

## HOUSE SUBSTITUTE TO SENATE BILL 4

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 urban redevelopment for counties and municipal corporations, so as to provide for the use  
3 of surface transportation projects in urban redevelopment areas; to provide for definitions;  
4 to provide for public contracts with private enterprises for the completion of surface  
5 transportation projects; to provide for methods of procurement for surface transportation  
6 projects in urban redevelopment areas; to provide for utility relocation costs associated with  
7 certain surface transportation projects; to provide for limitations on former public employees  
8 when negotiating contracts for surface transportation projects; to amend Chapter 8 of Title  
9 50 of the Official Code of Georgia Annotated, relating to the Department of Community  
10 Affairs, so as to provide for the formation of a metropolitan planning process for the Atlanta  
11 Urbanized Area and Atlanta Air Quality region; to provide for related matters; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban  
16 redevelopment for counties and municipal corporations, is amended by revising paragraphs  
17 (17) and (19) through (22) and adding two new paragraphs to Code Section 36-61-2, relating  
18 to definitions, as follows:

19 "(17) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment of  
20 a slum area or portion thereof, in accordance with an urban redevelopment plan, by:

21 (A) Carrying out plans for a program of voluntary or compulsory repair and  
22 rehabilitation of buildings or other improvements;

23 (B) Acquisition of real property and rehabilitation or demolition and removal of  
24 buildings and improvements thereon where necessary to eliminate unhealthful,  
25 unsanitary, or unsafe conditions, to lessen or increase density, to reduce traffic hazards,  
26 to eliminate obsolete or other uses detrimental to the public welfare, to otherwise

27 remove or prevent the spread of slums or deterioration, or to provide land for needed  
 28 public facilities or improvements, including, but not limited to, surface transportation  
 29 projects;

30 (C) Installation, construction, or reconstruction of streets, transit facilities and  
 31 improvements, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks,  
 32 playgrounds, and other improvements necessary for carrying out in the area the urban  
 33 redevelopment provisions of this chapter; and

34 (D) The disposition of any property acquired in such urban redevelopment area,  
 35 including sale, initial leasing or retention by the municipality or county itself, at its fair  
 36 value for uses in accordance with the urban redevelopment plan."

37 "(19) 'Slum clearance and redevelopment' may include:

38 (A) Acquisition of a slum area or portion thereof;

39 (B) Rehabilitation or demolition and removal of buildings and improvements;

40 (C) Installation, construction, or reconstruction of streets, transit facilities, sidewalks,  
 41 streetscapes, trails, bicycle facilities, utilities, parks, playgrounds, and other public  
 42 facilities and improvements necessary for carrying out in the area the urban  
 43 redevelopment provisions of this chapter in accordance with the urban redevelopment  
 44 plan; and

45 (D) Making the land available for development or redevelopment by private enterprise  
 46 or public agencies (including sale, initial leasing, or retention by the municipality or  
 47 county itself) at its fair value for uses in accordance with the urban redevelopment plan.

48 (20) 'Sponsoring local government' means the municipality or county which approves  
 49 and is, directly or indirectly, providing the greatest percentage of the public funding,  
 50 exclusive of federal funding, for a surface transportation project.

51 (21) 'Surface transportation project' means a project for public improvement and any  
 52 related public facilities which is planned to impact 10,000 or more acres and at least ten  
 53 transit miles within the area of operation of the sponsoring local government, including  
 54 any related facilities, systems, parks, trails, streets, greenspace, and any other integrated  
 55 public or private development features included within any adopted infrastructure or  
 56 transportation plan, urban redevelopment plan, strategic implementation plan,  
 57 redevelopment plan, workable programs, or comprehensive plans. Surface transportation  
 58 projects may be undertaken under this chapter in areas proximate to, but lying outside of,  
 59 a designated urban redevelopment area, without regard to any requirement that the area  
 60 be a blighted area, but only within the territorial limits of the sponsoring local  
 61 government, provided that:

62 (A) The majority of the applicable surface transportation project is located within one  
 63 or more urban redevelopment areas;

