

House Bill 206 (AS PASSED HOUSE AND SENATE)

By: Representatives Sainz of the 180<sup>th</sup>, LaHood of the 175<sup>th</sup>, Stephens of the 164<sup>th</sup>, Taylor of the 173<sup>rd</sup>, Williams of the 148<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 42 and Chapter 62 of Title 36 of the Official Code of Georgia Annotated,  
2 relating to downtown development authorities and development authorities, respectively, so  
3 as to authorize such authorities to provide certain financing for qualifying improvements,  
4 including energy efficiency, water conservation, renewable energy, and resiliency  
5 improvements; to provide for powers; to provide for financial obligations; to provide a short  
6 title; to provide for legislative findings and intent; to provide for cities and counties to  
7 cooperate with development authorities in financing qualifying improvements by imposing  
8 special assessments on qualifying commercial properties; to provide for the collection and  
9 lien status of such assessments; to provide for definitions; to provide for related matters; to  
10 provide for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 42 of Title 36 of the Official Code of Georgia Annotated, relating to downtown  
14 development authorities, is amended in subsection (a) of Code Section 36-42-8, relating to  
15 powers of authorities generally, by deleting "and" at the end of paragraph (23), by replacing  
16 the period at the end of paragraph (24) with "; and", and by adding a new paragraph to read  
17 as follows:

18 "(25) To exercise any power granted to development authorities in Code Sections  
19 36-62-2.1, 36-62-6.2, 36-62-8.1, and 36-62-8.2."

20 **SECTION 2.**

21 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development  
22 authorities, is amended by redesignating Code Sections 36-62-1 through 36-62-14 as  
23 Article 1.

24 **SECTION 3.**

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

26 "36-62-2.1.

27 As used in this chapter, the term:

28 (1) 'Assessment' means a special assessment imposed by a participating local  
29 government pursuant to Article 2 of this chapter.

30 (2) 'Assessment agreement' means an agreement between an authority and a qualifying  
31 property owner in which, among other things, the authority agrees to pay the costs of  
32 qualifying improvements and the qualifying property owner voluntarily requests  
33 assessments to be imposed by the participating local government on the qualifying  
34 property.

35 (3) 'Assessment financing' means the financing or refinancing of qualifying  
36 improvements.

37 (4) 'Capital provider' means a private entity or its designee, successor, or assign that  
38 purchases an obligation of an authority pursuant to this article.

39 (5) 'Cost of the qualifying improvements' or 'cost of any qualifying improvement' means  
40 and includes:

41 (A) All costs of acquisition (by purchase or otherwise), construction, assembly,  
42 installation, modification, renovation, or rehabilitation incurred in connection with any  
43 qualifying improvement or any part of any qualifying improvement;

44 (B) All costs of real property, fixtures, or materials used in or in connection with or  
45 necessary for any qualifying improvement or for any facilities related thereto,  
46 including, but not limited to, the cost of all easements, rights, improvements, water  
47 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
48 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
49 certificates; and the cost of preparation of any application therefor and the cost of all  
50 labor and materials used in or in connection with or necessary for any qualifying  
51 improvement;

52 (C) All financing charges and loan fees and all interest on revenue bonds, notes, or  
53 other obligations of an authority that accrues or is paid prior to and during the period  
54 of construction of a qualifying improvement and during such additional period as the  
55 authority may reasonably determine to be necessary to place such qualifying  
56 improvement in operation;

57 (D) All costs of engineering, architectural, and legal services and all expenses incurred  
58 by engineers, architects, and attorneys in connection with any qualifying improvement;

59 (E) All expenses for inspection and any third-party review or verification fees;

60 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
61 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
62 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
63 incurred relative to the issuance of any revenue bonds, notes, or other obligations for  
64 any qualifying improvement, including capital provider's fees;

65 (G) All fees of any type charged by an authority in connection with any qualifying  
66 improvement;

