

House Bill 1619

By: Representative Lim of the 99th

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, so as to require local governing bodies to provide reports regarding the
3 intended public use of properties in urban redevelopment zones; to amend Title 44 of the
4 Official Code of Georgia Annotated, relating to property, so as to require limited liability
5 companies that purchase residential properties to disclose ownership and management
6 information; to require community impact statements for certain residential developments
7 in qualified census tracts; to provide for definitions; to amend Title 48 of the Official Code
8 of Georgia Annotated, relating to revenue and taxation, so as to require local governments
9 to provide certain information to the Department of Community Affairs when applying for
10 certain designations for tax credits; to amend Title 50 of the Official Code of Georgia
11 Annotated, relating to state government, so as to allow the Department of Economic
12 Development to appoint personnel to assist certain small businesses; to establish an Office
13 of Disadvantaged Business Enterprises within the Department of Community Affairs; to
14 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
15 other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 61 of Title 36 of the Official Code of Georgia Annotated, relating to urban redevelopment, is amended by adding a new subsection to Code Section 36-61-3.1, relating to "public use" defined and eminent domain to be exercised solely for public use, to read as follows:

"(c) A local governing body that owns, purchases, or acquires property in an urban redevelopment area shall report annually to the Department of Community Affairs the intended public use of such property and make such report available to the public."

SECTION 2.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising Code Section 44-1-18, relating to execution search prior to conveyance of property, certificate of clearance required, requirements for requests, binding effect, timing of information release, failure to comply, retention, criminal penalties, exceptions, requirements for certificate, and regulatory authority, as follows:

"44-1-18.

(a) As used in this Code section, the terms 'business entity,' 'limited liability company,' 'manager,' and 'member' have the same meanings as provided in Code Section 14-11-101.

(b) When a limited liability company purchases a residential property or a building with a residential unit, such limited liability company shall at closing provide a document describing the ownership and management of such limited liability company which shall be submitted to and retained by the clerk of the superior court of the county where the property is located.

(c) The document required under subsection (b) of this Code section shall identify the names and business addresses of all members and managers of such limited liability company and the names and business addresses or, if none, the business addresses of all shareholders, directors, officers, members, managers, and partners of any limited liability

company or other business entity that is to be a member or manager of such limited liability company. If any such member or manager of the limited liability company is itself a limited liability company or other business entity other than a publicly traded entity, the names and addresses of the shareholders, directors, officers, members, managers, and partners of the limited liability company or other business entity shall also be disclosed until full disclosure of ultimate ownership by natural persons is achieved. Reserved."

SECTION 3.

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

"44-3-251.

(a) As used in this Code section, the term:

(1) 'Developer' means any person who:

(A) Has received any funds from, of, or through the Department of Community Affairs in relation to a development; and

(B) Will dispose or offer to dispose of any dwelling unit in a development.

(2) 'Development' means a construction project which consists of, or will consist of, at least ten dwelling units.

(3) 'Qualified census tract' has the same meaning as provided in 26 U.S.C. Section 42(d)(5)(B)(ii).

(b) Before construction begins on any development located in a qualified census tract where the projected median price point for a completed dwelling unit is \$200,000.00 or more, the developer shall provide to the Department of Community Affairs a community impact statement which shall assess the available transportation, child care, and healthcare facilities located near the development and any other related information that the Department of Community Affairs may require."

SECTION 4.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (c) of Code Section 48-7-40.1, relating to tax credits for business enterprises in less developed areas, as follows:

"(c) The commissioner of community affairs, and the commissioner of economic development in areas qualifying under the provisions of paragraphs (1), (3), and (4) of this subsection, also shall be authorized to include in the designation provided for in subsection (b) of this Code section:

(1) Any area composed of ten or more contiguous census tracts which, in the opinion of the commissioner of community affairs and the commissioner of economic development, undergoes a sudden and severe period of economic distress caused by the closing of one or more business enterprises located in such area;