64 (B) The elements of such surface transportation project lying outside of one or more  
 65 urban redevelopment areas are a functional component of a redevelopment plan  
 66 authorized under the provisions of Chapter 44 of this title or a comprehensive  
 67 development plan adopted in accordance with the rules of the Department of  
 68 Community Affairs under Chapter 8 of Title 50;

69 (C) The sponsoring local government determines that the elements of the surface  
 70 transportation project lying outside of one or more urban redevelopment areas are  
 71 essential to the full implementation of such project, which legislative determination  
 72 shall be deemed conclusive; and

73 (D) The location of such surface transportation project is wholly within a county or  
 74 counties that have approved a referendum pursuant to Section 24 of an Act creating the  
 75 Metropolitan Atlanta Rapid Transit Authority, approved March 10, 1965 (Ga. L. 1965,  
 76 p. 2243), as amended.

77 (22) 'Urban redevelopment area' means a slum area which the local governing body  
 78 designates as appropriate for an urban redevelopment project.

79 ~~(21)~~(23) 'Urban redevelopment plan' means a plan, as it exists from time to time, for an  
 80 urban redevelopment project, which plan shall:

81 (A) Conform to the general plan for the municipality or county as a whole; and

82 (B) Be sufficiently complete to indicate such land acquisition, demolition and removal  
 83 of structures, redevelopment, improvements, and rehabilitation as may be proposed to  
 84 be carried out in the urban redevelopment area; zoning and planning changes, if any;  
 85 land uses; maximum densities; building requirements; and the plan's relationship to  
 86 definite local objectives respecting appropriate land uses, improved traffic, public  
 87 transportation, public utilities, recreational and community facilities, and other public  
 88 improvements.

89 ~~(22)~~(24) 'Urban redevelopment project' may include undertakings or activities of a  
 90 municipality or county in an urban redevelopment area for the elimination and for the  
 91 prevention of the development or spread of slums and may involve slum clearance and  
 92 redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban  
 93 redevelopment area, the implementation of public improvements, including, but not  
 94 limited to, surface transportation projects, or any combination or part thereof, in  
 95 accordance with an urban redevelopment plan. Although the power of eminent domain  
 96 may not be exercised for ~~such~~ the following purposes, such undertakings or activities may  
 97 include:

98 (A) Acquisition, without regard to any requirement that the area be a slum or blighted  
 99 area, of air rights in an area consisting of lands and highways, railway or subway tracks,  
 100 bridge or tunnel entrances, or other similar facilities which have a blighting influence

101 on the surrounding area and over which air rights sites are to be developed for the  
 102 elimination of such blighting influences and for the provision of housing and related  
 103 facilities and uses designed for, and limited primarily to, families and individuals of low  
 104 or moderate income; and

105 (B) Construction of foundations and platforms necessary for the provision of air rights  
 106 sites of housing and related facilities and uses designed for, and limited primarily to,  
 107 families and individuals of low or moderate income or construction of foundations  
 108 necessary for the provision of air rights sites for development of nonresidential  
 109 facilities."

## 110 SECTION 2.

111 Said chapter is further amended by revising Code Section 36-61-4, relating to the  
 112 encouragement of private enterprise in urban redevelopment, as follows:

113 "36-61-4.

114 (a) A municipality or county, to the greatest extent it determines to be feasible in carrying  
 115 out the provisions of this chapter, shall afford maximum opportunity, consistent with the  
 116 sound needs of the municipality or county as a whole, to the rehabilitation or  
 117 redevelopment of the urban redevelopment area by private enterprise. A municipality or  
 118 county shall give consideration to this objective in exercising its powers under this chapter,  
 119 including: the formulation of a workable program; the approval of urban redevelopment  
 120 plans consistent with the general plan for the municipality or county; the adoption and  
 121 enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its  
 122 zoning powers; the enforcement of other laws, codes, and regulations relating to the use of  
 123 land and the use and occupancy of buildings and improvements; the disposition of any  
 124 property acquired; and the provision of necessary public improvements.

