

Infrastructure Development Districts in Georgia

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**Andrea Lytle
Andrew Mayronne
Michelle Mondragon
Charlie Moseley
Cylinda Parga**

Summary – Charlie Moseley

Background

On May 30, 2007, Governor Sonny Perdue signed Senate Bill 200, the Georgia Smart Infrastructure Growth Act. This legislation will enable localities in the state of Georgia to approve Infrastructure Development Districts (IDDs). Senate Resolution 309 accompanied Senate Bill 200 as a proposed constitutional amendment, which will make the necessary changes to the Georgia constitution for in order for IDDs to be implemented. SR 309 will be on the ballot for Georgians to vote on in November 2008. Districts like these already exist in a variety of forms in many states across the country, including Florida, Texas, Colorado, and Arizona.

The legislation in Georgia is based off Florida's code, and so, for the purposes of this paper, the primary focus outside of Georgia's legislation will be on Florida's experience with Community Development Districts (CDDs). Although there are differences between Florida's code and Georgia's as well as many external factors that will affect the creation and implementation of IDDs, it makes the most sense to study Florida as the best means of surmising which issues, both positive and negative, will be of importance for Georgia's local governments to consider when deciding whether to allow the creation of an IDD. The paper will be laid out in the following structure: a summary and history of IDD legislation in Georgia; an analysis of potential IDD impact in metro Atlanta and the rest of Georgia; a legal analysis of what the law means and potential challenges to it; an IDD implementation summary regarding creation of IDDs along with planning considerations; and a case study section analyzing a successful and unsuccessful CDD in Florida.

First, it will be helpful to look at SB 200 to figure out exactly what IDD's are and what they can do. The law firm of Epstein, Becker & Green provides a good summary of the Georgia Smart Growth Infrastructure Act:

The focal point of the IDD concept is that it permits debt financing through the issuance of bonds and other debt obligations for infrastructure development within a specific area that is designated as an IDD. The debt would be repaid by allowing the IDD, through its duly elected board of directors, to assess and levy fees on all taxable real property within the IDD for the repayment of the principal of, and interest on, any bond or debt obligation of the IDD. (Epstein)

In Georgia, it will be possible for developers to build infrastructure relating to the following areas: water, roads, bridges, schools, fire safety, conservation areas, recreation areas, and others. What has been seen in practice in Florida, and what will likely occur in Georgia, is that IDD's will be used to create not just pieces of infrastructure, but full communities that include housing, parks, fire stations, and other services. In November 2008, Georgia voters will decide on a proposed constitutional amendment that, if passed, would make IDD's a reality. The question to be put before the voters reads as follows:

Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts for the provision of infrastructure as authorized by local governments? (Senate Resolution 309)

In the months leading up to the November vote, ACCG, GMA, and representatives of developers will be campaigning to educate voters about what IDD's will mean for their communities. This campaign will ultimately endorse the passage of the amendment (Hicks). Provided that the constitutional amendment passes, IDD's will be implementable starting January 1, 2009.

Beneficiaries and Opponents of IDD's

Before the Georgia Smart Infrastructure Growth Act in 2007, other forms of IDD legislation had been proposed in the state legislature in both 2006 and 2007. The 2006 legislation

failed for reasons not completely discernable. According to some, it was because, ultimately, the legislation was controversial, and many legislators believed that more study was necessary (Hicks). However, according to the Troutman Sanders Public Affairs Group, “The legislation and companion constitutional amendment passed the full House of Representatives and Senate committees last year, but unfortunately fell victim to election year politics which prevented a vote on the Senate floor,” (Still). The question then arises, who wanted the IDD legislation in the first place? Who was against it? The answers to these questions tell a great deal about the potential benefits and downsides of IDDs.

The biggest champions of the IDD legislation in 2006 and 2007 were developers. The Sierra Club argues that IDD legislation has been put forward “solely to make money for the developers,” (Sierra). Developers and others counter that the purpose of the legislation is to provide local governments, especially those with small tax bases, with new ways to promote development and pay for infrastructure (Hicks). The second group to favor IDDs in Georgia is local governments. It is worth noting, though, that there were many individual officials and certain counties and municipalities that had reservations about IDD legislation. However, in the end, the Association County Commissioners of Georgia (ACCG) and the Georgia Municipal Association (GMA) endorsed Senate Bill 200 and the accompanying constitutional amendment. Outside developers, rural cities and counties stand to benefit the most from IDD legislation. Many of these counties have very small tax bases and have problems raising sufficient revenues to pay for services. IDDs would allow private developers to fund new infrastructure and fuel growth in many areas of the state that are stagnant economically and with respect to population. As William Still writing on behalf of Troutman Sanders puts it, “...these districts are simply financing tools to help develop much needed infrastructure,” (Still). The final major group in

favor of IDD is timber farmers. Many timber farmers in Georgia, especially those who are not doing well in business, will find it more profitable to sell their land to developers who want to build an infrastructure development district (Hicks).

There are two major groups who opposed the IDD legislation: environmentalists and smart growth proponents. Both of these groups share worries about environmental degradation and increased sprawl stemming from the implementation of IDDs. The problem, as they see it, is that IDDs, by their very nature, are built away from cities and population hubs where the infrastructure necessary to support a dense population does not exist (Hicks). Environmentalists worry that IDDs would almost always be Greenfield developments and that the impact on the surrounding environment and resources would be negative (Hicks). Smart growth proponents worry that, instead of concentrating development and density in areas where they already exist (cities), IDDs will promote growth away from central cities in suburbs, exurbs, and rural areas thereby increasing transportation, environmental, and quality of life issues that develop in the wake of sprawl (Hicks).

