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TAX ALLOCATION DISTRICTS IN GEORGIA

I. Tax Allocation Districts Generally

What are tax allocation districts?

In 1985, the Georgia legislature enacted The Redevelopment Powers Law[1], which gave local governments the authority to create "tax allocation districts," encompassing "economically and socially depressed areas." Under the Redevelopment Powers Law, counties and municipalities may issue bonds to finance infrastructure and other redevelopment costs within a tax allocation district. These bonds are secured by a "tax allocation increment," which represents increase in ad valorem tax revenues resulting from redevelopment activities taking place within the tax allocation district.

What is the purpose of tax allocation districts?

The Redevelopment Powers Law is designed to improve economic and social conditions within certain urbanized portions of counties and municipalities in Georgia. The legislative purpose is specifically stated as follows:

> It is found and declared that economically and socially depressed areas exist within urbanized portions of counties and municipalities of this state and that these areas contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services and, in general, have a deleterious effect upon the public health, safety, morals, and welfare. It is, therefore, in the public interest that such areas be redeveloped to the maximum extent practicable to improve economic and social conditions therein in order to abate or eliminate such deleterious effects. To encourage such redevelopment, it is essential that the counties and municipalities of this state have additional powers to form a more effective partnership with private enterprise to overcome economic limitations that have previously impeded or prohibited redevelopment of such areas. It is the

[1] Georgia Laws 1985, p. 1360, § 1.

> purpose of this chapter, therefore, to grant such additional powers to the counties and municipalities of this state, and it is the intention of the General Assembly that this chapter be liberally construed to carry out such purpose. [2]

What powers does the Redevelopment Powers Law grant to local authorities?

The legislation grants certain redevelopment powers to counties, municipalities and redevelopment agencies in Georgia.[3] Specifically, these local government entities may:

1. Describe the boundaries of one or more redevelopment areas within its area of operation;

2. Cause redevelopment plans to be prepared, to approve by resolution, the plans, and to implement the provisions and effectuate the purposes of the plans;

3. Create within redevelopment areas, tax allocation districts and define the boundaries thereof or designate an entire redevelopment area as a tax allocation district;

4. Define the boundaries of portions of a redevelopment area or an entire redevelopment area for the implementation of redevelopment plans other than plans calling for the creation of tax allocation districts;

5. Issue tax allocation bonds[4];

6. Deposit monies into and disburse monies from the special fund of any tax allocation district;

7. Enter into and execute any contracts, leases, mortgages, or other agreements, including agreements with bondholders or lenders, determined by the local legislative body to be necessary or convenient to implement the provisions and effectuate the purposes of redevelopment plans. The contracts or agreements may include conditions, restrictions, or covenants which either run with the land or otherwise regulate the use of the land. In addition, such contracts may be with any private person, firm, corporation, or business entity for any period not exceeding 30 years;[5]

8. Acquire and retain or acquire and dispose of property or interests for redevelopment purposes or use or dispose of property or interests presently owned by the county or

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2 O.C.G.A. § 36-44-2.

3 O.C.G.A. § 36-44-5.

4 The Redevelopment Powers Law provides for the issuance of tax allocation bonds by a county or municipality for the purpose of paying redevelopment costs. See O.C.G.A. § 36-44-11, § 36-44-14 and § 36-44-20.

5 O.C.G.A. § 36-44-19.

municipality for redevelopment purposes; and any disposition of such property or interests therein may be by public or private sale or lease;

9. Exercise any powers conferred upon political subdivisions under the "Urban Redevelopment Law";[6] and

10. Borrow funds from financing institutions, enter into contracts with such financing institutions for up to 25 years, and in connection therewith pledge or assign lease contracts or revenue received from lease contracts on property owned by the county, municipality or its redevelopment agency within a redevelopment area.[7]

How does an area qualify as a redevelopment area?