125 (b) Notwithstanding anything in this chapter or other provisions of law to the contrary, and  
 126 in order to give effect to the encouragement of private enterprise contemplated in this Code  
 127 section, the following shall apply to contracts and agreements for surface transportation  
 128 projects entered into pursuant to this chapter:

129 (1) In addition to other methods of procurement authorized by law, the sponsoring local  
 130 government, urban redevelopment agency, or other governing body shall be authorized  
 131 to utilize the procedures of this chapter to provide for the planning, design, finance,  
 132 construction, acquisition, leasing, operation, and maintenance of surface transportation  
 133 projects. The provisions of this chapter shall be an alternative to such other methods to  
 134 be exercised at the option of each sponsoring local government or public body;

135 (2) One or more public bodies may participate in the consideration and implementation  
 136 of a surface transportation project at the discretion of the sponsoring local government.

137 Where more than one public body agrees to participate in the consideration or  
138 implementation of a surface transportation project, the participants may designate one or  
139 more representatives of each such participating public body, as agreed to by the  
140 sponsoring local government or the urban redevelopment agency;

141 (3)(A) An urban redevelopment agency designated by the sponsoring local government  
142 may evaluate a project to determine the appropriate or desirable levels of public and  
143 private participation in planning, designing, financing, constructing, operating,  
144 maintaining, or facilitating, or any combination thereof, for the execution of such  
145 project. Such urban redevelopment agency may designate a public nonprofit, private  
146 corporation, body, or entity to perform this function and to otherwise perform the  
147 activities contemplated in this Code section.

148 (B) A sponsoring local government or an urban redevelopment agency shall be  
149 authorized to issue, individually or in sequenced stages, written requests for expressions  
150 of interest, qualifications, or proposals, or any combination thereof, or other similar  
151 methods of procurement or solicitation. Such requests shall indicate the scope of the  
152 project, the proposed public and private financial participation in the project, including,  
153 but not limited to, the rights, responsibilities, obligations, revenue sharing features, any  
154 lease, license, availability or other payment rights, and any other allocations of interests  
155 and federal and state income tax benefits in respect of real and personal property  
156 relating to a project. Such requests shall include the factors to be used in evaluating  
157 responses, the relative importance of any applicable evaluation factors, and other  
158 contractual terms and conditions expected, including any unique capabilities or  
159 qualifications that will be required of respondents, as determined in the sole discretion  
160 of the designated representative of the sponsoring local government. Public notice of  
161 such requests shall be made at least 30 days prior to the date set for the release of said  
162 request by posting a legal notice on the websites and weekly in the legal organ of the  
163 sponsoring local government and the public body implementing the project, in  
164 substantially the same manner utilized by such public bodies in order to solicit requests  
165 for proposals, with a copy of such notice provided simultaneously to each affected  
166 public body.

167 (C)(i) The public body implementing the project and the sponsoring local  
168 government, with the participation of any designated representatives of other  
169 participating public bodies as determined by the sponsoring local government, may  
170 engage in individual discussions and interviews with each respondent deemed fully  
171 qualified, responsible, and suitable on the basis of initial responses and with emphasis  
172 on professional competence and ability to meet the level of private financial

173 participation as called for in such request. Repetitive interviews may be conducted.  
174 Any such interviews shall be deemed to be a part of the procurement process.

175 (ii)(I) At the conclusion of the final stage, on the basis of evaluation factors  
176 published in the request and all information developed in the selection process, the  
177 public body implementing the surface transportation project, in an open and public  
178 meeting subject to the provisions of Chapter 14 of Title 50, shall rank the proposals  
179 in accordance with the factors set forth in the request for proposal or invitation for  
180 bids.

181 (II) After ranking the proposals, the public body implementing the project shall  
182 begin negotiations with the first ranked private entity. If such public body and first  
183 ranked private entity do not reach a comprehensive agreement or interim agreement,  
184 such public body may conduct negotiations with the next ranked private entity.  
185 Such process shall continue until such public body either voluntarily abandons the  
186 process or executes a comprehensive agreement or interim agreement with a private  
187 entity. Negotiations conducted with one or more selected respondent pursuant to  
188 this Code section shall continue to be deemed an active procurement until the  
189 execution of the final, definitive agreement with the selected respondent or  
190 respondents.

