

House Bill 1233

By: Representatives Carpenter of the 4<sup>th</sup>, Crowe of the 118<sup>th</sup>, Clifton of the 131<sup>st</sup>, Frye of the 122<sup>nd</sup>, and Washburn of the 144<sup>th</sup>

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 local governments to waive development impact  
3 fees for certain projects related to the development of affordable or workforce housing  
4 without increasing other impact fees to offset such lost funds; to provide for related matters;  
5 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 in Code Section 36-71-4, relating to calculation, by revising  
10 subsection (l) as follows:

11 "(l) 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 workforce housing consisting of  
20 single-family residences intended primarily for owner occupancy and meets the  
21 requirements of paragraph (2) of this subsection, then a municipal or county development  
22 impact fee ordinance may waive the requirements of this paragraph; and provided,  
23 further, that, if a municipality or county waives the requirements of this paragraph for a  
24 project that creates workforce housing, the municipality or county is prohibited from  
25 increasing development impact fees on other projects for the sole purpose of offsetting  
26 the loss of development impact fee revenue resulting from the exempted workforce  
27 housing project."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.