Stakeholders and Organization

There are several stakeholders who will be involved in the IDD process in Georgia. The first major stakeholder group is comprised of developers. Developers will propose the creation of these districts in various places, and they are the ones who stand to gain and lose the most from authorization and implementation. The second major group of stakeholders is landowners and residents. In order for an IDD to be authorized, landowners and residents located in the proposed district would be required to submit a petition to their local government for consideration of the new development. This will often require consensus building among various groups with various interests. This leads to the third major group of stakeholders: county and city governments. Local

governments will ultimately have the authority to authorize or turn down requests to move forward with IDD. They will be required to meet certain benchmarks before voting on authorization, including public hearings, which will be discussed in further detail later in the paper (Still). The fourth and final group of stakeholders is community and nonprofit groups. This could include anything from neighborhood organizations to environmental groups, affordable housing proponents to veterans' organizations. These groups will likely have a specific constituency whose interests they will represent at public hearings (Hicks).

Once authorized, IDDs will be governed by a district board. This board will be responsible for construction, operation, and maintenance of approved infrastructure projects. At least five supervisors will be appointed by the developer (petitioner) and the local government. Petitioner-appointed members would eventually be subject to election by residents no later than six years after the creation of the district. However, the board will also consist of government-appointed members who will not be subject to election (Still). The board would have a great deal of power under this system to incur debt and issue tax-exempt bonds to pay for the district. According to the Troutman Sanders Public Affairs Group (who helped to craft the legislation), "The debt would be divided among landowners within the IDD and repaid through ad valorem taxes and special assessments levied on each property within the IDD," (Still). It is worth noting that many of the problems with Florida's CDDs have been linked to failures of district boards to follow the law. Problems of accountability and openness have plagued many CDDs, resulting in law suits. This form of governance has been criticized by some as "homeowners associations on steroids" – too much power and not enough accountability early on in the process (Hicks).

Potential Benefits and Drawbacks of IDDs

Under a best-case scenario, IDD's offer a slew of potential benefits. The first of these is that an IDD would eliminate or reduce the need for local governments to raise taxes in order to stimulate growth. The second, and related, benefit is that IDD's provide new economic development opportunities for counties and municipalities at little to no cost. The next two benefits relate to new residents of IDD's. The first is that communities will be able to manage a high level of services in a more efficient manner. Similarly, residents would have the opportunity to live in attractive, new communities with extra benefits not available to them in unincorporated parts of a county. The final potential benefit, and probably the one that will draw developers to the project, is that IDD's minimize financial exposure for the cost of public infrastructure. This will allow developers to build what they want without exposing themselves to a high level of risk (Netter).

Under a worst-case scenario, IDD's also present a number of potential drawbacks. The first of these drawbacks is that IDD's will be of limited use in urban areas because, as mentioned previously, there is less space for these types of developments and less need for the type of infrastructure they would provide. The second drawback is higher densities, which is certainly debatable depending on from which perspective one is viewing IDD's and what part of the state at which one is looking. Typically, environmentalists and smart growth advocates embrace higher densities, but again, they like to see them around central cities. Others argue that higher densities are bad because they will be detrimental to the character of rural counties and cause unanticipated, negative effects on surrounding areas. Still others argue that counties with a lack of existing planning and zoning capabilities would have difficulty controlling and inspecting new infrastructure. Similar to these arguments about density is another drawback: increased sprawl and environmental degradation, which has been discussed previously in the paper. The final

related potential drawback is that if land use decisions are not separate from infrastructure financing decisions, then officials will make decisions based upon the wrong set of incentives (Netter).

Consideration of all these benefits and drawbacks will be important for developers, landowners, and local officials when considering the authorization and implementation of IDD. Education about and due deliberation of potential IDDs will be important for areas looking to maximize benefits and minimize drawbacks. Of course, all of this is dependent upon passage of the constitutional amendment in November. From this point, the paper's discussion of IDDs will move from simple summarization to a deeper analysis of location, legal issues, implementation, and case studies related to IDDs.

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Analysis – Andrew Mayronne

IDD Potential in Metro Atlanta

Over the past several decades Atlanta has grown significantly, with most of this growth being of the low density, suburban sprawl variety. This has allowed the metro region to grow almost unfettered due to the quality housing stock and lifestyle advantages, which were offered at a relative price advantage to other metropolitan regions around the country. This environment

allowed for buildout mainly in the ten county area governed by the Atlanta Regional Commission (ARC) but also well beyond. As the character of these counties matured and some of the problems associated with sprawl came home to roost, the perspective of growth in the metro area began to change. The new perspective is focused on resolving the impacts of the past growth patterns, as well as promoting healthier, more sustainable growth for a region that expects its population to continue on its upward trajectory. Some of the common language in the ARC's vision for the region (which is echoed by every county comprehensive plan under their governing umbrella) describes a region characterized by compact growth, diverse, traditional neighborhoods which combine sound traffic opportunities and a mix of uses. A perfect example of this is the Livable Centers Initiative, which seeks to retrofit areas in the region with more traditional town centers and neighborhoods. The question as it relates to IDD's is just how do they fit in a region that seems to desire the polar opposite of development that they offer.

However, IDD's have gained momentum in the state legislature and there clearly is a reason for this. Most of the counties surrounding the urban core are constrained by a lack of undeveloped land, and instead are seeking to promote infill construction and increased density in already established areas. A program like IDD's frankly gains no advantages in areas like this with existing infrastructure. Another factor facing down IDD's in these areas is that they by and large seem to desire a change in residential character that calls for more diversity across the socio-economic spectrum, something that a traditional IDD would seem to promote the opposite of. As mentioned though, IDD's are gaining favor among some in the region. Areas do exist where they could be implemented, even in metro Atlanta. Perhaps the bigger question is whether IDD's in metro Atlanta will follow the uncreative path of IDD's in other states or be used as a

tool to promote progressive behavior among developers, as well as offsetting burdensome infrastructure costs.