Any area that meets one of the following tests qualifies as a redevelopment area[8]:

1. Any urbanized or developed area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, or crime and is detrimental to the public health, safety, morals or welfare; or

2. Any urbanized or developed area which, because of the presence of a predominant number of substandard, slum, deteriorated, or deteriorating structures; the predominance of defective or inadequate street layout or public transportation facilities either at present or following proposed redevelopment; unsanitary or unsafe conditions; diversity of ownership or defective or unusual conditions of title which prevent or encumber the free alienability of land; or a combination of these and related factors substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or employment opportunities or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; or

3. Any open area located within an urbanized or developed area within the corporate limits of the municipality, which, because of any factor or combination of factors enumerated in paragraphs 1 or 2 above, substantially impairs or arrests the sound growth of the community; or

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6 The "Urban Development Law" is set forth in Chapter 61 of Title 36 of the Official Code of Georgia. Generally speaking, that body of law provides for counties and municipalities to undertake and carry out urban redevelopment projects in an effort to reduce slum areas in such counties and municipalities. A discussion of the specifics of such body of law is outside the scope of this memorandum.

7 O.C.G.A. § 36-44-16.

8 O.C.G.A. § 36-44-3(7)

4. Any area located within an urbanized or developed area and which, immediately prior to becoming an open area, qualified as a redevelopment area under paragraph 1 or 2 above; or

5. Any area located within an urbanized or developed area which is substantially underutilized by containing open lots or parcels of land or by containing a substantial number of buildings or structures which are 40 years old or older or by containing structures or buildings of relatively low value as compared to the value of structures or buildings in the vicinity or by having development impaired by airport and related transportation noise or by related environmental factors or any area in which there is a shortage of affordable housing, or any combination of these factors; or

6. Any geographic area designated within the comprehensive plan for redevelopment which has previously been developed and which lies within the service delivery area of the political subdivision in which the current condition of the area is less desirable than the redevelopment of area for new commercial, residential, industrial, office, or other uses, or a combination of uses, including the provision of open space or pedestrian and transit improvements, and any geographic area that is adversely affected by airport or transportation related noise or other environmental degradation, contamination or other environmental factors which the political subdivision has determined to be impairing or retarding the development of the area;

7. Any urbanized developed area or an area connecting two or more urbanized or developed areas that has been subject to some development but which has inadequate roadways, bridges, or public transportation or transit facilities incapable of handling the volume of traffic or passenger flow in or through the area in a safe and efficient manner either at present or following proposed redevelopment; or

8. Any area combining any factors specified in paragraphs 1 through 7 above.

II. Exercising Redevelopment Powers

What steps must be taken in order for a county or municipality to exercise its redevelopment powers?

A county or municipality must follow certain procedures to become authorized to exercise the redevelopment powers under the Redevelopment Powers Law. Specifically:

1. The General Assembly must adopt a local law authorizing the county or municipality to exercise the redevelopment powers;[9]

[9] Ga. Const. Art. IX, Sec. II, Para. VII; O.C.G.A. § 36-44-22.

2. A majority of the qualified voters of the county or municipality must approve, in a referendum, the above described local law;[10]

Once the voters have authorized exercise of the redevelopment powers, a county or municipality may proceed to exercise the authority granted under the Redevelopment Powers Law without further need for a referendum. The county or municipality then must follow the procedures outlined below in order to approve a redevelopment area and adopt a redevelopment plan:

1. A redevelopment plan must be prepared by the redevelopment agency;[11]

2. The redevelopment agency must submit the redevelopment plan to the local legislative body of the county or municipality;[12]

3. The local legislative body of the county or municipality must advertise in one or more newspapers of general circulation within the area of operation of the county or municipality at least once during a period of five days immediately preceding the date of the public hearings (as set forth below), the time, date, place and purpose of all public hearings relating to the proposed redevelopment plan;[13]

4. The local legislative body of the county or municipality must hold at least one public hearing on the proposed redevelopment plan within a 60 day period after the redevelopment plan is submitted by the redevelopment agency;[14]

5. The local legislative body of the county or municipality must advertise in one or more newspapers of general circulation within the area of operation of the county or municipality at least once during a period of five days immediately preceding the date of its meeting (as set forth below), the time, date, place and purpose of the meeting;[15]

6. Within 45 days after completing the public hearings, the local legislative body of the county or municipality must schedule and hold a meeting for the purpose of considering the approval of the redevelopment plan;[16]

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10 *Id.*. Such local laws and accompanying special elections were authorized by the City of Atlanta in 1985 and in 1986. See Georgia Law 1985, page 4371 and Georgia Law 1986, page 4834.

