



DeKalb County Government

178 Sams Street
Decatur, Georgia 30030

Agenda Item

File #: 2024-1238

Substitute

4/22/2025

File Status: Preliminary Item

Public Hearing: YES NO

Department: Board of Commissioner - District 1

SUBJECT:

Commission District(s): All Districts

An Ordinance to Amend Chapter 18 of the Code of DeKalb County, Georgia, as Revised 1988, to Add a New Article IX Related to Blighted Property to Allow A Millage Rate Increase for Blighted Properties and Other Purposes

Information Contact: Commissioner Robert Patrick

Phone Number: 404-371-3052

PURPOSE:

To add a new article IX to Chapter 18 of the Code related to Nuisances to provide that properties that have been officially designated as blighted by order of the court shall be subject to an increased rate of county ad valorem taxation.

NEED/IMPACT:

The new article creates an opportunity to minimize dilapidated properties and to allow the County to recover some of the costs associated with the demands of servicing these properties.

FISCAL IMPACT:

Unknown at this time.

RECOMMENDATION:

To approve the Ordinance and authorize the Chief Executive Officer to execute all necessary documents.

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, TO ADD A NEW ARTICLE IX RELATED TO BLIGHTED PROPERTY TO ALLOW A MILLAGE RATE INCREASE FOR BLIGHTED PROPERTIES AND FOR OTHER PURPOSES

WHEREAS, the Governing Authority of DeKalb County is tasked with protecting the health, safety, and general welfare of the citizens of DeKalb County, Georgia; and

WHEREAS blighted properties in DeKalb County contribute to unauthorized use of structures by squatters and the commission of crimes that pose a danger to the public health, safety and welfare of the citizens of DeKalb, County; and

WHEREAS, the Governing Authority of DeKalb County, recognizes the need to remediate properties that are maintained in a blighted condition and encourage property owners to maintain their property and the buildings, structures and improvements thereon in good condition and repair; and

WHEREAS, Georgia's Community Redevelopment Tax Incentive Program allows municipalities and counties to establish a redevelopment tax incentive program via an ordinance; and

WHEREAS, the Governing Authority of DeKalb County, recognizes the need for an incentive to encourage community redevelopment and revitalization, and hereby establishes a redevelopment tax incentive program as authorized by Article IX, Sec II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia; and

WHEREAS, properties maintained in a blighted condition often demand a higher level of government services (e.g., public safety and code enforcement services) than other properties and a 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; and

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;

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 Code of DeKalb County, Georgia, as Revised 1998, is hereby amended to add the following:

ARTICLE IX
BLIGHTED PROPERTY
PART I. ENACTMENT

By amending Chapter 18 of the Code of DeKalb County, as Revised 1988, to add a new article with reserved sections and new sections 18-180 through 18-194as follows:

Sec. 18-180. Purpose and findings.

- (a) The governing authority finds that there is a need to establish a redevelopment 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.

Sec. 18-181. Definitions.

For purposes of this article, certain phrases and words are defined below. Words or phrases not defined in this article but defined in applicable state law or the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. 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 pursuant to the criteria described in Sec. 18-182.

Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

Director means the Director of Code Compliance Administration or his or her designee. If a department other than Code Compliance Administration is designated to enforce this article the term means the director of that department or his or her designee.

Department means Code Compliance Administration, and/or such other administrative department or division of county government as may hereafter be designated to enforce the provisions of this article.

Millage rate means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the county's and county school district's expenses for their fiscal year.

Sec. 18-182. Criteria for identification and designation as blighted.

In order for a property to be subject to official designation as blighted and subject to increased taxation, the property must be an urbanized or developed property which is 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 felony drug crimes, human trafficking crimes, any sex related crimes, or any 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.

Property shall not be deemed blighted solely because of aesthetic conditions.

Sec. 18-183. Procedure for identification and designation of property as blighted.

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

- (1) A request from the Director or other public authority charging that any dwelling, building, structure or property meets the criteria of blighted as described in Sec. 18-182.
- (2) An investigation or inspection by the Director and determination that the property in question meets the criteria of blighted as described in Sec. 18-182.
- (3) The county attorney's, or his or her designee's, filing of a complaint in rem against the property. The complaint shall state which condition(s) exist on the property and what steps should be taken to remediate the property.
- (4) The county attorney's, or his or her designee's, causing a summons and a copy of the complaint to be mailed via certified mail 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 a court of competent jurisdiction (hereinafter "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 court determines that the dwelling, building or structure in question meets the criteria of blighted as described in Sec. 18-182, the court shall state, in a written order, 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. Within fifteen (15) days of receipt of the court's order finding that a property meets the criteria of blighted as described in Sec. 18-182, the county attorney, or his or her designee, shall forward the court's order to the DeKalb County Tax Commissioner.

- (6) No property shall be designated as blighted unless the court enters an order that finds the property in question meets the criteria described in Sec. 18-182. This order constitutes official identification and designation of real property as blighted.
- (7) If the court finds that the property is blighted, it shall, in the same order, list what must be done to remove the blighted designation, and give the owner a deadline in which to finish the work.

Sec. 18-184. Imposition of increased tax rate.

Property that has been officially designated as blighted by order of the court shall be subject to an increased rate of county ad valorem taxation equivalent to ten (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) of the Georgia State Constitution. The increased rate continues to be applied to all subsequent tax bills until the property's designation as blighted is removed as provided in this article. This increased rate of taxation and the official designation of the property as blighted remain with the property if transferred to another owner.

Sec. 18-185. Revenue segregated.

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

Sec. 18-186. Remediation.

Property that has been officially designated as blighted by order of the court may be rehabilitated at any time through remedial actions or redevelopment that conforms with the court's order setting forth what must be done to remove the identification of the property as blighted. The owner may request removal of the property's designation as blighted from the court upon proper proof, including an inspection by the Director, 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 county attorney, or his or her designee, shall be notified in writing ten days before any hearing in the court related to a request for removal of the blighted designation. Within fifteen (15) days of receipt of the court's order finding that a property is no longer designated as blighted, the county attorney, or his or her designee, shall forward the court's order to the DeKalb County Tax Commissioner.

Sec. 18-187. Remediation property tax rate.

Property which has had its designation as blighted removed as provided in this article will receive 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 shall be applied to two consecutive years tax bills.

Reserved Sections 18-188 – 18-194.

PART II. EFFECTIVE DATE

This ordinance shall become effective 120 days after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2025.

MICHELLE LONG SPEARS
Presiding Officer, Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer, this ____ day of _____, 2025.

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

ZACHARY WILLIAMS
Chief Operating Officer
DeKalb County, Georgia

MATTHEW C. WELCH
Interim County Attorney
DeKalb County, Georgia

DRAFT