Areas of High and Low Potential

Though nearly every county comprehensive plan seems to espouse the same growth goals, that doesn't necessarily mean that there isn't some variation in potential between counties. While all ARC counties seem to use language slanted against IDD style development, there are some that possess an environment that would seem to suggest that they might welcome an IDD in the right circumstances. The best way that I found to highlight these variations was by closely examining each county's comprehensive plan (especially the land use component and future population projections) and comparing them with land use and zoning maps. Additional research into the economic vitality and housing characteristics of each county proved helpful as well. The overall goal was to develop a profile of the current environment and how it projects to change with the assumption of several factors. The first was that Atlanta will continue to grow at near the rate it is growing now, which would create a consistent demand for new housing. Another was that this new development would conform with ARC's goals to at least a certain extent, which would place most new development in already established density centers and within the current transportation network. A final major assumption was that most of the new development would be focused around the center of the metro area. These assumptions were critical not just to profile and predict the future metro counties but also to get a rough profile of future residents in order to understand the desires they'll have upon moving into the region.

As mentioned previously, there are some situations in the metro area where a developer proposing an IDD would likely have very little to gain, or would face an audience staunchly opposed to these types of projects. The counties I felt were most likely to oppose IDD's were

Fulton, Dekalb and Douglas, with each representing a different type of resistance. Fulton has a lack of available open space and an established density and infrastructure that would mainly be suited to infill development, which is a poor fit for IDD's. Dekalb is most typical of the metro Atlanta region in regards to IDD's, as the county has reached a certain stage of residential maturity that allows them to be able to view development more selectively. As is, Dekalb would like to shore up their residential nodes and spur them to develop into more traditional towns and cities with unique character. What remains of their undeveloped land is most likely going to be preserved as open space, with increasing protection for environmentally and culturally sensitive areas. Douglas County differs slightly from the previous two, in that it's far less urban. However, it possesses a relatively rural housing character and tax base which it values enough to strongly prohibit undesirable growth. All of these counties are in a position to strongly dictate where and how new development occurs because of these reasons. What this will do is most likely push any potential IDD's away from the core of the metro area in most situations.

The obvious question is if this legislation is being proposed, then where is it intended to be used? As mentioned, areas away from the urban core have the most obvious potential. Not only do these counties have more available space and limited infrastructure, but also in some cases have been a victim of the "drive until you qualify" mentality of Atlanta residents and therefore possess what one would assume is a less affluent tax base. Attracting in higher income residents with very few strings attached in regards to financial liability would seem to be a strong temptation. Three counties that stood out to me were Rockdale, Fayette and Cherokee, though this is not to say that others in the region aren't similarly attractive. Rockdale fits the profile of a fringe county interested in bringing in more high-income residents and well as improving their housing stock. In addition, their comprehensive plan explicitly states their concern with the cost

of infrastructure. With good access in most parts of the county to I-20 there would likely be potential interest from IDD developers as well. Fayette County is similar in that it has the existing character of being mostly a suburban, residential county (with nearly half of its land devoted to low density residential). They also possess no wastewater capacity beyond incorporated areas and are feeling a sharp budgetary burden of existing infrastructure costs. Similar to these two is Cherokee County, in that its also mainly residential and facing how to stabilize after accepting sprawl. What stood out to me was that one of the strategies they cited to improve their tax base was to attract “lifestyle” developments. I took this to mean luxury developments, separated from the influence of existing residential development, which would make a partnership with an IDD developer obvious for both sides. Density and infrastructure costs are directly related and with the metro area’s shift to a new denser pattern of development, counties that allowed low density sprawl in the past are going to face a much more difficult transition than counties like Fulton. What’s going to occur is county budgets will continue to tighten as some of the sins of the past have to be accounted for, which will make the boost that IDD’s offer increasingly more attractive.

What may eventually determine the impact and extent of IDD’s in metropolitan Atlanta is the level of control the ARC is able to exert. With a clear stance in opposition to exurb type development, it would seem that there is very limited room for IDD’s in their vision for the region. While there could always be exceptions for quality developments (Serenbe comes to mind), its hard to imagine them accommodating development similar to what we’ve seen IDD’s produce in other states. This may lead to conflict eventually as individual counties continue to feel the pull and attraction of growth that benefits their bottom line with little, if any,

infrastructure investment. The ability of ARC to head off this problem and retain a harmonious regional development plan will likely have the greatest impact on the future of IDD's.

Section References (Mayronne)

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<http://www.rockdalecounty.org/docs/CLUPLandUse.pdf> April 2008

Douglas County Comprehensive Plan, retrieved from <http://www.celebratedouglascounty.com>
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Fayette County Comprehensive Plan, retrieved from

http://www.fayettedouglascountyga.gov/planning_and_zoning/growth_management_plan.htm

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Cherokee County Comprehensive Plan, retrieved from

<http://www.cherokeega.com/ccweb/departments/pz/complan/> April 2008

Atlanta Regional Commission: Land Use <http://www.atlantaregional.com/html/19.aspx>

Legal Analysis – Cylinda Parga

Powers Granted to Infrastructure Development Districts

The Georgia Smart Infrastructure Growth Act of 2007¹ (the “IDD Enabling Act” or the “Act”) permits local governing authorities to authorize the creation of Infrastructure Development Districts (IDDs). Once formed, authorized IDD are empowered with many responsibilities and capabilities traditionally held by local government entities. The powers of IDD can generally be placed into several broad categories: (1) powers relating to the financing and corporate management of IDDS; (2) powers relating to the levy and collection of fees and assessments from IDD residents and property owners; and (2) powers relating to the implementation of the land use plans of IDDS.²

A. Corporate Management and Finance Powers Granted to IDDS

Section 8 of the IDD Enabling Act grants authorized districts specific corporate powers. The first powers granted are the right to sue and be sued, to adopt and use a corporate seal, and to

¹ 2007 Ga. Laws 739 (to be codified at O.G.G.A. § 36-93-1 et seq. (Supp. 2007)).

