

House Bill 656

By: Representatives Sainz of the 180th and Stephens of the 164th

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 assessment of development impact fees for
3 public facilities produced through agreements between developers and governmental entities;
4 to revise definitions; to extend the period of time a local government may encumber unspent
5 impact fees; to provide for 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 paragraphs (16) and (17) of Code Section 36-71-2,
10 relating to definitions, and by adding a new subparagraph to read as follows:

11 "(16) 'Proportionate share' means that portion of the cost of system improvements which
12 is reasonably related to the service demands and needs ~~of the~~ caused by a project within
13 the defined service area.

14 (17) 'Public facilities' means:

15 (A) Water supply production, treatment, and distribution facilities;

16 (B) Waste-water collection, treatment, and disposal facilities;

- 17 (C) Roads, streets, and bridges, including rights of way, traffic signals, landscaping,
 18 and any local components of state or federal highways;
- 19 (D) Storm-water collection, retention, detention, treatment, and disposal facilities,
 20 flood control facilities, and bank and shore protection and enhancement improvements;
- 21 (E) Parks, open space, and recreation areas and related facilities;
- 22 (F) Public safety facilities, including police, fire, emergency medical, and rescue
 23 facilities; ~~and~~
- 24 (G) Libraries and related facilities; and
- 25 (H) Any of the public facilities listed in subparagraphs (A) through (G) of this
 26 paragraph that are the product of agreements between developers and governmental
 27 entities."

28 **SECTION 2.**

29 Said chapter is further amended by revising paragraphs (1) and (2) of Code Section 36-71-9,
 30 relating to refunds of development impact fees, as follows:

- 31 "(1) Upon the request of an owner of property on which a development impact fee has
 32 been paid, a municipality or county shall refund the development impact fee if capacity
 33 is available and service is denied or if the municipality or county, after collecting the fee
 34 when service is not available, has failed to encumber the development impact fee or
 35 commence construction within ~~six~~ ten years after the date that the fee was collected. In
 36 determining whether development impact fees have been encumbered, development
 37 impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis;
- 38 (2) When the right to a refund exists due to a failure to encumber development impact
 39 fees, the municipality or county shall provide written notice of entitlement to a refund to
 40 the feepayor who paid the development impact fee at the address shown on the
 41 application for development approval or to a successor in interest who has given notice
 42 to the municipality or county of a transfer or assignment of the right or entitlement to a

43 refund and who has provided a mailing address. Such notice shall also be published
44 within 30 days after the expiration of the ~~six-year~~ ten-year period after the date that the
45 development impact fees were collected and shall contain the heading 'Notice of
46 Entitlement to Development Impact Fee Refund';"

47 **SECTION 3.**

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