191 (iii) The public body implementing the project shall select for approval the  
192 respondent offering the most satisfactory and advantageous contract terms for the  
193 project based upon a thorough assessment of any one or more of the following:  
194 experience and reputation with similar projects; engineering and design quality; value;  
195 projected savings during, before, or after construction; and the ability of the final  
196 project's characteristics to meet the goals of the sponsoring local government,  
197 consistent with applicable plans and programs. The fair market value of any property  
198 included as a part of the procurement may be based on the consideration of the above  
199 factors, but it shall not be less than the initial cost to obtain the property. Before  
200 making such selection, the designated representative shall consult in an open and  
201 public meeting subject to the provisions of Chapter 14 of Title 50 with the  
202 representatives of any participating local governing authority, participating local  
203 authority, participating state agency, department, or authority, and affected local  
204 government. Notwithstanding the foregoing, if the terms and conditions for multiple  
205 awards are included in the request, the implementing public body may award  
206 contracts to more than one respondent. Should the implementing public body  
207 determine in writing that only one respondent is fully qualified, or that one respondent  
208 is clearly more highly qualified and suitable than the other respondents under  
209 consideration, a contract may be negotiated and awarded to that respondent.

210 (iv) Upon approval of the selection by the implementing public body, a contract or  
 211 contracts not exceeding 50 years in duration may be entered into by the urban  
 212 redevelopment agency or any one or more of the participating public bodies and the  
 213 selected respondent or respondents. The private financial data or financial plans  
 214 which qualify as trade secrets pursuant to Code Section 10-1-761 and paragraph (34)  
 215 of subsection (a) of Code Section 50-18-72 provided by the respondents shall remain  
 216 exempt from Code Section 50-18-72 during and after the conclusion of the related  
 217 selection process.

218 (D) A dispute over the award of a contract under this chapter shall be resolved by the  
 219 filing of a petition in the superior court of the county in which the sponsoring local  
 220 government is located within 30 days of the awarding of such contract and shall be  
 221 determined through the use of a special master appointed by the judge of the superior  
 222 court of the county in which the sponsoring local government is located. The special  
 223 master shall not be authorized to enjoin or otherwise delay or suspend the execution of  
 224 the contract and any work to be performed under such contract. The decision of the  
 225 special master with regard to such dispute shall be appealable for a de novo review to  
 226 the superior court of the county in which the sponsoring local government is located  
 227 within 30 days following the decision of the special master.

228 (E) Nothing in this chapter shall require the designated representatives, the sponsoring  
 229 local government, the implementing public body, or any participating public body to  
 230 continue negotiations or discussions arising out of any request or any other procurement  
 231 initiated under the provisions of this Code section.

232 (F) Every public body shall be authorized to promulgate reasonable rules and  
 233 regulations to assist in its evaluation of responses and to implement the purposes of this  
 234 chapter; provided, however, that unsolicited proposals shall not be permitted;

235 (4) No public officer, employee, or member of any participating public body, with  
 236 respect to contracts of such public body, or the General Assembly shall serve as an agent,  
 237 lobbyist, or board member for any private entity directly or indirectly under a contract or  
 238 negotiating a contract provided for by this chapter for one year after leaving his or her  
 239 position as a public officer, employee, or member of the public body or the General  
 240 Assembly;

241 (5) Contracts entered into with a private enterprise in respect to the design, construction,  
 242 operation, financing, or management of the public components of a surface transportation  
 243 project shall not constitute the acquisition of property for a private use, nor shall such  
 244 contracts be deemed a sale, lease, or other disposition of the related interests in property  
 245 under any provisions of this chapter or other provision of applicable law, and such public  
 246 components of a surface transportation project shall be deemed a public use for all

247 purposes under applicable provisions of law, including, without limitation, Code Sections  
 248 36-61-9 and 36-61-10; and  
 249 (6) If a surface transportation project requires the relocation of a utility, as defined by  
 250 paragraph (30) of Code Section 32-1-3, the public body implementing such project shall  
 251 bear the costs to relocate the utility."

252 **SECTION 3.**

253 Said chapter is further amended by revising Code Section 36-61-6, relating to formulation  
 254 of a workable program for urban redevelopment, as follows:

255 "36-61-6.