² See Janice C. Griffith, *Special Tax Districts to Finance Residential Infrastructure*, 39 URBAN LAWYER 959 (2007).

purchase, sell, and generally dispose of real and personal property.³ It is worth noting that although the Act grants IDD powers to generally acquire and dispose of real property, it specifically prohibits IDDs from exercising the power of eminent domain.⁴ Next the Act grants IDDs the ability to enter into contracts and other legal instruments “necessary or convenient” for the district to exercise its powers.⁵

The Act also provides IDDs with the ability to borrow money and issue debt in the form of “bonds, bond anticipation notes, certificates, warrants, notes, or other evidence of indebtedness.”⁶ This debt is authorized as a means to finance the “initial infrastructure outlay as defined in the approved master plan petition.”⁷ Any debt issued by the district is backed by the full faith and credit of the district, and is specifically prohibited from being construed as a financial obligation of the state of Georgia, any state governmental unit, or any local government, including the entity governing the district’s locality.⁸ The Act requires that debt obligations shall be paid from the district’s revenues and pledged property.⁹ Should the district default on its bond obligations, the Act provides that landowners within the district will “only be responsible for such obligations that are associated with their property and not the obligations of the district as a whole or the obligations of any other landowner.”¹⁰ If an IDD desires to issue additional debt for the construction of projects after the initial petition is filed, the district is

³ O.G.G.A. § 36-93-8(1) (Supp. 2007).

⁴ *Id.*; O.C.G.A. § 36-93-9 (Supp 2007).

⁵ O.G.G.A. § 36-93-8(2) (Supp. 2007). This subsection includes provisions detailing the bidding process for contracts granted by an IDD exceeding \$100,000, as well as provisions regarding the duration of any contracts formed by an IDD. *Id.*

⁶ O.G.G.A. § 36-93-8(3) (Supp. 2007).

⁷ *Id.*

⁸ *Id.*

⁹ O.G.G.A. § 36-93-12 (Supp. 2007).

¹⁰ O.G.G.A. § 36-93-12(a) (Supp. 2007).

required to submit a new petition to the local governing authority detailing the specifics of the planned projects.¹¹

Bonds and other debt instruments issued by the district must mature within 30 years from the date of issue and may bear either fixed or fluctuating interest rates.¹² All debt obligations, as well as associated interest payments and fees, issued by the district pursuant to the Act are exempt from all state and local taxes.¹³

Additionally, the Act authorizes the district to obtain loans upon approval by the board.¹⁴ The board is required to “notify each property owner of his or her share” of the costs for repayment of the loans.¹⁵

The Act next provides IDD with the power to adopt “resolutions and orders” regarding the duties and powers of district officers, the business of the district, the records of the district, and “any projects of the district.”¹⁶ The Act also gives districts the right to acquire and dispose of easements and reservations for public use,¹⁷ as well as the right to enter into lease agreements with any person or entity for the use of district projects and facilities.¹⁸

B. Assessment and Levy Powers Granted to IDDs

The Act authorizes IDDs to raise funds in a number of ways for a variety of purposes. The first way IDDs are authorized to raise funds is through imposing charges and fees on users of the districts facilities and properties. The next way IDDs are authorized to raise funds is through levying assessments on property located within the district.

1. Charges, Fees, and Rentals Imposed by IDDs

¹¹ O.G.G.A. § 36-93-12(b) (Supp. 2007).

¹² O.G.G.A. § 36-93-12(c) (Supp. 2007).

¹³ O.G.G.A. § 36-93-12(k) (Supp. 2007).

¹⁴ O.G.G.A. § 36-93-11(b) (Supp. 2007).

¹⁵ *Id.*

¹⁶ O.G.G.A. § 36-93-8(4) (Supp. 2007).

¹⁷ O.G.G.A. § 36-93-8(6) (Supp. 2007).

¹⁸ O.G.G.A. § 36-93-8(7) (Supp. 2007).

The Act authorizes a district’s governing board to raise money, “by user charges or fees,” to both conduct district activities as well as maintain district facilities.¹⁹ The Act allows the district board to “prescribe, fix, establish, and collect rates, fees, rentals, or other charges” for district projects included in the initial master plan petition.²⁰ Such projects may include recreational facilities, water management facilities, and sewer systems. The district board is authorized to subsequently revise any fees set pursuant to this subsection.²¹ The district is required to maintain a copy of the schedule of these fees on file in the district’s office.²² Further, all charges, rates, and fees assessed by the district are required to be “just and equitable and uniform for users of the same class,” and may be calculated based on “the amount of service furnished, upon the average number of persons residing or working in . . . the premises served, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors”²³ The charges and fees set by a district’s board pursuant to this section must, when combined with any other assessments levied by the board, sufficiently provide funds to cover not only all of the expenses of district projects, but also all interest owed on any bonds issued by the district and repayment of the bonds when they mature.²⁴

2. *Property Assessments Levied by IDD*s

In addition to the ability to charge user fees, the Act gives authorized IDD

s the power to impose and collect a district project assessment on all other taxable real property in the district.²⁵ These assessments can then be used for any construction and maintenance costs of projects

¹⁹ O.G.G.A. § 36-93-8(8)(A) (Supp. 2007).

²⁰ O.G.G.A. § 36-93-8(8)(B) (Supp. 2007).

²¹ *Id.*

²² O.G.G.A. § 36-93-8(8)(C) (Supp. 2007).

²³ O.G.G.A. § 36-93-8(8)(D) (Supp. 2007).

²⁴ O.G.G.A. § 36-93-8(8)(E) (Supp. 2007).

