

Senate Bill 86

By: Senators Ginn of the 47th, Miller of the 49th, Williams of the 19th, Rogers of the 21st, Murphy of the 27th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to revise definitions; to provide for the development of basic local plans; to provide for
3 procedures and status regarding such plans; to modify the manner of review of developments
4 of regional impact; to provide for related matters; to provide definitions; to establish the
5 Georgia Certified Retirement Community Program; to provide for purposes for such
6 program; to provide for evaluation criteria; to provide for certification; to provide for related
7 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
11 by revising paragraph (18) of subsection (a) of Code Section 50-8-2, relating to definitions,
12 as follows:

13 "(18) 'Qualified local government' means a county or municipality which:

14 ~~(A) Has a comprehensive plan in conformity with the minimum standards and~~
15 ~~procedures;~~

16 ~~(B) Has made its local plan implementation mechanisms consistent with those~~
17 ~~established in its comprehensive plan and with the minimum standards and procedures;~~
18 ~~and~~

19 ~~(C) Has not failed to participate in the department's mediation or other means of~~
20 ~~resolving conflicts in a manner which, in the judgment of the department, reflects a~~
21 ~~good faith effort to resolve any conflict has adopted a basic local plan.~~"

22 **SECTION 2.**

23 Said title is further amended by inserting "and" at the end of paragraph (2) of subsection (d)
24 of Code Section 50-8-7.1, relating to general powers and duties of the department, and
25 revising paragraphs (3), (4), and (5) as follows:

26 "(3) The department may establish rules and procedures which require that local
 27 governments submit for review public comment any proposed action which would, based
 28 upon guidelines which the department may establish, affect regionally important
 29 resources or further any development of regional impact. Any such proposed action by
 30 a local government, ~~(other than a regional commission,)~~ shall be submitted for review to
 31 the local government's regional commission. ~~Any such proposed action by a regional~~
 32 ~~commission shall be submitted for review to the department. Review shall be in~~
 33 ~~accordance with rules and procedures established by the department. The review shall~~
 34 ~~result in a public finding by the regional commission or the department, as the case may~~
 35 ~~be, that the action will be in the best interest of the region and state or that it will not be~~
 36 ~~in the best interest of the region and state; of which the local government is a member.~~
 37 The regional commission shall notify the affected jurisdictions and encourage them to
 38 provide comments to the local government proposing to take action which would affect
 39 regionally important resources.

40 (4) ~~Any conflict which remains after review pursuant to the procedures established under~~
 41 ~~paragraph (3) of this subsection shall be submitted to mediation or such other form of~~
 42 ~~resolving conflicts as the commissioner may deem necessary; and~~

43 (5) ~~The department may decline to certify a local government as a qualified local~~
 44 ~~government or may take or recommend action which would reduce state or other funding~~
 45 ~~for a regional commission if such local government or regional commission, as the case~~
 46 ~~may be, is a party to a conflict but fails to participate in the department's mediation or~~
 47 ~~other means of resolving conflicts in a manner which, in the judgment of the department~~
 48 ~~and a majority of the Board of Community Affairs, reflects a good faith effort to resolve~~
 49 ~~the conflict."~~

50 SECTION 3.

51 Said title is further amended by revising paragraph (22) of Code Section 50-8-31, relating
 52 to definitions regarding regional commissions, as follows:

53 "(22) 'Qualified local government' means ~~a county or municipality which:~~

54 (A) ~~Has a comprehensive plan in conformity with the minimum standards and~~
 55 ~~procedures;~~

56 (B) ~~Has made its local plan implementation mechanisms consistent with those~~
 57 ~~established in its comprehensive plan and with the minimum standards and procedures;~~
 58 ~~and~~

59 (C) ~~Has not failed to participate in the department's mediation or other means of~~
 60 ~~resolving conflicts in a manner which, in the judgment of the department, reflects a~~

61 ~~good faith effort to resolve any conflict shall have the same meaning as provided in~~
 62 ~~paragraph (18) of subsection (a) of Code Section 50-8-2."~~

63 **SECTION 4.**

64 Said title is further amended by adding a new Code section to read as follows:

65 "50-8-35.1.

66 (a) A basic local plan shall, upon request by a county or municipality, be developed by the
 67 regional commission of which the county or municipality is a member, utilizing existing
 68 resources of the regional commission.