256 For the purposes of this chapter, a municipality or county may formulate a workable  
 257 program for utilizing appropriate private and public resources including those specified in  
 258 Code Section 36-61-11, to eliminate and prevent the development or spread of slums, to  
 259 encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or  
 260 to undertake such of the aforesaid activities or such other feasible municipal or county  
 261 activities as may be suitably employed to achieve the objectives of such workable program.  
 262 Such workable program may include, without limitation, provision for the prevention of  
 263 the spread of slums into areas of the municipality or county which are free from slums,  
 264 through diligent enforcement of housing, zoning, and occupancy controls and standards;  
 265 the rehabilitation or conservation of slum areas or portions thereof by replanting, removing  
 266 congestion, providing parks, playgrounds, and other public improvements, including  
 267 without limitation surface transportation projects, encouraging voluntary rehabilitation, and  
 268 compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the  
 269 clearance and redevelopment of slum areas or portions thereof."

270 **SECTION 4.**

271 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section  
 272 36-61-10, relating to the disposal of property in a redevelopment area, as follows:

273 "(b)(1) A municipality or county may dispose of real property in an urban redevelopment  
 274 area to private persons only under such reasonable competitive bidding procedures as it  
 275 shall prescribe, ~~or as are provided in this subsection~~ or, solely with respect to and for the  
 276 benefit of advancing surface transportation projects, as provided in Code Section 36-61-4.

277 A municipality or county, by public notice by publication once each week for two  
 278 consecutive weeks in a newspaper having a general circulation in the community, prior  
 279 to the execution of any contract to sell, lease, or otherwise transfer real property and prior  
 280 to the delivery of any instrument of conveyance with respect thereto under this Code  
 281 section, may invite proposals from and make available all pertinent information to private



282 redevelopers or any persons interested in undertaking to redevelop or rehabilitate an  
 283 urban redevelopment area or any part thereof. The notice shall identify the area or  
 284 portion thereof and shall state that such further information as is available may be  
 285 obtained at such office as shall be designated in the notice. The municipality or county  
 286 shall consider all such redevelopment or rehabilitation proposals and the financial and  
 287 legal ability of the persons making such proposals to carry them out and may negotiate  
 288 with any persons for proposals for the purchase, lease, or other transfer of any real  
 289 property acquired by the municipality or county in the urban redevelopment area. The  
 290 municipality or county may accept such proposal as it deems to be in the public interest  
 291 and in furtherance of the purposes of this chapter. The municipality or county may  
 292 execute contracts in accordance with subsection (a) of this Code section and deliver  
 293 deeds, leases, and other instruments and take all steps necessary to effectuate such  
 294 contracts."

295 **SECTION 5.**

296 Said chapter is further amended by revising Code Section 36-61-12, relating to the issuance  
 297 of bonds for urban redevelopment projects, as follows:

298 "36-61-12.

299 (a) A municipality or county shall have power to issue bonds, in its discretion, from time  
 300 to time, to finance the undertaking of any urban redevelopment project under this chapter,  
 301 including, without limiting the generality thereof, the payment of principal and interest  
 302 upon any advances for surveys and plans for urban redevelopment projects and shall also  
 303 have power to issue refunding bonds for the payment of retirement of such bonds  
 304 previously issued by it. Such bonds shall be made payable, as to both principal and  
 305 interest, solely from the income, proceeds, revenues, and funds of the municipality or  
 306 county derived from or held in connection with its undertaking and carrying out of urban  
 307 redevelopment projects under this chapter; provided, however, that payment of such bonds,  
 308 both as to principal and interest, may be further secured by a pledge of any loan, grant, or  
 309 contribution from the federal government or other source, in aid of any urban  
 310 redevelopment projects of the municipality or county under this chapter, and by a mortgage  
 311 of any such urban redevelopment projects or any part thereof, title to which is in the  
 312 municipality or county, or redevelopment agency.

313 (b) Bonds issued under this Code section shall not constitute an indebtedness within the  
 314 meaning of any constitutional or statutory debt limitation or restriction and shall not be  
 315 subject to the provisions of any other law or charter relating to the authorization, issuance,  
 316 or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential

317 public and governmental purpose and, together with interest thereon and income therefrom,  
 318 shall be exempted from all taxes.