²⁵ O.G.G.A. § 36-93-8(14)(A) (Supp. 2007).

approved by the local government, to pay the principal or interest on any bonds issued by the district, and to provide for sinking funds established for any bonds issued by the district.²⁶ District assessments levied pursuant to this section are capped at an amount determined by the board. The Act mandates that the cap must be calculated before any property within the IDD is sold to the general public. To calculate the cap, the board must determine the amount of projected initial costs the IDD will incur that will be repaid by landowner assessments. These initial projected costs must then be “apportioned among the parcels to be sold to the general public,” and the costs must then be apportioned at a pro rata share according to the acreage of each parcel.²⁷ The Act does not contain provisions allowing revisions of the initial cost estimates, and the calculated cap must be disclosed to purchasers of IDD property.

In addition to levying assessments to pay for the initial construction costs of IDD projects, the Act authorizes the board to collect “special” assessments for the maintenance and operation of IDD projects and facilities.²⁸ The amount of these special assessments must be assessed uniformly by the board on all of the property which benefits from the assessments proportionately according to the benefits received by each tract of land.²⁹ These assessments will function as a lien on the property, and will be collected via the local government’s tax collection apparatus.

C. Land Use and Planning Powers

The Act grants various powers to the district which govern how the district may use land situated within the IDD. These sections generally outline what “infrastructure” the IDD is

²⁶ *Id.*

²⁷ O.C.G.A. 36-93-14(i) (Supp. 2007).

²⁸ O.C.G.A. 36-93-14(b) (Supp. 2007).

²⁹ *Id.*

authorized to create and maintain. The Act grants the district the right to finance, plan, establish, operate, and maintain various systems, facilities, and infrastructure, including:

- (A) Water management and control facilities, including connection of such facilities to roads and bridges;
- (B) Water management, supply, and sewage systems, including connection of such systems to existing infrastructure;
- (C) Necessary bridges or culverts;
- (D) District roads, sidewalks, bike paths, streetlights, public transportation shelters, ridesharing facilities and general parking improvements;
- (E) Investigation and remediation costs surrounding environmental contamination;
- (F) Conservation areas, mitigation areas, and wildlife habitat;
- (G) Security facilities, including, guardhouses, fences and gates, alarm systems, and patrol cars;³⁰
- (H) Recreational, cultural, and educational facilities;
- (I) Natural gas distribution facilities, including connection of such facilities to the existing municipal infrastructure; and
- (J) Any other project within or outside the boundaries of a district consistent with the local government’s comprehensive plan.³¹

In addition to these provisions, the Act authorizes the district to finance, plan, establish, operate, and maintain “public purpose” facilities and services, provided the services meet the

³⁰ Despite this provision granting the district the ability to establish security facilities, the Act specifically prohibits IDDIs from exercising police powers. O.C.G.A. § 36-93-8(11)(G) (Supp. 2007).

³¹ O.C.G.A. §§ 36-93-8(11)(A)-(J) (Supp. 2007).

required specifications of the local jurisdiction and constitute an “essential government function for a public purpose.”³² These facilities and services include:

- (A) Fire prevention and control facilities, including fire stations, water mains and plugs, fire trucks, and other fire control equipment;
- (B) School buildings and related structures which may be leased, sold, or donated for use in the public educational system when authorized by the local school board;
- (C) Control and elimination of pests threatening public health; and
- (D) Waste collection and disposal.³³

The Act next grants IDD the right to establish and enforce deed restrictions on real property located within the district, as well as assess fines for violations.³⁴ The deed restrictions can apply only to external structures, and the board must determine that the restrictions are “generally beneficial to the district’s landowners.”³⁵ The Act does limit the adoption of deed restrictions, however, allowing a board to vote on adopting proposed restrictions only when:

- (A) The district’s geographic area contains no homeowners’ associations;
- (B) The majority of the board has been elected by electors pursuant to this chapter; and
- (C) The party establishing such deed restrictions provides the board with a written agreement that such deed restrictions may be adopted by the district.³⁶

The next power the Act grants to districts is the ability to demolish building and facilities within the district.³⁷ The last provision of the Act granting rights and powers to the district is a “catch-all” provision which grants IDD the right to “exercise all of the powers necessary,

³² O.C.G.A. § 36-93-8(12) (Supp. 2007).

³³ O.C.G.A. §§ 36-93-8(12)(A)-(D) (Supp. 2007).

³⁴ O.C.G.A. § 36-93-8(14) (Supp. 2007).

³⁵ *Id.*

³⁶ O.C.G.A. § 36-93-8(14)(B) (Supp. 2007).

³⁷ O.C.G.A. § 36-93-8(15) (Supp. 2007).

convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this chapter, including any power granted by the laws of this state to public or private corporations which is not in conflict with this chapter or with the purposes of the district.”³⁸

Potential Legal Issues Surrounding Infrastructure Development Districts

A. Consumer Protection Issues

Consumer protection issues form the basis of significant criticism directed at Georgia’s IDD Enabling Act. Two main issues raised by consumer advocates are (1) disclosure and notice requirements and (2) consumer protections provided to landowners against any consequences of a district’s potential default on its debt obligations.³⁹

1. Notice and Disclosure Requirements

Georgia Watch, a non-partisan consumer advocacy group, lobbied against the adoption of the IDD Enabling Act.⁴⁰ One of Georgia Watch’s primary concerns was that the initial version of the Act did not require IDDs to adequately disclose to landowners the financial obligations assumed by individuals buying property within the district.⁴¹ Another concern of the group was that the Act does not limit the interest rate of bonds issued by the district, creating a situation that a group spokesperson described as “predatory lending for middle-class retirees,” as bonds with high interest rates will presumably require IDD residents to pay higher assessments in order to service the bond debt.⁴²

³⁸ O.C.G.A. § 36-93-8(16) (Supp. 2007).

³⁹ See Griffith, *supra* note 2, at 976-980; Catherine Lotti & Melanie Nelson, “*Peach Sheet*” *Legislative History of SB 200*, 24 GA. ST. U. L. REV. (forthcoming 2008) (on file with author) [hereinafter *SB 200 Peach Sheet*].

