

Senate Bill 322

By: Senators Ginn of the 47th, Miller of the 49th, Orrock of the 36th, Williams of the 39th,  
Tate of the 38th and others

**AS PASSED SENATE**

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 authorize the exemption of certain development projects  
3 from funding such projects' proportionate share of system improvement under certain  
4 circumstances; to provide certain limitations with regard to such exemptions; to provide for  
5 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, if a development project creates affordable housing and meets the  
20 requirements of paragraph (2) of this subsection, then a municipal or county  
21 development impact fee ordinance may waive the requirements of this paragraph; and  
22 provided, further, that, if a municipality or county waives the requirements of this  
23 paragraph for a project that creates affordable housing, the municipality or county is  
24 prohibited from increasing development impact fees on other projects for the sole purpose  
25 of offsetting the loss of development impact fee revenue resulting from the exempted  
26 affordable housing project."

27

**SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.