319 (c) Bonds issued under this Code section shall be authorized by resolution or ordinance  
 320 of the local governing body. They may be issued in one or more series and shall bear such  
 321 date or dates, be payable upon demand or mature at such time or times, bear interest at such  
 322 rate or rates, be in such denomination or denominations, be in such form either coupon or  
 323 registered, carry such conversion or registration privileges, have such rank or priority, be  
 324 executed in such manner, be payable in such medium of payment, at such place or places,  
 325 be subject to such terms of redemption (with or without premium), be secured in such  
 326 manner, and have such other characteristics as may be provided by the resolution of the  
 327 local governing body or by the trust indenture or mortgage issued pursuant thereto.

328 ~~(d) Such bonds may be sold at not less than par at public sales held after notice published~~  
 329 ~~prior to such sales in a newspaper having a general circulation in the area of operation and~~  
 330 ~~in such other medium of publication as the municipality or county may determine or may~~  
 331 ~~be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal~~  
 332 ~~government or to an institution insured by an agency of the federal government at private~~  
 333 ~~sale at not less than par and, in the event that less than all of the authorized principal~~  
 334 ~~amount of such bonds is sold to the federal government or to an institution insured by an~~  
 335 ~~agency of the federal government, the balance may be sold at private sale at not less than~~  
 336 ~~par at an interest cost to the municipality or county, such cost not to exceed the interest cost~~  
 337 ~~to the municipality or county of the portion of the bonds sold to the federal government or~~  
 338 ~~to an institution insured by an agency of the federal government. All revenue bonds, but~~  
 339 ~~not notes or other obligations, issued under this Code section shall be issued and validated~~  
 340 ~~under and in accordance with the procedure set forth in Article 3 of Chapter 82 of this title.~~  
 341 ~~The provisions of any resolution or ordinance authorizing the issuance of bonds under this~~  
 342 ~~Code section shall be a contract with every holder of such bonds and enforceable by any~~  
 343 ~~bondholder by mandamus or other appropriate action or proceeding at law or in equity.~~

344 (e) If any of the public officials of the municipality or county whose signatures appear on  
 345 any bonds or coupons issued under this chapter cease to be such officials before the  
 346 delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all  
 347 purposes, the same as if the officials had remained in office until the delivery. Any  
 348 provision of any law to the contrary notwithstanding, any bonds issued pursuant to this  
 349 chapter shall be fully negotiable.

350 (f) In any suit, action, or proceeding involving the validity or enforceability of any bond  
 351 issued under this chapter or the security therefor, any such bond reciting in substance that  
 352 it has been issued by the municipality or county in connection with an urban redevelopment  
 353 project, as defined in paragraph ~~(22)~~(24) of Code Section 36-61-2, shall be conclusively

354 deemed to have been issued for such purpose and such project shall be conclusively  
 355 deemed to have been planned, located, and carried out in accordance with this chapter.  
 356 (g) Any urban redevelopment agency or housing authority which a municipality or county  
 357 has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as  
 358 provided in this Code section, in the same manner as a municipality or county, except that  
 359 such bonds shall be authorized and the terms and conditions thereof shall be prescribed by  
 360 the commissioners of such urban redevelopment agency or housing authority in lieu of the  
 361 local governing body."

362 **SECTION 6.**

363 Said chapter is further amended by revising subsection (b) of Code Section 36-61-14, related  
 364 to property exempt from taxes and from levy and sale by virtue of an execution, as follows:  
 365 "(b) The property of a municipality, ~~or county,~~ or any other public body, acquired or held  
 366 for the purpose of this chapter, is declared to be public property used for essential public  
 367 and governmental purposes and such property shall be exempt from all taxes of the  
 368 municipality, the county, the state, or any political subdivision thereof. Such tax exemption  
 369 shall terminate when the municipality or county sells, leases, or otherwise disposes of  
 370 property in an urban redevelopment area to a purchaser or lessee who or which is not a  
 371 public body."

