

Senate Bill 162

By: Senators Brass of the 28th, Gooch of the 51st, Dugan of the 30th, Miller of the 49th,
Ginn of the 47th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide for disaster mitigation improvements and broadband services infrastructure
3 in projects of downtown development authorities and development authorities; to provide for
4 a limitation on acceleration of payment provisions in certain financing documents; to
5 authorize the Department of Community Affairs to promulgate best practices guidance for
6 local communities; to provide for definitions; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
11 in Code Section 36-42-3, relating to definitions relative to downtown development
12 authorities, by revising subparagraph (B) of paragraph (6) and by adding new paragraphs to
13 read as follows:

14 "(1.1) 'Broadband services infrastructure' means infrastructure, facilities, and equipment
15 supplying wired or wireless service that consists of the capability to transmit data at a rate
16 of not less than 25 megabits per second in the downstream direction and at least 3
17 megabits per second in the upstream direction to end users and in combination with such
18 service provides:

19 (A) Access to the internet; or

20 (B) Computer processing, information storage, or protocol conversion.

21 Such term shall include any application or information content to be provided over such
22 a service."

23 "(2.1) 'Disaster mitigation improvements' means improvements designed to reduce
24 damage to real property or improvements thereto caused by a natural disaster, or an
25 improvement that reduces repetitive loss recognized by the National Flood Insurance

26 Program, the Community Rating System, or the Federal Emergency Management Agency
 27 or is recommended by the Insurance Institute for Business and Home Safety FORTIFIED
 28 program. As used in this paragraph, the term 'natural disaster' has the meaning provided
 29 for in subsection (a) of Code Section 50-1-9."

30 "(B)(i) The provision of financing to property owners for the purpose of installing or
 31 modifying improvements to their property in order to reduce the energy or water
 32 consumption on such property, or to install an improvement to such property that
 33 produces energy from renewable resources, to install one or more disaster mitigation
 34 improvements, or to install broadband services infrastructure from any public right
 35 of way to any residential structure located on property abutting such right of way.
 36 This shall not limit the authority of the holder or loan servicer to increase the required
 37 monthly escrow by an amount necessary to annually pay the assessment."

38 SECTION 2.

39 Said title is further amended in Code Section 36-42-5, relating to activation of authority by
 40 resolution, filing of resolution with Secretary of State and Department of Community Affairs,
 41 and comments by Department of Community Affairs, by adding a new subsection to read as
 42 follows:

43 "(c) The Department of Community Affairs shall promulgate best practices guidance for
 44 local communities to utilize the provisions of this chapter. Such guidance shall include
 45 consumer protections and definitions of eligible projects. These best practices shall be
 46 completed by the Department of Community Affairs no later than December 31, 2019."

47 SECTION 3.

48 Said title is further amended in Code Section 36-62-2, relating to definitions relative to
 49 development authorities, by revising subparagraph (K.1) of paragraph (6) and by adding new
 50 paragraphs to read as follows:

51 "(1.1) 'Broadband services infrastructure' means infrastructure, facilities, and equipment
 52 supplying wired or wireless service that consists of the capability to transmit data at a rate
 53 of not less than 25 megabits per second in the downstream direction and at least 3
 54 megabits per second in the upstream direction to end users and in combination with such
 55 service provides:

56 (A) Access to the internet; or

57 (B) Computer processing, information storage, or protocol conversion.

58 Such term shall include any application or information content to be provided over such
 59 a service."

60 "(3.1) 'Disaster mitigation improvements' means improvements designed to reduce
 61 damage to real property or improvements thereto caused by a natural disaster, or an
 62 improvement that reduces repetitive loss recognized by the National Flood Insurance
 63 Program, the Community Rating System, or the Federal Emergency Management Agency
 64 or is recommended by the Insurance Institute for Business and Home Safety FORTIFIED
 65 program. As used in this paragraph, the term 'natural disaster' has the meaning provided
 66 for in subsection (a) of Code Section 50-1-9."

67 "(K.1)(i) The provision of financing to property owners for the purpose of installing
 68 or modifying improvements to their property in order to reduce the energy or water
 69 consumption on such property, or to install an improvement to such property that
 70 produces energy from renewable resources, to install one or more disaster mitigation
 71 improvements, or to install broadband services infrastructure from any public right
 72 of way to any residential structure located on property abutting such right of way.
 73 This shall not limit the authority of the holder or loan servicer to increase the required
 74 monthly escrow by an amount necessary to annually pay the assessment;"

75 **SECTION 4.**

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

77 "36-62-15.

78 The Department of Community Affairs shall promulgate best practices guidance for local
 79 communities to utilize the provisions of this chapter. Such guidance shall include
 80 consumer protections and definitions of eligible projects. These best practices shall be
 81 completed by the Department of Community Affairs no later than December 31, 2019."

82 **SECTION 5.**

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