67 (H) All expenses necessary or incidental to determining the feasibility or practicability  
68 of any qualifying improvement;

69 (I) All costs of plans and specifications for any qualifying improvement;

70 (J) Repayment of any loans made for the advance payment of any part of any of the  
71 foregoing costs, including interest thereon and any other expenses of such loans;

72 (K) Administrative expenses of the authority and such other expenses as may be  
73 necessary or incidental to any qualifying improvement or the financing thereof or the  
74 placing of any qualifying improvement in operation; and

75 (L) The establishment of a fund or funds for the creation of a debt service reserve, a  
76 renewal and replacement reserve, or such other funds or reserves, including for ad  
77 valorem taxes and insurance, as the authority may approve with respect to the financing  
78 and operation of any qualifying improvement and as may be authorized by any bond  
79 resolution, trust agreement, indenture of trust, or similar instrument or agreement  
80 pursuant to the provisions of which the issuance of any revenue bonds, notes, or other  
81 obligations of the authority may be authorized.

82 Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part  
83 of such defined term and may be paid or reimbursed as such out of proceeds of revenue  
84 bonds, notes, or other obligations issued by the authority.

85 (6) 'Financing application' means an application submitted to an authority or program  
86 administrator to demonstrate that the proposed improvements qualify for financing  
87 pursuant to a program.

88 (7) 'Intergovernmental assessment agreement' means a contract entered into pursuant to  
89 Article IX, Section III, Paragraph I of the Constitution of Georgia between a county or  
90 a municipal corporation, as party of the first part, and an authority, as party of the second  
91 part, pursuant to which the county or municipal corporation agrees to make payments to  
92 the authority, the sole source of which shall be assessments and no other public moneys,

93 to furnish financial assistance to aid in the planning, undertaking, or carrying out of a  
94 qualifying improvement.

95 (8) 'Participating local government' means a municipal corporation or a county that  
96 enters into an intergovernmental assessment agreement with an authority.

97 (9) 'Program' means a commercial property assessed conservation, energy, and resiliency  
98 program established by an authority.

99 (10) 'Program administrator' means any official or agency designated by an authority to  
100 administer a program or a private and independent third party designated by an authority  
101 to administer a program, provided that the administration procedures used conform to the  
102 requirements of this article.

103 (11) 'Program guidebook' means a comprehensive document that establishes appropriate  
104 guidelines, specifications, approval criteria, and other standard forms consistent with  
105 administering a program and not detailed in this article, including forms for an  
106 assessment agreement, notice of assessment, and financing application.

107 (12) 'Qualifying improvement' means a permanently affixed energy efficiency  
108 improvement, renewable energy improvement, water conservation improvement, or  
109 resiliency improvement installed on qualifying property as part of the construction or  
110 renovation of the qualifying property.

111 (13) 'Qualifying property' means privately owned or leased commercial, industrial, or  
112 agricultural real property or multifamily residential real property with five or more  
113 dwelling units.

114 (14) 'Resiliency improvement' means any improvement to qualifying property intended  
115 to increase resilience and improve durability of such property, including, but not limited  
116 to, seismic retrofits, flood mitigation, fire suppression, wind resistance, energy storage,  
117 microgrids, and backup power generation."

118

#### **SECTION 4.**

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

120 "36-62-6.2.

121 (a) In addition to the powers otherwise granted in this article, each authority shall have the  
122 following powers:

123 (1) To make and execute intergovernmental assessment agreements, assessment  
124 agreements, and agreements for grants or loans to finance or refinance qualifying  
125 improvements;

126 (2) To finance by loan, grant, or otherwise, including through assessment agreements,  
127 and refinance qualifying improvements and to pay the cost of any qualifying  
128 improvement from the proceeds of revenue bonds, notes, or other obligations of the  
129 authority or any other funds of the authority, or from any contributions or loans by  
130 persons, corporations, partnerships, whether limited or general, or other entities, all of  
131 which the authority is authorized to receive, accept, and use;

