

BLIGHT PROPERTY TAX ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 18 OF THE NUISANCES ORDINANCE OF DEKALB COUNTY CODE TO ADD NEW CODE ARTICLE VIII (*BLIGHTED PROPERTY*) TO “ALLOW A MILL RATE INCREASE FOR NON-PRIMARY RESIDENTIAL BLIGHTED PROPERTIES”

Whereas: Georgia’s Community Redevelopment Tax Incentive Program allows municipalities and counties to establish a redevelopment tax incentive program via an ordinance; and

Whereas: DeKalb County has an interest in maintaining the public health, safety and welfare of the citizens of the DeKalb County and its visitors; and

Whereas: Blighted properties in DeKalb County repeatedly contribute to the commission of squatters, violent conduct, or crime that poses a danger to the public health, safety and welfare of the citizens of the County; and

Whereas: Chapter 18 “Nuisances,” of the DeKalb County Code of Ordinances (the Nuisance Code) provides that certain conditions and circumstances are declared to be a nuisance, and provides the proceedings for abatement and remedies of nuisances that may be found in the County; and

Whereas: Blighted properties often demand a higher level of government services (e.g., public safety and code enforcement services) than other properties, the higher tax allows local governments to recover some of the costs associated with this increased burden; and

Whereas: Blight is an issue that may be addressed through additional accountability measures and upkeep efforts by owners and landlords

Whereas: Local governments and nonprofit partners often have insufficient funds and capacity to prevent, abate, demolish, or reclaim the constant influx of vacant and abandoned properties

Whereas: When a neighborhood begins to fall into a state of blight and disinvestment, those effects often spill over into adjacent communities, causing those areas to begin declining as well.

Whereas: Blight is further exacerbated by owners and landlords who do not live in the state and proving difficult to contact them

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 18 of the Nuisances Ordinance of DeKalb County, is hereby amended as follows:

TITLE: That Article VII of Chapter 18 shall be titled “**Blighted Property**” of the DeKalb County Code of Ordinances shall hereby be amended such that it shall thereafter read as follows:

SECTION 1. Purpose and findings.

- (a) The governing authority finds that there is a need to establish a blight tax as a mechanism to protect neighborhoods from becoming further blighted through the lack of maintenance and security of properties that have been neglected and/or abandoned.
- (b) Improperly maintained, unsecured, abandoned and neglected properties can become a hazard to the health and safety of persons who may come on or near the property, are prone to illegal activities, and can adversely affect the aesthetic and economic attributes of communities.

SECTION 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted as applied to a piece of property, means that property is being maintained in a blighted condition.

Public officer means the building inspector, code enforcement director, chief executive officer or his/her designee, police officer or any other county official who is authorized by law and this Code to exercise the powers prescribed by this chapter, or any agent of such officer or officers, or any other employee, officer or officers designated by the chief executive officer for purposes of this section.

SECTION 3. Blighted condition designation.

In order for the property in question to be subject to official identification as blighted and subject to increased taxation, the property must be determined to be:

- (1) Unfit for human habitation or unfit for commercial, industrial, or business use and not in compliance with applicable codes; or
- (2) Vacant and being used in connection with the commission of drug and violent crimes; or
- (3) Constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; and
- (4) Not a dwelling house, which is being used as the primary residence of one or more persons.

SECTION 4. Procedure for identification of property as blighted.

The procedure for official identification of real property as blighted includes:

- (1) A request from a public officer or at least five residents of the county charging that any building, structure or property meets criteria described in this Code
- (2) An investigation or inspection by a public officer and determination that the property in question meets the criteria described in [Sec. 18-68, Sec. 18-120, and Sec. 18-154](#)
- (3) A public officer's issuance of a complaint in rem against the property. The complaint shall state which condition(s) [under this section](#) exist on the property and what steps should be taken to remediate the property.
- (4) A public officer's causing a summons and a copy of the complaint to be mailed via certified to the owner of the property. The latter is anyone revealed by a certification of title to the real property conducted in accordance with the title standards of the State Bar of Georgia. The summons shall notify the interested parties that a hearing will be held before the municipal court of the county (hereinafter "municipal court") at a date and time certain. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (5) If after such notice and hearing, the municipal court determines that the dwelling, building or structure in question meets the criteria in sections [Sec. 18-68, Sec. 18-120, and Sec. 18-154](#), the court shall state in writing findings of fact in support of such determination and shall issue and cause its written findings to be served upon the interested parties that have answered the complaint or appeared at the hearing an order.
- (6) No property shall be designated as blighted unless the municipal court of DeKalb County enters an order that finds the property in question meets the criteria described in section 18-168. This order constitutes official identification of real property as maintained in a blighted condition.
- (7) If the municipal court finds that the property is blighted, it shall, in the same order, list what must be done to remove the blighted condition designation, and give the owner a deadline in which to finish the work.

SECTION 5. Imposition of increased tax rate.

Property, which has been officially designated as blighted, shall be subject to an increased rate of county ad valorem taxation equivalent to **10** times the normal millage rate applied to the property, applied at the time of the issuance of the subsequent tax bill, as provided in Article IX, Section II, Paragraph VII (d) under the Georgia State Constitution. The increased rate continues to be applied to all subsequent tax bills until the property's designation as maintained in a blighted condition is removed as provided in this section. This increased rate of taxation and the official identification of the property as blighted remain with the property if transferred to another owner.

SECTION 6. Revenue segregated.

Revenue collected from increases in rate of ad valorem taxation may be used for community redevelopment purposes.

SECTION 7. Remediation.

The property in question may be rehabilitated at any time through remedial actions or redevelopment that conforms with the municipal court order setting forth what must be done to remove the identification of the property as maintained in a blighted condition. Owner may request removal of the property's designation as blighted from the municipal court upon proper proof, including an inspection by a public officer, that the property has been remediated and now conforms with the court order listing what must be done to remove the identification of the property as blighted. The chief executive officer shall be notified in writing ten days before any hearing in the municipal court.

SECTION 8. Remediation property tax rate.

Property which has had its designation as maintained in a blighted condition removed as provided in this section will become eligible for a decrease in the rate of county ad valorem taxation equivalent to one-half (50 percent) of the millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. This decreased rate is applied to two years tax bills.