

House Bill 1639

By: Representative Smith of the 76th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, relating to
2 redevelopment powers, so as to change certain provisions relating to creation of tax
3 allocation districts; to provide an effective date; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 44 of Title 36 of the Official Code of Georgia Annotated, relating to redevelopment
8 powers, is amended by striking Code Section 36-44-8, relating to creation of tax allocation
9 districts, and inserting in lieu thereof the following:

10 "36-44-8.

11 In order to create and carry out the purposes of a tax allocation district, the following steps
12 are required:

13 (1) Preparation by the redevelopment agency of a redevelopment plan for the proposed
14 tax allocation district and its submission for consent to the political subdivision or board
15 of education required to consent, if the plan proposes to include in the tax allocation
16 increment ad valorem taxes levied by a political subdivision or board of education
17 required to consent to such inclusion under Code Section 36-44-9, or if the plan proposes
18 to pledge for payment or security for payment of tax allocation bonds and other
19 redevelopment costs the general funds of a county required to consent to such inclusion
20 under Code Section 36-44-9;

21 (2) Submission of the redevelopment plan, along with a certified copy of any resolution
22 giving the consent required under paragraph (1) of this Code section, to the local
23 legislative body of the political subdivision whose area of operation will include the tax
24 allocation district; and

25 (3) Adoption by the local legislative body of a resolution approving the redevelopment
26 plan and which:

1 (A) Describes the boundaries of the tax allocation district with sufficient definiteness
 2 to identify with ordinary and reasonable certainty the territory included. The boundaries
 3 shall include only those whole units of property assessed for ad valorem property tax
 4 purposes;

5 (B) Creates the district on December 31 following the adoption of the resolution or on
 6 December 31 of a subsequent year as determined by the local legislative body;

7 (C) Assigns a name to the district for identification purposes. The first district created
 8 shall be known as 'Tax Allocation District Number 1,' followed by the name of the
 9 political subdivision within whose area of operation the district is located;

10 (D) Specifies the estimated tax allocation increment base;

11 (E) Specifies property taxes to be used for computing tax allocation increments;

12 (F) Specifies the property proposed to be pledged for payment or security for payment
 13 of tax allocation bonds which property may include positive tax allocation increments
 14 derived from the tax allocation district, all or part of general funds derived from the tax
 15 allocation district, and any other property from which bonds may be paid under Code
 16 Section 36-44-14, as determined by the political subdivision subject to the limitations
 17 of Code Sections 36-44-9 and 36-44-20; and

18 (G) Contains findings that:

19 ~~(i) The redevelopment area on the whole has not been subject to growth and~~
 20 ~~development through private enterprise and would not reasonably be anticipated to~~
 21 ~~be developed without the approval of the redevelopment plan or includes one or more~~
 22 ~~natural or historical assets which have not been adequately preserved or protected and~~
 23 ~~such asset or assets would not reasonably be anticipated to be adequately preserved~~
 24 ~~or protected without the approval of the redevelopment plan; and~~

25 (ii) ~~The~~ the improvement of the area is likely to enhance the value of a substantial
 26 portion of the other real property in the district.

27 If any information required to be included in the resolution approving the redevelopment
 28 plan under subparagraphs (A) through (G) of this paragraph is contained in the
 29 redevelopment plan, then the resolution approving the redevelopment plan may
 30 incorporate by reference that portion of the redevelopment plan containing said
 31 information."

32 SECTION 2.

33 This Act shall become effective upon its approval by the Governor or upon its becoming law
 34 without such approval.

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.