132 (3) To issue revenue bonds, notes, or other obligations of the authority and use the  
133 proceeds thereof for the purpose of paying, or loaning or granting the proceeds thereof  
134 to pay, all or any part of the cost of any qualifying improvement and otherwise to further  
135 or carry out the public purpose of the authority and to pay all costs of the authority  
136 incidental to, or necessary and appropriate to, furthering or carrying out such purpose;

137 (4) To extend credit or make loans or grants to any person, corporation, partnership,  
138 whether limited or general, or other entity for the costs of any qualifying improvement  
139 or any part of the costs of any qualifying improvement, which credit, loans, or grants may  
140 be evidenced or secured by loan agreements, grant agreements, assessment agreements,  
141 notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or  
142 such other instruments, or by assessments, revenues, fees, or charges, upon such terms  
143 and conditions as the authority shall determine to be reasonable in connection with such  
144 extension of credit, loans, or grants, including provision for the establishment and  
145 maintenance of reserve funds; and, in the exercise of powers granted by this article in

146 connection with any qualifying improvement, the authority shall have the right and power  
147 to require the inclusion in any such loan agreement, grant agreement, assessment  
148 agreement, note, mortgage, deed to secure debt, trust deed, security agreement,  
149 assignment, or other instrument of such provisions or requirements for guaranty of any  
150 obligations, insurance, construction, use, operation, maintenance, and financing of a  
151 qualifying improvement, and such other terms and conditions as the authority may deem  
152 necessary or desirable;

153 (5) As security for repayment of any revenue bonds, notes, or other obligations of the  
154 authority, to pledge, convey, assign, hypothecate, or otherwise encumber any property  
155 of the authority, including, but not limited to, contract rights under intergovernmental  
156 assessment agreements and revenues or other funds, and to execute any trust indenture;  
157 trust agreement; agreement for the sale of the authority's revenue bonds, notes, or other  
158 obligations; loan agreement; security agreement; assignment; or other agreement or  
159 instrument as may be necessary or desirable, in the judgment of the authority, to secure  
160 any such revenue bonds, notes, or the obligations, which instruments or agreements may  
161 provide for foreclosure or forced sale of any property of the authority upon default in any  
162 obligation of the authority, either in payment of principal, premium, if any, or interest or  
163 in the performance of any term or condition contained in any such agreement or  
164 instrument. The State of Georgia, on behalf of itself and each county, municipal  
165 corporation, political subdivision, or taxing district therein, waives any right it or such  
166 county, municipal corporation, political subdivision, or taxing district may have to  
167 prevent the forced sale or foreclosure of any property of the authority upon such default  
168 and agrees that any agreement or instrument encumbering such property may be  
169 foreclosed in accordance with law and the terms thereof;

170 (6) To receive and use the proceeds of any assessment imposed by a municipal  
171 corporation or a county to pay the costs of any qualifying improvement or for any other  
172 purpose for which the authority may use its own funds pursuant to this article, including

173 the payment of principal or premium, if any, and interest on revenue bonds, notes, or  
174 other obligations of the authority; and  
175 (7) To establish and administer programs and to appoint, select, and employ program  
176 administrators and to fix their compensation and pay their expenses.  
177 (b) When an authority exercises its grant powers given by subsection (a) of this Code  
178 section, in determining compliance with Article III, Section VI, Paragraph VI(a) of the  
179 Constitution of Georgia, the authority may take into consideration the assessments to be  
180 paid by the grant recipient, as well as the substantiality of the public purpose to be achieved  
181 by the grant."

182 **SECTION 5.**

183 Said chapter is further amended by adding new Code sections to read as follows:

184 "36-62-8.1.

185 (a) Revenue bonds, notes, or other obligations issued by an authority to finance or  
186 refinance the cost of any qualifying improvement shall be paid solely from the property,  
187 including, but not limited to, contract rights, revenues, or other funds, pledged, conveyed,  
188 assigned, hypothecated, or otherwise encumbered to secure or to pay such bonds, notes, or  
189 other obligations.

