

Senate Bill 208

By: Senators Dolezal of the 27th, Still of the 48th and Dixon of the 45th

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 provide for development impact fees for education; to
3 provide for definitions; to provide for the manner of calculation, imposition, and collection
4 of such fees; to provide for related matters; to provide for a contingent effective date and for
5 automatic repeal; 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 Code Section 36-71-1, relating to short title and
10 legislative findings and intent, as follows:

11 "36-71-1.

12 (a) This chapter shall be known and may be cited as the 'Georgia Development Impact Fee
13 Act.'

14 (b) The General Assembly finds that an equitable program for planning and financing
15 public facilities needed to serve new growth and development is necessary in order to
16 promote and accommodate orderly growth and development and to protect the public

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17 health, safety, and general welfare of the citizens of the State of Georgia. It is the intent of
 18 this chapter to:

19 (1) Ensure that adequate public facilities are available to serve new growth and
 20 development;

21 (2) Promote orderly growth and development by establishing uniform standards by
 22 which municipalities, ~~and~~ counties, and local school systems may require that new
 23 growth and development pay a proportionate share of the cost of new public facilities
 24 needed to serve new growth and development;

25 (3) Establish minimum standards for the adoption of development impact fee ordinances
 26 or resolutions by municipalities, ~~and~~ counties, and local school systems; and

27 (4) Ensure that new growth and development is required to pay no more than its
 28 proportionate share of the cost of public facilities needed to serve new growth and
 29 development and to prevent duplicate and ad hoc development exactions."

30

SECTION 2.

31 Said chapter is further amended by designating Code Section 36-71-1 as Article 1, by
 32 designating Code Sections 36-71-2 through 36-71-13 as Article 2, and by adding a new
 33 article to read as follows:

34

"ARTICLE 3

35 36-71-20.

36 As used in this article, the term:

37 (1) 'Educational development impact fees' means development impact fees that are
 38 imposed to pay for a share of the cost of additional educational facilities to serve new
 39 growth and development in the same area in which such fees are imposed.

40 (2) 'High growth school system' means a local school system in this state:

41 (A) With a total increase in system wide student enrollment of 20 percent or more
42 during the immediately preceding ten-year period; and

43 (B) With total expenditures of \$250 million or more on the construction of new
44 educational facilities as such term is defined in Code Section 20-2-260 during the
45 immediately preceding ten-year period.

46 36-71-21.

47 Each local board of education of a high growth school system may by resolution impose,
48 levy, and collect educational development impact fees within any area of such school
49 system with a total increase in student enrollment of 20 percent or more during the
50 immediately preceding ten-year period.

51 36-71-22.

52 (a) Before imposing educational development impact fees under this article, a local board
53 of education of a high growth school system shall adopt a public resolution finding that
54 such school system is a high growth school system and shall create an educational
55 development impact fee advisory committee.

56 (b) The educational development impact fee advisory committee shall be composed in the
57 same manner as provided for development impact fee advisory committees in
58 subsection (b) of Code Section 36-71-5.

59 (c) The educational development impact fee advisory committee shall serve in an advisory
60 capacity to assist and advise the local board of education with regard to the adoption of an
61 educational development impact fee resolution. Such committee shall be advisory, and no
62 action of such committee shall be considered a necessary prerequisite for action of a local
63 board of education in regard to adoption of a resolution.

64 (d) In determining the educational development impact fees, the local board of education
65 and the educational development impact fee advisory committee shall consider the

66 projected number of students that will come from different types of developments, such as
67 single-family houses, apartments, condominiums, multifamily housing, age restricted
68 communities, assisted or senior living facilities, and other residential rental properties;
69 provided, however, that in all other matters educational development impact fees shall be
70 calculated as provided by and conform to the requirements of Code Section 36-71-4.

71 (e) The committee may also recommend to the local board of education how the
72 educational development impact fees shall be used to offset bonded indebtedness,
73 educational special purpose local option sales taxes, millage rates, and other tax burdens
74 on citizens residing in the area served by the school system.

75 (f) The committee shall provide its calculations, recommendations, and explanations in a
76 report to the local board of education.

77 (g) Before adopting a resolution to impose, levy, and collect educational development
78 impact fees as provided in this article, the local board of education shall require a local
79 referendum of the qualified voters residing within the limits of the local school system.
80 Such referendum shall be held at the next regularly scheduled general election or as may
81 otherwise be authorized at an earlier date by the local board of education. Such referendum
82 shall be held for the purpose of deciding whether the local board of education shall be
83 authorized to expend funds from the levy and collection of educational development impact
84 fees to offset bonded indebtedness, educational special purpose local option sales taxes,
85 millage rates, and other tax burdens on citizens residing in the area served by the school
86 system. The ballot question shall be approved by the local board of education.

87 (h) Subject to approval of the referendum provided for in subsection (g) of this Code
88 section, the local board of education shall adopt a resolution approving an educational
89 development impact fee schedule. Such fee schedule shall be sent to each local
90 government in the area served by the school system.

91 (i) Subject to approval of the referendum provided for in subsection (g) of this Code
92 section, each local government in the area served by the school system shall collect

93 educational development impact fees at the same time and in the same manner as other
94 development impact fees under Article 2 of this chapter. Such local governments are
95 authorized to retain 3 percent of the educational development impact fees collected as
96 reimbursement for their administrative costs and shall forward the remaining amount to the
97 local board of education.

98 36-71-23.

99 Educational development impact fees shall be valid for a period of ten years following their
100 adoption by the local board of education. Notwithstanding any other Code section of this
101 article to the contrary, the fees may be extended for additional five-year periods in the
102 manner provided for in Code Section 36-71-22 for the initial adoption, provided that the
103 school system has experienced an increase of 3 percent in the number of students enrolled
104 in at least one of the proceeding five years. The local board of education may at any time
105 by resolution of such local board of education lower or remove such fees if the growth
106 assumptions change."

107 **SECTION 3.**

108 This Act shall become effective on January 1, 2025, only if an amendment to the state
109 Constitution authorizing educational development impact fees is adopted by the General
110 Assembly and is ratified by the voters at the 2024 general election. Otherwise, this Act shall
111 not become effective and shall stand repealed by operation of law on January 1, 2025.

112 **SECTION 4.**

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