

House Bill 637

By: Representative Lane of the 158th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 71 of Title 36 of the Official Code of Georgia Annotated, the "Georgia
2 Development Impact Fee Act," so as to provide that a capital improvement shall have a
3 useful life of five years or more; to provide that schools shall be classified as public facilities;
4 to provide that development impact fees may be imposed throughout the jurisdiction or
5 within service areas; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 71 of Title 36 of the Official Code of Georgia Annotated, the "Georgia Development
9 Impact Fee Act," is amended by striking in its entirety paragraph (1) of Code Section
10 36-71-2, relating to definitions, and inserting in lieu thereof the following:

11 "(1) 'Capital improvement' means an improvement with a useful life of ~~ten~~ five years or
12 more, by new construction or other action, which increases the service capacity of a public
13 facility."

14 **SECTION 2.**

15 Said chapter is further amended by striking in its entirety paragraph (16) of said Code
16 Section 36-71-2 and inserting in lieu thereof the following:

17 "(16) 'Public facilities' means:

18 (A) Water supply production, treatment, and distribution facilities;

19 (B) Waste-water collection, treatment, and disposal facilities;

20 (C) Roads, streets, and bridges, including rights of way, traffic signals, landscaping,
21 and any local components of state or federal highways;

22 (D) Storm-water collection, retention, detention, treatment, and disposal facilities,
23 flood control facilities, and bank and shore protection and enhancement improvements;

24 (E) Parks, open space, and recreation areas and related facilities;

- 1 (F) Public safety facilities, including police, fire, emergency medical, and rescue
2 facilities; ~~and~~
3 (G) Libraries and related facilities; and
4 (H) Schools and related facilities."

5 **SECTION 3.**

6 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
7 36-71-3, relating to the imposition of development impact fees, and inserting in lieu thereof
8 the following:

9 "(a) Municipalities and counties which have adopted a comprehensive plan containing a
10 capital improvements element are authorized to impose by ordinance development impact
11 fees as a condition of development approval on all development pursuant to and in
12 accordance with the provisions of this chapter. Such fees may be imposed throughout the
13 jurisdiction or within service areas. After the transition period provided in this chapter,
14 development exactions for other than project improvements shall be imposed by
15 municipalities and counties only by way of development impact fees imposed pursuant to
16 and in accordance with the provisions of this chapter."

17 **SECTION 4.**

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