11 O.C.G.A. § 36-44-7 (a).

12 O.C.G.A. § 36-44-7 (b).

13 O.C.G.A. § 36-44-7 (b).

14 O.C.G.A. § 36-44-7 (b).

15 O.C.G.A. § 36-44-7 (c).

16 O.C.G.A. § 36-44-7 (c).

At the meeting, the local legislative body of the county or municipality may approve the submitted redevelopment plan, may amend and approve the amended redevelopment plan or may reject the redevelopment plan and return it to the redevelopment agency for further consideration. If the redevelopment agency chooses to resubmit a previously rejected redevelopment plan to the local legislative body of the county or municipality, the requirements set forth in paragraphs (3) – (6) above must be repeated in connection with the resubmitted plan;[17] and

7. An approved redevelopment plan may be amended by the local legislative body of a county or municipality. The local legislative body must advertise the time, date, place and purpose of the meeting to amend the redevelopment plan in accordance with paragraph (5) above.[18]

III. The Redevelopment Agency and Redevelopment Plan

What entity may be the redevelopment agency?

Redevelopment powers may be exercised by a county, a municipality, or its redevelopment agency. A county or municipality has the following choices in designating a redevelopment agency:

1. The local legislative body of the county or municipality may, by resolution, designate itself as the redevelopment agency;[19]

2. The local legislative body of the county or municipality may, by resolution, establish a separate public corporation to serve as the redevelopment agency;[20]

3. The local legislative body of the county or municipality may, by resolution, designate a previously established separate public corporation to serve as the redevelopment agency, such an its urban redevelopment agency or its housing authority, or if the tax allocation district is in its downtown area, then its downtown development authority; or[21]

4. The local legislative body of the county or municipality may join with any such county or municipality and by resolution of their respective bodies, jointly create or designate

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17 O.C.G.A. § 36-44-7 (c).

18 O.C.G.A. § 36-44-7 (d).

19 O.C.G.A. § 36-44-4 (a).

20 O.C.G.A. § 36-44-4 (b).

21 O.C.G.A. § 36-44-4 (c) and (f).

a previously established public corporation to serve as their common redevelopment agency.[22]

If a county or municipality chooses to establish a separate public body to serve as its redevelopment agency, such county or municipality may also establish the membership of the board of directors, the members' terms of office and the agency's powers and duties.[23]

If the county or municipality chooses to designate a common redevelopment agency with another local government, the membership, terms of office and the powers and duties of such common redevelopment agency must be mutually agreed upon by the local legislative bodies of the participating counties and municipalities.[24] In addition, the area of operation of common redevelopment agency will be the combined areas of operation of the participating counties and municipalities.[25] A county or municipality may also participate in the creation or designation of a common redevelopment agency as well as create or designate its own redevelopment agency.[26] In such a scenario, the members of the board of directors of the redevelopment agency may also serve as members of the board of directors of the common redevelopment agency.[27]

What restrictions apply if a county or municipality is not the redevelopment agency?

While a county or municipality may establish or designate a separate public body as its redevelopment agency rather than designate itself as its redevelopment agency, certain redevelopment powers may not be delegated.[28] Specifically:

1. Any redevelopment plan must be approved by resolution of the local legislative body of the county or municipality prior to the implementation of any redevelopment plan;

2. The boundaries of any redevelopment area must be described by resolution of the local legislative body of the county or municipality;

3. A tax allocation district must be created by resolution of the local legislative body of the county or municipality which will issue the tax allocation bonds;

4. The issuance of any tax allocation bonds must be by resolution of the local legislative body of the issuing county or municipality; and

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22 O.C.G.A. § 36-44-4 (d).

23 O.C.G.A. § 36-44-4 (b).

24 O.C.G.A. § 36-44-4 (d).

25 O.C.G.A. § 36-44-4 (d).

26 O.C.G.A. § 36-44-4 (e).

27 O.C.G.A. § 36-44-4 (e).

28 O.C.G.A. § 36-44-6.

5. The power of eminent domain may only be exercised by the local legislative body of the county or municipality, or a downtown development authority.

What information must be included in the redevelopment plan?

