

House Bill 388

By: Representatives Silcox of the 52<sup>nd</sup>, Stephens of the 164<sup>th</sup>, Gardner of the 57<sup>th</sup>, and Nix of the 69<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 71 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 development impact fees, so as to exempt counties and municipalities from funding a  
3 development project's proportionate share of system improvement when such development  
4 project is exempt from development impact fees and such project creates affordable housing;  
5 to provide for related matters; 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, relating to development  
9 impact fees, is amended by revising subsection (1) of Code Section 36-71-4, relating to  
10 calculation of impact fees, as follows:

11 "(1) A municipal or county development impact fee ordinance may exempt all or part of  
12 particular development projects from development impact fees if:

13 (1) Such projects are determined to create extraordinary economic development and  
14 employment growth or affordable housing;

15 (2) The public policy which supports the exemption is contained in the municipality's or  
16 county's comprehensive plan; and

17 (3) The exempt development project's proportionate share of the system improvement  
18 is funded through a revenue source other than development impact fees; provided,  
19 however, that this paragraph shall not apply to development projects that are exempt from  
20 development impact fees under such ordinance if such projects create affordable  
21 housing."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.