(2) Any area composed of one or more census tracts adjacent to a federal military installation where pervasive poverty is evidenced by a 15 percent poverty rate or greater as reflected in the most recent decennial census; provided, however, that the subsequent redrawing or alteration of census tracts in a manner which results in an area no longer being in a census tract adjacent to a federal military installation shall not disqualify an area which has previously qualified under this paragraph if the area continues to have pervasive poverty as described in this paragraph;

(2.1) Any census tract in a county that contains a federal military installation with a garrison of at least 5,000 federal or military personnel combined and also contains an industrial park that is owned and operated by a governmental entity;

(3) Any area composed of one or more contiguous census tracts which, in the opinion of the commissioner of community affairs and the commissioner of economic development, is or will be adversely impacted by the loss of one or more jobs, businesses, or residences as a result of an airport expansion, including noise buy-outs, or the closing of a business enterprise which, in the opinion of the commissioner of community affairs

and the commissioner of economic development, results or will result in a sudden and severe period of economic distress; or

(4) Any area which is within or adjacent to one or more contiguous census block groups with a poverty rate of 15 percent or greater as determined from data in the most current United States decennial census, where the area is also included within a state enterprise zone pursuant to Chapter 88 of Title 36 or where a redevelopment plan has been adopted pursuant to Chapter 61 of Title 36 and which, in the opinion of the commissioner of community affairs and the commissioner of economic development, displays pervasive poverty, underdevelopment, general distress, and blight.

No designation made pursuant to this subsection shall operate to displace or remove any other area previously designated as a less developed area. Notwithstanding any provision of this Code section to the contrary, in areas designated as suffering from pervasive poverty under this subsection, job tax credits shall be allowed as provided in this Code section, in addition to business enterprises, to any lawful business. Local governing authorities applying for designation made pursuant to this subsection shall submit to the commissioner of community affairs and the commissioner of economic development a report that shall include, but shall not necessarily be limited to, information on current socioeconomic data and demographics; existing assets; labor and workforce; real estate market, both commercial and residential; economic industry; small businesses; infrastructure; sustainability; and potential partners and other sources of funding.

SECTION 5.

Said title is further amended in Code Section 48-7-40.32, relating to revitalization zone tax credits, by adding a new subsection as follows:

"(b.1) Local governing authorities applying for designation made pursuant to subsection (b) of this Code section shall submit to the commissioner of community affairs and the commissioner of economic development a report that shall include, but shall not

necessarily be limited to, information on current socioeconomic data and demographics; existing assets; labor and workforce; real estate market, both commercial and residential; economic industry; small businesses; infrastructure; sustainability; and potential partners and other sources of funding."

SECTION 6.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising paragraphs (7) and (8) of and adding a new paragraph to Code Section 50-7-7, relating to duties and powers of the Board of Economic Development generally, as follows:

"(7) To promote and encourage the establishment, development, and maintenance of commerce and trade between this state and other states and foreign countries; to plan for the removal of, and to devise and put into operation ways and means of removing, trade barriers of any kind which in any way hamper, burden, restrict, or interfere with the free flow of commerce and trade between this state and other states; ~~and~~

(8) To plan and conduct a program of information and publicity designed to attract tourists, visitors, and other interested persons from outside the state to this state and also to encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state for the same purposes; and

(9) To appoint and specifically designate personnel to assist small business enterprises within zones designated pursuant to Chapter 61 of Title 36, the 'Urban Redevelopment Law'; Chapter 88 of Title 36, the 'Enterprise Zone Employment Act of 1997'; and Code Sections 48-7-40.1 and 48-7-40.32 with respect to mandatory and voluntary compliance with state employment and labor laws; the provision of child care, transportation, and other services; the analysis of assets and markets within the local communities; and assistance with local organizations, including chambers of commerce, nonprofits, local governing authorities, and other enterprises."

SECTION 7.

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

"50-8-6.1.

(a) As used in this Code section, the term 'disadvantaged business enterprise' means a small business concern:

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, of which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(b) The department shall establish an Office of Disadvantaged Business Enterprises to assist disadvantaged business enterprises in obtaining available federal and state affordable housing development incentives."

SECTION 8.

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