190 (b) All revenue bonds, notes, and other obligations shall be authorized by resolution of the  
191 authority, adopted by a majority vote of the directors of the authority at a regular or special  
192 meeting.

193 (c) Revenue bonds, notes, or other obligations issued to finance or refinance the cost of  
194 any qualifying improvement shall bear such date or dates; shall mature at such time or  
195 times, not more than 40 years from their respective dates; shall bear interest at such rate or  
196 rates, which may be fixed or may fluctuate or otherwise change from time to time; shall be  
197 subject to redemption on such terms; and shall contain such other terms, provisions,  
198 covenants, assignments, and conditions as the resolution authorizing the issuance of such



199 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
200 assignments, and conditions contained in or provided or permitted by any resolution of the  
201 authority authorizing the issuance of such revenue bonds, notes, or other obligations shall  
202 bind the directors of the authority then in office and their successors.

203 (d) The authority shall have the power from time to time and whenever it deems it  
204 expedient to refund any revenue bonds, notes, or other obligations issued to finance or  
205 refinance the cost of any qualifying improvement by the issuance of new revenue bonds,  
206 notes, or other obligations, whether or not the revenue bonds, notes, or other obligations  
207 to be refunded have matured, and may issue revenue bonds, notes, or other obligations  
208 partly to refund revenue bonds, notes, or other obligations then outstanding and partly for  
209 any other purpose permitted under this article. The refunding revenue bonds, notes, or  
210 other obligations may be exchanged for the revenue bonds, notes, or other obligations to  
211 be refunded, with such cash adjustments as may be agreed upon, or may be sold and the  
212 proceeds applied to the purchase or redemption of the revenue bonds, notes, or other  
213 obligations to be refunded.

214 (e) There shall be no limitation upon the amount of revenue bonds, notes, or other  
215 obligations that an authority may issue to finance or refinance the cost of any qualifying  
216 improvement. Any limitations with respect to interest rates or any maximum interest rate  
217 or rates found in Article 3 of Chapter 82 of this title, the 'Revenue Bond Law,' the usury  
218 laws of this state, or any other laws of this state shall not apply to revenue bonds, notes, or  
219 other obligations of an authority issued to finance or refinance the cost of any qualifying  
220 improvement.

221 (f) All revenue bonds issued by an authority under this article to finance or refinance the  
222 cost of any qualifying improvement shall be issued and validated under and in accordance  
223 with Article 3 of Chapter 82 of this title, the 'Revenue Bond Law,' except as provided in  
224 this article, provided that notes and other obligations of an authority may, but shall not be  
225 required to, be so validated.

226 (g) The terms 'cost of the qualifying improvement' and 'cost of any qualifying  
227 improvement' shall have the meaning prescribed in this article whenever those terms are  
228 referred to in bond resolutions of an authority; in bonds, notes, or other obligations of an  
229 authority; or in notices or proceedings to validate such bonds, notes, or other obligations  
230 of an authority.

231 36-62-8.2.

232 (a) A program shall establish a financing application and review process to evaluate such  
233 applications. The program shall prescribe the form and manner of the financing  
234 application. At a minimum:

235 (1) An applicant shall demonstrate that the qualifying improvement provides a benefit  
236 to the public in the form of energy or water resource conservation or improved resiliency;

237 (2) For an existing building:

238 (A) When energy or water efficiency improvements are proposed, an applicant shall  
239 provide:

240 (i) An energy or water efficiency analysis by a licensed engineering firm, engineer,  
241 or other qualified professional listed in the program guidebook; and

242 (ii) A statement by the author of the analysis that the proposed qualifying  
243 improvements will result in more efficient use or conservation of energy or water, the  
244 reduction of greenhouse gas emissions, or the addition of renewable sources of energy  
245 or water; or