⁴⁰ See generally *SB 200 Peach Sheet*, *supra* note 39.

⁴¹ See *id.* at 36.

⁴² *Id.* at 37.

The concerns of Georgia Watch did result in amendments adding more disclosure requirements to SB 200 after its initial introduction in the Senate. The final version of the IDD Enabling Act requires that certain information is disclosed to all prospective purchasers of real property within the district. These requirements include:

(A) Disclosure of information relating to the financing, maintenance, and improvement of real property in the district, including the costs of all projects undertaken by the district;⁴³

(B) A provision that each contract for the sale or lease of a residential unit in the district contain a specifically worded disclosure statement in boldface and conspicuous type. The language of the disclosure statement mandated by the Act includes notice that the property is located within the district, notice that the district may impose assessments on the property, and the maximum amount the district may charge for all assessments. The statement also informs the purchaser that additional assessments may be levied to pay for the operation and maintenance of district projects, and that all district assessments are in addition to all local taxes and assessments allowed by law.⁴⁴

Although these disclosure provisions should help notify consumers about the unique financial obligations imposed by owning property within an IDD, it can be argued that the provisions do not go far enough to protect IDD consumers. One problem that the Act does not address is that the disclosure provisions will be buried among all of the other closing documents, making it possible, even probable, that they will not be read by the buyer. Further, even if a buyer does read them, the language of the provisions is technical enough that buyers may struggle to fully understand them.

⁴³ O.C.G.A. § 36-93-23(a) (Supp. 2007).

⁴⁴ O.C.G.A. § 36-93-23(b) (Supp. 2007).

2. Possibility of Default and Potential Consequences

Another consumer protection concern raised by critics of the Act is the consequences that will flow from any defaults on bonds issued by the district.⁴⁵ Default on IDD-issued bonds is certainly possible, if not probable, as several examples from Florida's Community Development District experience demonstrate. One Florida case dealing with the fallout from a principal developer's bankruptcy and subsequent bond default is *Sun 'N Lake of Sebring Improvement District v. McIntyre*.⁴⁶ *Sun 'N Lake* concerned a "special district" formed in Florida, an entity similar to IDD's in that it issued bonds to finance the construction of infrastructure.⁴⁷ The district's primary developer still held title to a significant amount of the property located within the district when the developer declared bankruptcy.⁴⁸ The bankruptcy put the district's finances into disarray, and the bondholders eventually pursued various methods of repayment. The opinion does not disclose the eventual fate of the district (the action was one of tax collection, brought by the tax assessor against the district, and thus was only tangentially related to the developer's default). The case does demonstrate that there are real financial risks assumed by using bonds to finance private developments.

Another example is provided by the Florida case of *Southtrust Bank of Alabama v. Palms of Terra Ceia Bay Community Development District*.⁴⁹ In that case, a Florida Community Development District (CDD) defaulted on its bond obligations. The bondholders sued to compel (via a writ of mandamus) the district to levy ad valorem taxes on all taxable property within the district as a means for gathering funds to repay the bonds.⁵⁰ The governing bond resolution

⁴⁵ See generally Griffith, *supra* note 2.

⁴⁶ 800 So. 2d 715 (Fla. App. 2001).

⁴⁷ See *id.* at 717-18.

⁴⁸ *Id.*

⁴⁹ 560 So. 2d 1205 (Fla. App. 1990).

⁵⁰ *Id.* at 1206.

allowed for the levy of such taxes while the bonds were outstanding as a means of paying the principal and interest due on the bonds. The trial court had denied the bondholder's petition for the writ, and the Florida Court of Appeals reversed, stating that the resolution governing the bonds compelled the district to levy the tax in order to repay its financial obligations to the bondholders.⁵¹ Presumably the CDD complied with the court's ruling and taxed the district property owners accordingly. This case demonstrates not only the possibility that a district may default on its bonds, but also that the contractual agreements controlling the bond issue may have significant consequences for property owners. It seems fair to say that some of these consequences may not be ascertainable from the disclosure statements included in the closing documents.

The potential effects of a district's default upon district property owners is an issue that is complicated by the IDD Enabling Act's lack of clarity surrounding what precisely will happen if the caps placed on the assessments prove insufficient to meet the actual costs of the district's bond repayment obligations.⁵² This uncertainty not only makes the bonds more risky, which may result in higher interest rates, but opens the door to the possibility of a situation similar to the one in *Palms of Terra Ceia* occurring in a Georgia IDD. While the Act establishes a basic framework for drawing up the agreements governing the bonds, the specifics regarding the bondholder's rights and remedies are generally left up to the controlling bond agreements.⁵³ Thus it is currently unknown exactly what remedies a bondholder may pursue against the district and the property owners in the event of a default. Although the initial assessments levied against property owners are set and capped before IDD land is sold to the general public, the user fees set by the district are always subject to revision. Additionally, the Act specifically contemplates

⁵¹ *Id.* at 1207.

⁵² See Griffith, *supra* note 2, at 977-78.

⁵³ See O.C.G.A. § 39-93-13 (Supp. 2007).

that revenue from imposed user fees should be used in part to pay the interest and principle on any outstanding bonds.⁵⁴ Thus, it seems possible to contemplate a scenario in which the controlling bond instruments provide that in the case of default user fees shall be increased in order to pay off the bonds, to the detriment of IDD property owners. Nothing in the Act seems to prohibit such language in the controlling bond documents.

It should be noted again, however, that the Act does specifically state that in the case of default, “landowners within the district shall only be responsible for such obligations that are associated with their property and not the obligations of the district as a whole or the obligations of any other landowner.”⁵⁵ It is unclear exactly how much protection this provision actually provides landowners, as it does not relieve landowners from the obligations that *are* associated with their property. This issue will likely remain unsettled until it is clarified by a court during the course of litigation.