A redevelopment plan must include the following information:

1. The boundaries of the proposed redevelopment area;

2. An explanation of the grounds for a finding by the local legislative body of the county or municipality that the redevelopment area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the redevelopment plan;

3. An explanation of the proposed uses after redevelopment of real property within the redevelopment area;

4. A description of any redevelopment projects within the redevelopment area proposed to be authorized by the redevelopment plan, estimates of such costs, and an explanation of the proposed method of financing such projects;

5. A description of any contracts, agreements, or other instruments creating an obligation for more than one year which are proposed to be entered into by the county, municipality or its redevelopment agency for the purpose of implementing the redevelopment plan;

6. A description of the type of relocation payments proposed to be authorized by the redevelopment plan;

7. A statement that the proposed redevelopment plan conforms with the local comprehensive plan, master plan, zoning ordinances, and building codes of the county or municipality or an explanation of any exceptions;

8. Estimates of the redevelopment costs to be incurred or made during the course of implementing the redevelopment plan;

9. A recitation of the last known assessed valuation of the redevelopment area and the estimated assessed valuation after redevelopment;

10. A description of property which is to be redeveloped under the redevelopment plan and which is either designated as a historic property under the "Georgia Historic Preservation Act" or is listed on or has been determined by any federal agency to be eligible for listing on the National Register of Historic Places, and which will not be substantially altered in any way inconsistent with technical standards for rehabilitation or demolished unless feasibility for reuse has been evaluated based on technical standards for the review of historic preservation utilized by the state historic preservation officer;

11. The proposed effective date for the creation of the tax allocation district and the proposed termination date;

12. A map specifying the boundaries of the proposed tax allocation district and showing existing uses and conditions of real property in the proposed tax allocation district;

13. The estimated tax allocation increment base of the proposed tax allocation district;

14. Property taxes for computing tax allocation increments as determined by the methods set forth in the Redevelopment Powers Law and copies of any required resolutions of the county, municipality or board of education;

15. The amount of the proposed tax allocation bond issue or issues and the term and assumed rate of interest on such bonds;

16. Estimates of the positive tax allocation increments for the period covered by the term of the proposed tax allocation bonds;

17. A description of the property proposed to be pledged for payment or security for payment of the tax allocation bonds; and

18. Such other information as may be required by resolution of the county or municipality whose area of operation includes the proposed redevelopment area.[29]

IV. Creating a Tax Allocation District

How is a tax allocation district created?

The Redevelopment Powers Law sets forth the following additional steps that must be followed to establish a tax allocation district within a redevelopment area:[30]

1. If the redevelopment plan proposes to include in the tax allocation increment ad valorem taxes levied by a political subdivision or board of education, or if the redevelopment plan proposes to pledge for payment or security for payment of tax allocation bonds and other redevelopment costs the general funds of a county, then the redevelopment plan must be submitted to that political entity for its consent before its share of increment may be used;

2. The redevelopment plan for the proposed tax allocation district must be submitted by the redevelopment agency to the local legislative body of the county or municipality whose area of operation will include the tax allocation district; and

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29 O.C.G.A. § 36-44-3 (9).

30 O.C.G.A. § 36-44-8.

3. The local legislative body of the county or municipality must approve, by resolution, the redevelopment plan for the proposed tax allocation district. The resolution must:

   (a) Contain a description of the boundaries of the tax allocation district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included;

   (b) State the date of creation of the tax allocation district, which must be on December 31 following the adoption of the resolution by the local legislative body of the county or municipality or on December 31 of the subsequent year;

   (c) Assign a name to the tax allocation district for identification purposes, which must be in the form of "Tax Allocation District Number ___," followed by the name of the county or municipality within whose area of operation the district is located;

   (d) Specify the estimated tax allocation increment base;

   (e) Specify the property taxes to be used for computing tax allocation increments;

   (f) Specify the property proposed to be pledged for payment or security for payment of tax allocation bonds; and

   (g) Include findings that (i) the redevelopment area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the redevelopment plan and (ii) the improvement of the area is likely to enhance the value of a substantial portion of the other real property in the tax allocation district.[31]

Alternatively, the local legislative body may, by reference, incorporate in its resolution the sections of the redevelopment plan which addresses such items.[32]

What are the limits on creation of a tax allocation district?

The Redevelopment Powers Law provides that a county or municipality may not create a tax allocation district when the total current taxable value of property within the proposed tax allocation

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31 O.C.G.A. § 36-44-8.