246 (B) When resiliency improvements are proposed, an applicant shall provide  
247 certification by a licensed engineering firm, engineer, or other qualified professional  
248 listed in the program guidebook stating that the proposed qualifying improvements will  
249 result in improved resilience;

250 (3) For new construction, an applicant shall provide certification by a licensed  
251 engineering firm, engineer, or other qualified professional listed in the program

252 guidebook stating that the proposed qualifying improvements will enable the qualifying  
253 property to exceed the current building code requirements for:

254 (A) Energy efficiency;

255 (B) Water efficiency;

256 (C) Renewable energy; or

257 (D) Resilience;

258 (4) An applicant shall include a certification that the person requesting the proposed  
259 qualifying improvements is the owner of the qualifying property and that there are no  
260 delinquent taxes or assessments on the qualifying property; and

261 (5) An applicant shall demonstrate that the proposed assessment financing meets the  
262 following guidelines and any other guidelines adopted by the authority, which may be in  
263 addition to or more restrictive than the following guidelines:

264 (A) Unless a higher percentage is agreed to by the holder of a lien, mortgage, or  
265 security deed encumbering the qualifying property in the written consent required by  
266 subsection (b) of this Code section, an applicant must demonstrate that the amount of  
267 the proposed assessment financing and all other debt secured by the qualifying property  
268 upon execution of the assessment agreement will not exceed 80 percent of the fair  
269 market value of the qualifying property as determined by a qualified appraiser, which  
270 appraisal may take into account the expected increase in fair market value of the  
271 qualifying property resulting from the proposed qualifying improvements, as completed  
272 or as stabilized;

273 (B) An applicant must demonstrate that the amount of the proposed assessment  
274 financing will not exceed 25 percent of the fair market value of the qualifying property  
275 as determined by a qualified appraiser, which appraisal may take into account the  
276 expected increase in fair market value of the qualifying property resulting from the  
277 proposed qualifying improvements, as completed or as stabilized; and

278 (C) An applicant must demonstrate that the period or term of the assessment financing  
279 will not exceed the weighted average useful life expected for the proposed qualifying  
280 improvements. The applicant shall include a statement from a qualified professional  
281 indicating the weighted average useful life expected for the proposed qualifying  
282 improvements.

283 (b) For approved qualifying improvements, an authority may enter into an assessment  
284 agreement with the owner of the qualifying property to pay the cost of qualifying  
285 improvements. Prior to entering into an assessment agreement, an applicant shall provide  
286 written consent from any holder of a lien, mortgage, or security deed encumbering the  
287 qualifying property. Such written consent shall be signed in the sole and absolute  
288 discretion of the holder of a prior lien, mortgage, or security deed encumbering the  
289 qualifying property and, at a minimum, shall state that the holder of such prior lien,  
290 mortgage, or security deed has reviewed the final terms of the financing and the assessment  
291 agreement; that the qualifying property may participate in the program; and that the  
292 assessment lien shall have the same priority status as a lien for ad valorem taxes of the  
293 participating local government.

294 (c) Each assessment agreement shall include:

295 (1) A description of the qualifying improvements;

296 (2) A statement describing the procedures for billing and collection of assessments to be  
297 imposed by the participating local government pursuant to an intergovernmental  
298 assessment agreement, which the owner of the qualifying property shall voluntarily  
299 request to be imposed and shall agree to pay either directly or through an escrow account  
300 that may be established or increased by a prior lien holder on the qualifying property;

301 (3) The total amount of the assessment;

302 (4) A schedule of assessment installments requested to be imposed by the participating  
303 local government;

304 (5) Any administrative fees to be paid to the authority or to the participating local  
305 government pursuant to the related intergovernmental assessment agreement;  
306 (6) The number of years the assessment shall be imposed on the qualifying property; and  
307 (7) The conditions under which the owner of the qualifying property may prepay and  
308 permanently satisfy the unpaid portion of the assessment and remove the assessment lien  
309 from the qualifying property, including a description of the terms of any prepayment  
310 penalty.

