

HB 855 Summary

This legislation revises current Service Delivery Strategy (SDS) law by providing that each SDS agreement be reviewed and updated by January 1st of the third year after the census. It also provides for SDS updates when a new comprehensive plan is adopted, when there is a change to the service delivery arrangements, and when there is a change to revenue distribution arrangements. Also, unlike current law, HB 855 allows any city to trigger SDS negotiations unilaterally. This expands the circumstances that will allow for burdensome negotiations and could result in near continuous negotiations if cities serially trigger demands for renegotiation. The bill also replaces the judicial arbitration proceeding in current law with a new judicial proceeding whereby a judge makes findings of fact as to compliance with SDS requirements and delegates to the Department of Community Affairs responsibility for imposing stiff new penalties on counties and cities that fail to agree on SDS revisions.

In addition to losing state grants, loans and permits, local governments failing to submit or implement a service delivery strategy within 180 days of being required to do so will have 10 percent of all SPLOST, LOST, HOST or other local tax proceeds collected on their behalf by the Department of Revenue withheld from the affected local governments until an SDS agreement is reached. It will be up to DCA to determine if a SDS agreement meets the requirements of the law. Furthermore, under HB 855, a judge cannot suspend the penalties while the county and cities continue to negotiate as is currently allowed. Finally, the bill allows any city, county or taxpayer to trigger judicial review and the attendant penalties regarding alleged failures by a county or another city to implement agreed upon assignment of services and revenue measures.