

The Senate Committee on Economic Development and Tourism offered the following substitute to SB 322:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 71 of Title 36 of the Official Code of Georgia Annotated, relating to development impact fees, so as to authorize the exemption of certain development projects from funding such projects' proportionate share of system improvement under certain circumstances; to provide certain limitations with regard to such exemptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 71 of Title 36 of the Official Code of Georgia Annotated, relating to development impact fees, is amended by revising subsection (l) of Code Section 36-71-4, relating to calculation of impact fees, as follows:

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

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

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

(3) The exempt development project's proportionate share of the system improvement is funded through a revenue source other than development impact fees; provided, however, that, if a development project creates affordable housing and meets the requirements of paragraph (2) of this subsection, then a municipal or county development impact fee ordinance may waive the requirements of this paragraph; and provided, further, that, if a municipality or county waives the requirements of this paragraph for a project that creates affordable housing, the municipality or county is prohibited from increasing development impact fees on other projects for the sole purpose of offsetting the loss of development impact fee revenue resulting from the exempted affordable housing project."

27

SECTION 2.

28

All laws and parts of laws in conflict with this Act are repealed.