372 **SECTION 7.**

373 Said chapter is further amended by revising subsection (a) of Code Section 36-61-16, relating  
 374 to cooperation by public bodies, as follows:  
 375 "(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban  
 376 redevelopment project located within the area in which it is authorized to act, any public  
 377 body, upon such terms, with or without consideration, as it may determine, may:  
 378 (1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements,  
 379 licenses, or other rights or privileges therein to a municipality or county;  
 380 (2) Incur the entire expense of any public improvements made by such public body in  
 381 exercising the powers granted in this Code section;  
 382 (3) Do any and all things necessary to aid or cooperate in the planning or carrying out  
 383 of an urban redevelopment plan;  
 384 (4) Lend, grant, or contribute funds to a municipality or county;  
 385 (5) Enter into agreements (which may extend over any period, notwithstanding any  
 386 provision or rule of law to the contrary) with a municipality or county or other public  
 387 body respecting action to be taken pursuant to any of the powers granted by this chapter,  
 388 including the furnishing of funds or other assistance in connection with an urban

389 redevelopment project and other provisions allocating legal responsibility for matters  
 390 arising under or in connection with transactions entered into pursuant to Code Section  
 391 36-61-4; and

392 (6) Cause public buildings and public facilities, including parks, trails, greenspace,  
 393 playgrounds, recreational, community, education, transit, water, sewer, or drainage  
 394 facilities, or any other works which it is otherwise empowered to undertake, to be  
 395 furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan  
 396 streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of  
 397 the public body or make exceptions from building regulations; and cause administrative  
 398 and other services to be furnished to the municipality or county.

399 If at any time title to or possession of any urban redevelopment project is held by any  
 400 public body or governmental agency, other than the municipality or county, which is  
 401 authorized by law to engage in the undertaking, carrying out, or administration of urban  
 402 redevelopment projects, including any agency or instrumentality of the United States of  
 403 America, the provisions of the agreements referred to in this subsection shall inure to the  
 404 benefit of and may be enforced by such public body or governmental agency. As used in  
 405 this subsection, the terms 'municipality' and 'county' shall also include an urban  
 406 redevelopment agency or a housing authority vested with all of the urban redevelopment  
 407 project powers pursuant to Code Section 36-61-17."

408 **SECTION 8.**

409 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department  
 410 of Community Affairs, is amended by adding a new article to read as follows:

411 "ARTICLE 12

412 50-8-280.

413 (a) Contiguous local governments within which lie designated portions of the Atlanta  
 414 Urbanized Area, as defined in 23 U.S.C. Section 101(a)(37), or air quality nonattainment  
 415 areas, as identified under the federal Clean Air Act, 42 U.S.C. Section 7401, et seq., shall  
 416 participate in a metropolitan transportation planning process through a metropolitan  
 417 planning organization established by one or more units of government, or through a  
 418 metropolitan planning process established through their area regional commission.

419 (b) The metropolitan transportation and air quality planning area for each regional  
 420 commission established pursuant to Code Section 50-8-32 and metropolitan area planning  
 421 and development commission established pursuant to Code Section 50-8-82 shall be  
 422 defined by paragraph (1) of subsection (f) of Code Section 50-8-4.

423 (c) Any unit of government that is participating as a limited member of a metropolitan area  
424 planning and development commission for transportation purposes and is located outside  
425 the planning area defined by paragraph (1) of subsection (f) of Code Section 50-8-4 shall  
426 be authorized, on or after July 1, 2015, to designate the local area regional commission to  
427 serve as the metropolitan planning organization.

428 (d) Any unit of government that is not participating as a limited member of a metropolitan  
429 area planning and development commission for transportation purposes shall continue to  
430 perform metropolitan planning in accordance with 23 U.S.C. Section 134.

431 (e) Regional commissions and metropolitan area planning and development commissions  
432 shall be provided funding by the appropriate state and regional entities to develop a  
433 comprehensive transportation and air quality plan for affected local governments within  
434 the Atlanta Urbanized Area as defined by the United States Census Bureau and further  
435 defined by paragraph (1) of subsection (f) of Code Section 50-8-4.

436 (f) Each regional commission established pursuant to Code Section 50-8-32 and  
437 metropolitan area planning and development commission established pursuant to Code  
438 Section 50-8-82 shall establish a policy board that shall govern the transportation and air  
439 quality planning process for all affected areas, approve plans, and have equal voting  
440 representation from affected local governments.

441 (g) In the event of any conflict between the provisions of law governing metropolitan  
442 planning and development commissions and those governing regional commissions, the  
443 laws defined in this Code section shall control and shall govern the metropolitan  
444 transportation planning area funding and planning responsibilities."

445 **SECTION 9.**

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