32 O.C.G.A. § 36-44-8.

district plus the total current taxable value of property within all of its existing tax allocation districts exceeds 10 percent of the total current taxable value of all taxable property located within the area of operation of the county or municipality.[33]

How does creation of the tax allocation district affect ad valorem tax levies?

No later than the effective date of creation of a tax allocation district, the redevelopment agency must apply in writing to the State Revenue Commissioner for a determination of a base taxable value for all properties within the tax allocation district.[34] The State Revenue Commissioner must then certify a base taxable value for all properties in the tax allocation district within 60 days after the creation of the tax allocation district.[35] For the purpose of funding the annual budget of the county or municipality, that base value remains fixed for the life of the tax allocation district regardless of any growth in the actual value of properties within the tax allocation district.[36] Creation of a tax allocation district does not preclude the county or municipality from increasing or decreasing its ad valorem tax millage rate.[37] However, once tax allocation bonds are issued, the millage rate on taxable property within the tax allocation district may not be decreased below the millage rate levied on the last date tax allocation bonds were issued.[38]

Each year, the tax assessor notifies the county or municipality of the current taxable value of the property within the tax allocation district as compared to the base value.[39] Any taxes collected as a result of an increase in property values over the base value are paid to the county or municipality for deposit into a "special fund" created to pay redevelopment costs[40] within the tax allocation district, including debt service on any tax allocation bonds issued.[41]

How is the tax allocation increment calculated?

The tax allocation increment is determined by multiplying the total ad valorem property taxes levied on all taxable property within a tax allocation district (including any amounts pledged by

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33 O.C.G.A. § 36-44-17.

34 O.C.G.A. § 36-44-10 (a).

35 O.C.G.A. § 36-44-10 (a).

36 O.C.G.A. § 36-44-15(a).

37 O.C.G.A. § 36-44-15(b).

38 O.C.G.A. §36-44-15(a).

39 O.C.G.A. § 36-44-10 (e).

40 Redevelopment costs are broadly defined to mean any expenditures made to achieve the redevelopment of a redevelopment area. O.C.G.A § 36-44-3 (8). The Redevelopment Powers Law sets forth examples of such costs at O.C.G.A. § 36-44-3 (8).

41 O.C.G.A. § 36-44-11.

the county or board of education) by a fraction having a numerator equal to that year's taxable value of all taxable property within the tax allocation district minus the tax allocation increment base and a denominator equal to that year's taxable value of all taxable property within the tax allocation district.[42]

How long may a tax allocation district be in existence in Georgia?

The Redevelopment Powers Law provides that a tax allocation district exists until it is specifically dissolved by resolution of the local legislative body of the county or municipality.[43] A tax allocation district may not be dissolved until all redevelopment costs, including debt service or outstanding bonds, have been paid.[44]

V. Tax Allocation Bonds

How and for what purposes may tax allocation bonds be issued?

Tax allocation bonds may be issued only for the purpose of paying redevelopment costs for a tax allocation district.[45] The following provisions and procedures apply to any issuance of tax allocation bonds:

1. Tax allocation bonds shall be authorized by resolution of the local legislative body at a regular or special meeting and without the necessity of a referendum or any electoral approval.

2. Tax allocation bonds shall be payable solely from funds authorized for payment of redevelopment costs. Each such bond must contain a recital indicating that it does not constitute an indebtedness against the general taxing power of the political subdivision.[46]

3. Tax allocation bonds may carry a maturity not to exceed 30 years and may bear fixed or variable interest rates.[47]

4. Tax allocation bonds may not be issued in an amount exceeding the estimated aggregated redevelopment costs for the tax allocation district.[48]

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42 O.C.G.A. § 36-44-3(14).

43 O.C.G.A. § 36-44-12.

44 O.C.G.A. § 36-44-12.

45 O.C.G.A. § 36-44-14(a).

46 O.C.G.A. §36-44-14(c).

47 O.C.G.A. §36-44-14(e).

48 O.C.G.A. §36-44-14(g).

5. All tax allocation bonds must be issued and validated in accordance with the state laws for validating revenue bonds.[49]

What expenditures qualify as redevelopment costs eligible for reimbursement?