311 (d) An assessment agreement may authorize the owner of the qualifying property to  
312 contract directly, including through lease, power purchase agreement, or other service  
313 contract, for installing or modifying a qualifying improvement.

314 (e) Upon execution of an assessment agreement by an owner of the qualifying property  
315 and an authority, the authority shall cause the participating local government to execute and  
316 record a notice of assessment in the land record of the jurisdiction in which the qualifying  
317 property is located, in accordance with Article 2 of this chapter.

318 (f) No authority described in this article shall grant any capital provider the exclusive right  
319 to provide financing or refinancing on a program-wide basis. It is the intent of this  
320 subsection to enable owners of qualifying properties to recommend to authorities the  
321 capital providers to finance or refinance the qualifying improvements owned or to be  
322 owned by such qualifying property owners."

323 **SECTION 6.**

324 Said chapter is further amended by adding a new article to read as follows:

325 "ARTICLE 2

326 36-62-15.

327 This article shall be known and may be cited as the 'Commercial Property Assessed  
328 Conservation, Energy, and Resiliency Cooperation Law.'

329 36-62-16.

330 The General Assembly finds that it is in the public interest and vital to the public welfare  
331 of the people of the State of Georgia, and it is declared to be the intent of this article, to  
332 authorize municipal corporations and counties to enact ordinances or resolutions to  
333 establish commercial property assessed conservation, energy, and resiliency programs and  
334 to enter into agreements with development authorities to carry out such programs, all for  
335 the purpose of developing trade, commerce, industry, and employment opportunities. It  
336 is found and declared that the assistance provided in this article for the purposes set forth  
337 in Article 1 of this chapter constitutes a public use and purpose and an essential  
338 governmental function for which public moneys consisting solely of assessments may be  
339 spent and that the provisions enacted in this article are necessary in the public interest.

340 36-62-17.

341 (a) For the purpose of aiding and cooperating in the planning, undertaking, constructing,  
342 or carrying out of qualifying improvements located within the area in which it is authorized  
343 to act, any municipal corporation or county, upon such terms, with or without  
344 consideration, as it may determine, may:

345 (1) Enter into intergovernmental assessment agreements with an authority respecting  
346 action to be taken by such municipal corporation or county pursuant to any of the powers  
347 granted by this article, including the furnishing of funds or other assistance in connection  
348 with qualifying improvements, provided that the obligations of any such municipal  
349 corporation or county under any such intergovernmental assessment agreement shall be  
350 limited obligations payable solely from assessments and shall not be paid from any other  
351 public moneys;

- 352 (2) Do any and all things necessary or convenient to aid or cooperate in the planning,  
353 undertaking, constructing, and carrying out of qualifying improvements; and
- 354 (3) Grant or contribute assessments to an authority or agree to take such action.
- 355 (b) Any participating local government shall have the power to impose, bill, and collect  
356 assessments and to pledge and assign assessments to an authority to secure its obligations  
357 under an intergovernmental assessment agreement.
- 358 (c) Pursuant to Code Section 36-62-8.2, an authority may enter into an assessment  
359 agreement with an owner of qualifying property for qualifying improvements, under which  
360 such owner voluntarily agrees to the imposition of assessments under this article. After an  
361 assessment agreement is entered into, and upon notice from the authority, a participating  
362 local government shall have the power to execute and record a notice of assessment on the  
363 subject property in the real property records of the relevant county. Such notice of  
364 assessment shall contain:
- 365 (1) The principal amount of the assessment;  
366 (2) The legal description of the property;  
367 (3) The name of each property owner;  
368 (4) A copy of the assessment agreement, including a schedule of assessments to be  
369 imposed by the participating local government; and  
370 (5) A reference to subsection (d) of this Code section authorizing the creation of an  
371 assessment lien to secure an assessment imposed under this article.
- 372 (d) An assessment imposed by a participating local government under this article:
- 373 (1) Is a lien against the property on which the assessment is imposed, from the date on  
374 which the notice of assessment is recorded until the assessment, interest, and penalties  
375 are paid in full; and
- 376 (2) Has the same priority status as a lien for ad valorem taxes levied by the participating  
377 local government.