69 (b) A county or municipality shall retain qualified local government status during basic
 70 local plan development by the regional commission and adoption by the local government.

71 (c) Any county or municipality with an approved comprehensive plan shall be presumed
 72 to have met the standards for having adopted the basic local plan necessary to retain
 73 qualified local government status until the local government's next plan recertification
 74 deadline as prescribed by the department."

75 **SECTION 5.**

76 Said title is further amended by adding a new article to read as follows:

77 "ARTICLE 10

78 50-8-240.

79 (a) As used in this article, the term:

80 (1) 'Department' means the Department of Community Affairs.

81 (2) 'Program' means the Georgia Certified Retirement Community Program.

82 (b) There is established the Georgia Certified Retirement Community Program. The
 83 department may coordinate the development and planning of the program with other state
 84 and local groups interested in participating in and promoting the program. The department
 85 shall adopt rules and regulations to implement the provisions of this article.

86 (c) The purpose of the program is to encourage retirees and those planning to retire to
 87 make their homes in Georgia. In order to further this purpose, the department may engage
 88 in the following activities:

89 (1) Portray the state as a retirement destination to retirees and those persons and families
 90 who are planning retirement both in and outside of Georgia;

91 (2) Advise Georgia communities in their efforts to market themselves as retirement
 92 locations and to develop communities that retirees would find attractive for a retirement
 93 lifestyle;

- 94 (3) Advise in the development of retirement communities and continuing care retirement
 95 communities as such term is defined in Code Section 31-6-2 in order to promote
 96 economic development and a potential workforce to enrich Georgia communities; and
 97 (4) Provide for an application fee not to exceed \$2,000.00 or 5¢ times the population of
 98 the county as shown in the most recent decennial census, whichever is greater.
- 99 (d) The department may identify factors that are of interest to retirees or potential retirees
 100 in order to inform them of the benefits of living in the state. Such factors may be used to
 101 develop a scoring system to determine whether an applicant will qualify as a Georgia
 102 certified retirement community and may include the following:
- 103 (1) Georgia's state and local tax structure;
 104 (2) Housing opportunities and cost;
 105 (3) Climate;
 106 (4) Personal safety;
 107 (5) Working opportunities;
 108 (6) Health care and continuing care services;
 109 (7) Transportation;
 110 (8) Continuing education;
 111 (9) Leisure living;
 112 (10) Recreation;
 113 (11) The performing arts;
 114 (12) Festivals and events;
 115 (13) Sports; and
 116 (14) Other services and facilities necessary to enable persons to age in the community
 117 with a minimum of restrictions.
- 118 (e) The department is authorized to establish criteria for qualifying as a Georgia certified
 119 retirement community. To be eligible to obtain certification as a Georgia certified
 120 retirement community, the community shall meet each of the following requirements:
- 121 (1) Take steps to gain the support of churches, clubs, businesses, media, and other
 122 entities whose participation will increase the program's success in attracting retirees or
 123 potential retirees;
- 124 (2) Establish a retiree attraction committee. The retiree attraction committee shall fulfill
 125 or create subcommittees to fulfill each of the following:
- 126 (A) Conduct a retiree desirability assessment analyzing the community with respect to
 127 each of the factors identified by the department and submit a report of the analysis to
 128 the department;
- 129 (B) Send a representative of the retirement attraction committee to attend state training
 130 meetings conducted by the department during the certification process;

- 131 (C) Raise funds necessary to run the program, organize special events, and promote
132 and coordinate the program with local entities;
- 133 (D) Establish a community image, evaluate target markets, and develop a marketing
134 and public relations plan designed to accomplish the purpose of the program; and
- 135 (E) Develop a system that identifies and makes contact with existing and prospective
136 retirees, that provides tour guides when prospects visit the community, and that
137 responds to inquiries, logs contacts made, invites prospects to special community
138 events, and maintains continual contact with prospects until the prospect makes a
139 retirement location decision;
- 140 (3) Remit an application fee to the department as provided in paragraph (4) of
141 subsection (b) of this Code section;
- 142 (4) Submit the completed marketing and public relations plan designed to accomplish
143 the purpose of the program to the department; and
- 144 (5) Submit a long-term plan outlining the steps the community will undertake to maintain
145 or improve its desirability as a destination for retirees, including corrections to any
146 services or facilities identified in the retiree desirability assessment."

147 **SECTION 6.**

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

150 **SECTION 7.**

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