Redevelopment costs include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred to achieve the redevelopment of a redevelopment area or any expenditures made to carry out or exercise redevelopment powers. Redevelopment costs may include any one or more of the follow:[50]

1. Capital costs, including the costs incurred for construction of public works or improvements, new buildings, structures, and fixtures; the renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or expansion of existing buildings, structures, and fixtures; acquisition of equipment; and clearing and grading of land;

2. Financing costs, including but not limited to all expenses related to the issuance of tax allocation bonds and other obligations issued under the Redevelopment Powers Law, including capitalized interest for a period not to exceed 42 months after completion of construction of any redevelopment project, debt service reserves, and principal and interest;

3. Professional service costs, including costs incurred for architectural, planning, engineering, financial, marketing, and legal advice and services;

4. Imputed administrative costs;

5. Relocation costs as authorized by redevelopment plan for persons or businesses displaced by the implementation of a redevelopment plan;

6. Organizational costs, including the costs of conducting environmental impact and other studies and the costs of informing the public with respect to the creation and implementation of redevelopment plan;

7. Payments by one political subdivision to another political subdivision or board of education in lieu of taxes to compensate for any loss of tax revenues or for any capital costs incurred because of redevelopment activities; and

8. Real property assembly costs.

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49 O.C.G.A. § 36-44-14(h).

50 O.C.G.A. § 36-44-3(8).

From what sources may redevelopment costs be paid?

Payment of redevelopment costs may be made by any of the following methods or any combination of these methods:[51]

1. Payment by the political subdivision from a special fund of the tax allocation district;

2. Payment from the general fund of a political subdivision to the extent pledged for repayment of redevelopment costs and to the extent positive increments are insufficient to pay principal and interest due on bonds;[52]

3. Payment from the proceeds of the sale of revenue bonds issued by the political subdivision pursuant to the Urban Redevelopment Law;

4. Payment from the proceeds of the sale of tax allocation bonds;

5. Payment from the proceeds from any loans made to a political subdivision by a financial institution pursuant to O.C.G.A. §36-44-16; and

6. Lease payments and other payments made pursuant to contracts under a redevelopment plan.

VI. Conflict of Interest Provisions

Are there restrictions on the involvement by public officials and public employees in a redevelopment area?

The Redevelopment Powers Law provides that no elected or appointed official or employee of a county or municipality or a board, commission, or redevelopment agency may voluntarily acquire any interest, direct or indirect, in any property included or planned to be included in a redevelopment area or in any contract or transaction or proposed contract or transaction in connection with the redevelopment of a redevelopment area. [53] Where such an acquisition is not voluntary, the interest acquired must be immediately disclosed in writing to the local legislative body of the county or municipality and the redevelopment agency.[54] Such disclosure must be entered upon the minutes of such entities.[55]

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51 O.C.G.A. § 36-44-13.

52 See also O.C.G.A. §§ 36-44-9, 36-44-20.

53 O.C.G.A. § 36-44-21 (a).

54 O.C.G.A. § 36-44-21 (a).

55 O.C.G.A. § 36-44-21 (a).

In addition, any such person described above who, within two years immediately prior to the date a redevelopment plan is submitted to the local legislative body of the county or municipality, acquires ownership or control of any interest, direct or indirect, in any property which is included in the redevelopment area designated in that plan and who retains that ownership or control at the time that such plan is so submitted must, at least 30 days prior to the date scheduled for the local legislative body to adopt the plan, disclose the interest in writing to the local legislative body and the redevelopment agency.[56] Such disclosure must be entered upon the minutes of such entities.[57] Such person may not participate in any action by the county, municipality, board, commission or redevelopment agency which affects that property.[58]

The Redevelopment Powers Law provides that any contract or transaction in violation of the above paragraphs or disclosure of which is not made in accordance with the above paragraphs will be voidable by the local legislative body of the county or municipality, unless such contract or transaction has received a final judgment by a court in connection with any tax allocation bonds issued.[59] Furthermore, the Redevelopment Powers Law states that failure by any official or employee to comply with the above paragraphs constitutes misconduct in office.[60]

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56 O.C.G.A. § 36-44-21 (a).

57 O.C.G.A. § 36-44-21 (a).

58 O.C.G.A. § 36-44-21 (a).

59 O.C.G.A. § 36-44-21 (b).

60 O.C.G.A. § 36-44-21 (c).