B. Constitutional Principle of “one person, one vote”

1. Background of the Principle

Critics and commentators have raised the possibility that the Act’s mechanism for electing IDD board members violates the basic constitutional principle of “one person, one vote.”⁵⁶ The basic principle of “one person, one vote” is a deeply rooted idea in American constitutional law. As Justice Douglas stated, “[t]he conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteen, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.”⁵⁷ The one person, one vote principle generally requires that elections be conducted in a way that ensures “that the

⁵⁴ See O.G.G.A. § 36-93-8(8)(E) (Supp. 2007).

⁵⁵ See O.C.G.A. § 39-93-12(a) (Supp. 2007).

⁵⁶ See generally *SB 200 Peach Sheet*, *supra* note 39, at 37.

⁵⁷ *Gray v. Sanders*, 372 U.S. 368, 381 (1963).

votes of all individuals be equal.”⁵⁸ Further, because the basic principle deals with voting rights, it generally is reviewed by courts under the strict scrutiny framework, which is the highest standard of review a court can apply to equal protection issues.⁵⁹

2. *The Limited-Purpose Exception to the Principle*

The United States Supreme Court has expressly stated that the one person, one vote requirement applies to state and local municipal governments.⁶⁰ However, the Court has also carved out an exception to the principle for special limited-purpose quasi-governmental bodies. This exception was fully articulated by the Court in *Sayler Land District v. Tulare Lake Basin Water Storage Company*.⁶¹ *Sayler* involved a special district in California created to facilitate water storage and conservation through a variety of projects.⁶² The district supervisors were elected by landowners within the district, and each landowner was permitted to cast one vote for every \$100 worth of district land owned.⁶³ The voting power of smaller landowners was therefore diluted by the voting power of larger landowners. Additionally, non-owner residents of the district were completely barred from voting.⁶⁴ On its face, the dilution of the smaller landowners’s votes appeared to violate the one person, one vote principle. The Court said that this was not the case, however, holding instead that the nature of the district qualified it for an

⁵⁸ Joseph Seliga, *Democratic Solutions to Urban Problems*, 25 HAMLINE L. REV. 1 (2001).

⁵⁹ See *Kramer v. Union Free School Dist.*, 395 U.S. 621 (1969).

⁶⁰ See *Avery v. Midland County*, 390 U.S. 474 (1968) (holding that the one person, one vote requirement applied to “units of local government having general governmental powers over the entire geographic area served by the body.” *Id.* at 485.

⁶¹ 410 U.S. 719 (1973).

⁶² *Id.* at 734-35.

⁶³ *Id.* at 724-25; see also Douglas S. Roberts, note, *No Land, No Vote: Validating the One-Acre-One-Vote Provision for Elections in Florida’s Community Development Districts*, 14 FLA. ST. U. L. REV. 183 (1986).

⁶⁴ *Sayler Land Co. v. Tulare Lakes Basin Water Storage Dist.*, 410 U.S. at 724-25.

exception to the principle.⁶⁵ This exception in turn meant that the Court could abandon a strict scrutiny analysis in favor of the more lenient rational basis standard.⁶⁶

The Court justified the exception based on two characteristics of the district. First, the Court found that the district was created for a special, limited purpose, and thus the district had limited authority and powers, as opposed to general governmental powers.⁶⁷ Second, the Court found that the district's actions disproportionately affected landowners, as landowners paid assessments to finance the district's costs and were subject to liens on their property should they become delinquent in their payments.⁶⁸ The Court maintained that these two characteristics of the district qualified it for an exception to the one person, one vote principle, thus placing the voting scheme into a rational basis analysis. The Court went on to find that under a rational basis test, the voting scheme did not violate the one person, one vote principle.⁶⁹

Saylor provided courts around the country with the basic framework for evaluating whether the voting mechanisms for a variety of special districts violate the one person, one vote rule.⁷⁰ When a court evaluates the constitutionality of any special district's voting mechanism, it must determine the answer to two questions: (1) is the district at issue formed to fulfill a narrow purpose for which it is granted limited power and authority, and (2) if it does exist to fulfill a limited purpose, do its actions disproportionately impact the constituents allowed to vote.⁷¹

3. Potential Application of the the Principle and Exception to Georgia's IDD's

Georgia's IDD Enabling Act creates a voting scheme which allows each landowner to vote for each board position at a ratio of one vote for each acre of land they own, although no

⁶⁵ *See id.* at 729.

⁶⁶ *See id.* at 726-28.

⁶⁷ *Id.* at 729; *see also* Seliga, *supra* note 58, at 12.

⁶⁸ *Saylor*, 410 U.S. at 729; *see also* Roberts, *supra* note 63, at 199.

⁶⁹ *Saylor*, 410 U.S. at 731.

⁷⁰ Roberts, *supra* note 63, at 200.

⁷¹ *See id.* at 202.

one elector may vote more than 15% of the available votes.⁷² It is not certain whether this scheme would be challenged for violating the one person, one vote principle. If it were to be challenged, the outcome of the challenge would be equally uncertain. Any reviewing court would initially have to determine the basic nature of IDD's created under the Act. If a court decided an IDD qualified as a "special purpose" district, it would be possible for IDD's to fall into the exception crafted in *Saylor*. If a court instead found that IDD's were "general purpose" governmental bodies, they could not take advantage of the *Saylor* exception and the voting scheme in the Enabling Act would be found unconstitutional.

It is somewhat difficult to predict exactly whether or not a Georgia court would classify an IDD as a special purpose district with limited, narrow powers. Decisions from other jurisdictions demonstrate that courts examine a variety of factors when classifying specially created districts.⁷³ One commentator has surveyed a significant number of these cases and compiled a list of significant factors, including:

- (1) The areas of government in which the district operates (i.e., do the district's powers extend to a variety of areas, or are they limited to very specific purposes);
- (2) The extent of the district's powers;
- (3) The districts ability to raise revenue, and whether the revenue is borne by specific groups;
- (4) The degree of governmental oversight of the district;
- (5) The degree to which the district has "private" characteristics; and
- (6) The degree to which the district is administrative.⁷⁴

⁷² O.C.G.A. § 36-93-5(c)(3) (Supp. 2007).

