

Senate Resolution 1073

By: Senators Orrock of the 36th and Fort of the 39th

### A RESOLUTION

1 Urging the board of commissioners of Fulton County to take certain action with respect to  
2 the Fulton Bag and Cotton Mill Urban Enterprise Zone; and for other purposes.

3 WHEREAS, the Urban Enterprise Zone designation is intended to encourage private  
4 investors to develop housing units in areas of the City of Atlanta which otherwise might not  
5 attract such investment; and

6 WHEREAS, the Department of Planning and Community Development within the City of  
7 Atlanta Bureau of Planning has developed guidelines for the request and approval of  
8 applications for Urban Enterprise Zone projects; and

9 WHEREAS, in conformance with state statute, the City of Atlanta's guidelines for Urban  
10 Enterprise Zones outline specific requirements to be met before the economic incentive of  
11 a tax abatement can be triggered; and

12 WHEREAS, it was resolved July 19, 1995, by the Fulton County Board of Commissioners  
13 that the boundaries of the Fulton Bag and Cotton Mill Urban Enterprise Zone and the period  
14 for which the designation shall be effective would be the same as those adopted by the  
15 council of the City of Atlanta on May 15, 1995; and

16 WHEREAS, by Act No. 924 of the General Assembly of Georgia in the year 1998, the tax  
17 abatement schedule for the Fulton Bag and Cotton Mill Urban Enterprise Zone was  
18 effectively changed, providing that, upon fulfillment of required criteria by the developer of  
19 property within the Fulton Bag and Cotton Mill Urban Enterprise Zone, the property tax  
20 abatement incentive became effective January 1, 2001; and

21 WHEREAS, the final tax abatement schedule for the Fulton Bag and Cotton Mill became  
22 effective January 1, 2001, and extended through 2011, allowing for property tax abatement  
23 percentages to be assigned accordingly: 2001–100 percent, 2002–100 percent, 2003–100

1 percent, 2004–100 percent, 2005–100 percent, 2006–80 percent, 2007–80 percent, 2008–60  
2 percent, 2009–40 percent, and 2010–20 percent; and

3 WHEREAS, Fulton County’s participation in the tax abatement schedule for the Fulton Bag  
4 and Cotton Mill Urban Enterprise Zone was unmonitored and failed to comply with the  
5 Urban Enterprise Zone Act; and

6 WHEREAS, the Fulton County tax assessor erroneously assigned highly inaccurate property  
7 tax rates on all parcels within the Fulton Bag and Cotton Mill Urban Enterprise Zone in July  
8 of 2007; and

9 WHEREAS, property owners in the Fulton Bag and Cotton Mill Urban Enterprise Zone  
10 suffered large and unexpected increases in monthly mortgage payments due to escrow  
11 account adjustments brought on by the erroneous tax adjustment; and

12 WHEREAS, the Fulton County tax assessor then issued miscalculated and inaccurate refunds  
13 to said property owners in November, 2007; and

14 WHEREAS, these unexpected disruptions to the personal finances of property owners in the  
15 Fulton Bag and Cotton Mill Urban Enterprise Zone, coupled with current market turmoil,  
16 have put many at risk of mortgage default; and

17 WHEREAS, it is not in the best interest of the State of Georgia, Fulton County, or the City  
18 of Atlanta to have homeowners put at risk of foreclosure or bankruptcy as a result of  
19 erroneous rates of taxation at the state, county, or city level; and

20 WHEREAS, the remainder of the tax abatement schedule of the Fulton Bag and Cotton Mill  
21 Urban Enterprise Zone is 2008–60 percent, 2009–40 percent, and 2010–20 percent, of which  
22 the county will receive a larger tax increase on the improved property compared to the  
23 un-redeveloped property tax base of 1995.

24 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
25 GEORGIA that the board of commissioners of Fulton County is urged to comply with the  
26 remainder of the Fulton Bag and Cotton Mill Urban Enterprise Zone tax abatement schedule;  
27 adhere to a transparent monitoring program for all Urban Enterprise Zone program projects  
28 in which it elects to participate; and act swiftly to provide appropriate relief to the residents  
29 and property owners of the Fulton Bag and Cotton Mill Urban Enterprise Zone.

1 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed  
2 to transmit an appropriate copy of this resolution to each member of the board of  
3 commissioners of Fulton County, the tax commissioner of Fulton County, the tax assessor  
4 of Fulton County, and the mayor and each councilmember of the City of Atlanta.