

ART. IX, SECTION II, PARA. VII(d)

Blighted Condition

This provision of Georgia’s Constitution is intended to offer local governments an opportunity to respond to the negative impact blighted properties have on a community. The “right way” is set forth in the seven subparagraphs. The City of Albany’s response is summarized in the following chart.

<b>The subparagraphs of ART. IX, SECTION II, PARA. VII(d)</b>	<b>City of Albany’s Ordinance</b>
(1) Specify ascertainable standards	Uses the standards in Georgia’s abatement code at O.C.G.A. § 41-2-10. <u>Note</u> : a dwelling house used as a primary residence of one or more persons is specifically excluded.
(2) Establish a procedure to meet the test of notice and an opportunity to be heard (due process)	Albany’s process provides for service of a petition and summons—again relying on the abatement code. <u>Note</u> : holders of a security deed; fi.fa., etc. are included.
(3) Increase in millage rate	3x the city millage rate.
(4) “Increased” revenues to be used solely for community redevelopment (optional)	Recognizes that the increased revenues will be used solely for such purpose.
(5) Removal of the property’s designation as blighted	The City’s ordinance makes it clear that the Municipal Court order shall “list what must be done to remove the blighted condition designation.” The City Manager or the Municipal court may review an owner’s contention that the property has been remediated. Included in this process is an inspection by the City’s Code Enforcement Department.
(6) Decreased rate of taxation	50% reduction in City millage rate for 3 years.
(7) Other provisions	We apply the title standards of the State Bar of Georgia to determine owner/interested parties. Interested parties are provided the right to file a written response; be represented by counsel; participate at the hearing. In addition to the owner, we include only Grantee of a security deed, holder of a fi.fa., etc.

To carry out implementation of this constitutional provision our office uses the attached forms.

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