

**AN ORDINANCE
BY COUNCIL MEMBER**



AN ORDINANCE TO AMEND APPENDIX A OF THE LAND DEVELOPMENT CODE, ENTITLED “BUILDING CODE AMENDMENTS” SO AS TO CREATE A NEW SECTION 104.9 TO BE ENTITLED “CERTIFICATION, POSTING, AND UNIT REQUIREMENTS OF RESIDENTIAL OR MIXED USE PROJECTS WITH PUBLIC SUBSIDIES” SO AS TO NOTIFY THE PUBLIC OF PROPOSED DEVELOPMENTS THAT SEEK OR HAVE BEEN GRANTED PUBLIC SUBSIDIES; AND FOR OTHER PURPOSES.

WHEREAS, the City is actively engaged in economic development and the expansion, retention, and attraction of business to its environs; and

WHEREAS, the City finds that the targeted use of economic development incentives is an effective means to increase local revenues, expand the local economy, create and retain well-paying jobs, expand affordable workforce housing, and support a dynamic economy; and

WHEREAS, a diversified urban environment where people of all ages can live, work, learn, create, and recreate is in the best interests of all Atlanta; and

WHEREAS, The Atlanta Development Authority d/b/a Invest Atlanta (“Invest Atlanta”) was established pursuant to the Development Authorities Law (O.C.G.A. Section 36-62-1, *et seq.*), as amended and an activating Resolution 97-R-0177, adopted by Council on February 17, 1997, and approved by the Mayor on February 20, 1997, and is now existing and operating as a public body corporate and politic and an instrumentality of the State; and

WHEREAS, the City entered into Intergovernmental Agreements with Invest Atlanta for Economic Development Services and for Redevelopment Services; and

WHEREAS, Invest Atlanta is uniquely aware of the City’s policies regarding the use of economic incentives for development and redevelopment; and

WHEREAS, the 2014 Housing Strategy for the City of Atlanta prepared by HR&A Advisors and Enterprise Community Partners, Inc., commissioned by the Atlanta Development Authority d/b/a Invest Atlanta, found that pursuant to the U.S. Census (2012 5-Yr American Communities Survey) nearly 75,000 City of Atlanta residents spend more than 30% of their income on housing and are therefore cost burdened; and

WHEREAS, the creation and preservation of housing stock at a level that is affordable to working families in the City is of paramount importance; and

WHEREAS, the City has a concern regarding public subsidies granted by other development authorities that remove valuable parcels from the City's tax rolls or grant taxpayer-funded benefits without reciprocal housing stock for the working persons and families of Atlanta; and

WHEREAS, the City has the power to regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to license the construction and erection of buildings and all other structures; and

WHEREAS, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government; and

WHEREAS, the City wishes to ensure that its residents are notified of and benefit from proposed residential or mixed-used developments that seek or have obtained the extraordinary benefit of taxpayer funded incentives from governmental entities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section One: Appendix A of the Land Development Code, entitled "Building Code Amendments" is amended by creating a new Section 104.9 to read as follows:

Section 104.9 Certification, Posting, and Unit Requirements for Residential and Mixed Use Projects with Public Subsidies.

All building permit applications for residential development projects and mixed use development projects containing residential units shall inquire whether any aspect of the project to be undertaken has received any grant, tax abatement, subsidy or incentive from a "local development authority" within the meaning of the Development Authorities Law, O.C.G.A. §36-62-1, *et seq.* In the event the project has applied for or has received such grant, subsidy or incentive from such local development authority, the building permit applicant shall, upon building permit application, provide certification from the local development authority certifying the following:

1. The name of the building permit applicant and developer;
2. The name of the local development authority providing or potentially providing the grant, tax abatement, subsidy, or incentive;
3. The phone and email contact information of the local development authority providing the grant, tax abatement, subsidy, or incentive;
4. The full address of the residential or mixed-use project, including identification of the City Council District, Neighborhood Planning Unit, and Tax Allocation District (if applicable);

5. The total number of residential units proposed in the building permit application;
6. The number of units set aside for affordable workforce housing; and
7. The dollar value of the grant, tax abatement, subsidy or incentive.

No building permit application shall be deemed complete, nor shall review of such application commence by the Office of Buildings until such certification is submitted on a form provided by the Office of Buildings.

In addition, within twenty-four hours of application for the building permit, the building permit applicant shall cause to be posted at the property along the street frontage so as to be visible from the nearest public right-of-way, a copy of the certification not less than four by four feet which shall be entitled "NOTICE OF PUBLIC FINANCING" and which shall include the following:

1. The name of the building permit applicant and developer;
2. The name of the local development authority providing or potentially providing the grant, tax abatement, subsidy, or incentive;
3. The phone and email contact information of the local development authority providing the grant, tax abatement, subsidy, or incentive;
4. The total number of residential units proposed in the building permit application; and
5. The dollar value of the grant, tax abatement, subsidy or incentive.

No building permit application shall be reviewed until the building permit applicant files with the Office of Buildings an affidavit, in form prescribed by the Office of Buildings, from the individual responsible for physically posting the sign, that the posting has been placed at the property. The posting shall remain posted on the property until issuance of the final certificate of occupancy. Failure to maintain the sign posting at all times until final issuance shall constitute an offense within the meaning of Sec. 1-8 of the Atlanta City Code.

Section Two: All ordinances or parts of ordinances in conflict herewith are waived for this instance only.