378 (e) The assessment lien created under this article runs with the land and that portion of the  
379 assessment that is not yet due may not be accelerated or eliminated by foreclosure of a  
380 property tax lien or other lien.

381 (f) Assessments imposed under this article shall be billed and collected in installments in  
382 the same manner, by the same tax collector, and at the same times as ad valorem taxes  
383 levied by the participating local government are billed and collected. The tax collector may  
384 include any assessment installment as a separate line item on an ad valorem tax bill or may  
385 send a separate bill for any assessment installment. The participating local government  
386 may charge fees that shall reflect the reasonable costs of the tax collector for his or her  
387 actions under this subsection and that shall be added to the assessment. The tax collector  
388 shall be a party signatory to each intergovernmental assessment agreement entered into by  
389 a participating local government. All proceeds of assessment installments received by a  
390 participating local government, net of administrative fees of the participating local  
391 government, that are subject to a pledge created in an intergovernmental assessment  
392 agreement shall be remitted to the applicable authority pursuant to the terms of the  
393 intergovernmental assessment agreement.

394 (g) A delinquent assessment installment that is unpaid when due shall incur interest and  
395 penalties in the same manner as delinquent ad valorem taxes and shall be enforced by or  
396 on behalf of the participating local government in the same manner as its ad valorem tax  
397 liens. All proceeds from enforcing a delinquent assessment installment and related  
398 penalties and interest received by a participating local government that are subject to a  
399 pledge created in an intergovernmental assessment agreement shall be remitted to the  
400 applicable authority pursuant to the terms of the intergovernmental assessment agreement.

401 (h) Subject to an intergovernmental assessment agreement, a participating local  
402 government may charge fees that shall reflect the reasonable costs of the participating local  
403 government for its actions under this article and that shall be added to the assessment.



404 (i) Assessments shall not count against the tax limitations contained in paragraph (20) of  
405 Code Section 48-5-220 or Code Section 48-5-350.

406 36-62-18.

407 (a) No obligations of any participating local government under any intergovernmental  
408 assessment agreement shall constitute a pledge of the full faith or credit of such  
409 participating local government.

410 (b) Any monetary obligation of any participating local government under any  
411 intergovernmental assessment agreement shall be payable solely from assessments pledged  
412 and proceeds from enforcing delinquent assessments pursuant to such intergovernmental  
413 assessment agreement.

414 (c) No party to or third-party beneficiary of any intergovernmental assessment agreement  
415 or any assignee of any rights under any intergovernmental assessment agreement shall have  
416 the right to compel:

417 (1) Any exercise of the taxing power of any participating local government, provided  
418 that such party, third-party beneficiary, or assignee may compel the imposition and  
419 enforcement of assessments agreed to be imposed and enforced pursuant to such  
420 intergovernmental assessment agreement; or

421 (2) The enforcement of any payment against any property or public moneys of any such  
422 participating local government other than assessments pledged or proceeds from  
423 enforcing delinquent assessments pursuant to such intergovernmental assessment  
424 agreement.

425 36-62-19.

426 The exercise by a participating local government of the powers granted by this article may  
427 be authorized by resolution of the governing body of such participating local government.

428 The resolution shall be adopted by a majority of the members of the governing body

429 present at a meeting of such governing body, which resolution may be adopted at the  
430 meeting at which such resolution is introduced. Such a resolution or resolutions shall take  
431 effect immediately and need not be laid over or published or posted."

432 **SECTION 7.**

433 This Act shall become effective upon its approval by the Governor or upon its becoming law  
434 without such approval.

435 **SECTION 8.**

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