall not be required to establish a joint community
36 redevelopment tax incentive program through the adoption of concurrent ordinances. No
37 Act of the General Assembly shall be required for counties and municipalities to establish

1 community redevelopment tax incentive programs. However, the General Assembly may
2 by general law regulate, restrict, or limit, but not withdraw, the powers granted to counties
3 and municipalities under this subparagraph."

4 **SECTION 2.**

5 The above proposed amendment to the Constitution shall be published and submitted as
6 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
7 above proposed amendment shall have written or printed thereon the following:

8 "() YES Shall the Constitution be amended so as to provide that counties and
9 municipalities may establish community redevelopment tax incentive

10 () NO programs under which increased taxation shall apply to properties
11 maintained in a blighted condition and decreased taxation shall apply for a
12 time to formerly blighted property which has been rehabilitated?"

13 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

14 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
15 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
16 become a part of the Constitution of this state.