⁷³ See Seliga, *supra* note 58, at 13.

⁷⁴ *Id.*

These factors, combined with the Florida Supreme Court’s analysis in the case of *State v. Frontier Acres Community Development District*,⁷⁵ do provide some illumination for how a Georgia court may approach such a challenge. *Frontier Acres* may be particularly significant if and when such a challenge occurs in Georgia, as it is a case challenging the constitutionality of the voting scheme enacted for Florida’s Community Development Districts (CDDs), which of course served as the primary model for Georgia’s IDD’s.

In *Frontier Acres*, the court found that the Frontier Acres CDD *did* fall into the special purpose exception because the court believed the district “had the narrow purpose of providing needed community development services and facilities . . . while ensuring that those who benefited most from the services bore most of the cost.”⁷⁶ More specifically, the court “concluded that the district’s powers merely implement the narrow purpose the legislature granted the district, that of ensuring that new residents have adequate community services.”⁷⁷ The court found it particularly significant that the district did not furnish general public services that a local government would provide, such as health and safety services or school operation.

It seems possible, and perhaps even probable, that a Georgia court examining the nature of IDD’s would reach a similar conclusion as the court in *Frontier Acres*. It is not a foregone conclusion, however, as a Georgia court will not be bound to follow a decision by the Florida Supreme Court, and further analysis of the issue by the *Frontier Acres* court has been criticized as overly superficial.⁷⁸ One commentator has noted that the *Frontier Acres* court glossed over the fact that CDD’s wield a broad range of powers, many of which are powers that other courts have

⁷⁵ 472 So. 2d 455 (Fla. 1985).

⁷⁶ Roberts, *supra* note 63, at 203.

⁷⁷ *Id.* at 204.

⁷⁸ *Id.*

associated with general purpose entities over limited special purpose districts.⁷⁹ These powers include the construction and operation of sewage systems and the authority to build and maintain roads, and are powers that are also granted to IDD's under Georgia's Enabling Statute. Rather than exploring reasons *why* these powers may be classifiable as "limited" rather than "general," the *Frontier Acres* court instead determined that the district's powers were narrow with little discussion or explanation.⁸⁰

The court's lack of analysis in *Frontier Acres* makes it more difficult to use the case as a predictor of how a Georgia court would approach the same issue, but it does offer an example of one possible outcome. Indeed, it seems likely that even if a court engaged in a more thorough exploration of an IDD's powers, it would still reach the conclusion that it was a special purpose entity entitled to the one person, one vote exception.

Such a conclusion could be viewed as a probable outcome should a Georgia court use at least some of the factors other courts have used when evaluating this issue. While IDD's do possess a variety of powers, they are still significantly limited compared to those exercised by a general purpose governmental unit. IDD's do not exercise police power, they do not exercise general health and welfare powers, they do not *operate* educational or transportation systems (although they are empowered to build such facilities), and they do not have the power to zone or to exercise eminent domain. It is arguable that all of the powers IDD's do possess are intended for the "narrow purpose" of building and maintaining a community's infrastructure. Should a court accept this argument, it is almost certain that IDD's would be classified as special limited purpose bodies entitled to an exception to the one person, one vote principle. Further, the Act itself states that an IDD "is not a general purpose local government and specifically shall not be included in

⁷⁹ *Id.*

⁸⁰ See *Frontier Acres*, 472 So. 2d at 457.

the term ‘local government’ as that term is defined in paragraph (5.2) of Code Section 36-70-2....⁸¹

The second requirement of the exception, that the IDD’s activities have a disproportionate impact on voters, would almost certainly be met, as the landowner-voters are responsible for financing the infrastructure built by the IDD, as well as the cost of the district’s operations. They are thus disproportionately impacted by the district’s activities.

Implementation – Andrea Lytle

Process for establishing and implementing an IDD

The Georgia Smart Infrastructure Growth Act of 2007 (“O.C.G.A. 36-93,” originally Senate Bill 200) provides the framework for establishing and implementing IDDs in Georgia. Assuming the constitutional amendment is successful this fall, O.C.G.A. 36-93 will become effective automatically on January 1, 2009.⁸² Even then, individual local governments must then hold two public hearings and adopt an enabling resolution in order to be able to use this tool.⁸³ Subsequently, each proposed IDD must have its own public hearing in order to be approved by the community’s elected body. These safeguards arguably give local governments ample opportunities to ensure that this growth management tool will be appropriately used in their communities. Typically, consideration about whether to create an IDD would follow zoning approval for the development since most developers do not finalize their financial backing until after the local government endorses the project.⁸⁴

⁸¹ O.C.G.A. § 36-93-4(g)(1) (Supp. 2007).

⁸² Kirk, David (2008, April 17). “Infrastructure Development Districts: A new approach to providing infrastructure for new development.” Presentation at the Georgia Planning Association state conference.

⁸³ O.C.G.A. 36-93-3 (a)

⁸⁴ Kirk, David (2008, April 17)

For a local government to consider approving an IDD, every landowner in the proposed district must sign a petition requesting the designation.⁸⁵ The petition must describe the exact boundaries of the IDD and present the names of the initial district governing board members. The petition must also include a master plan for the development, which would be expected to comply with the original zoning or subdivision approval for the development. Even more importantly, at this stage the petition must detail the services the IDD will provide, a timetable for construction and an estimate of the proposed costs. Implicitly, this requirement means that the local planning and other staff have negotiated with the developer to determine whether he or she will contribute to or provide new facilities such as libraries, schools, police or fire stations in addition to the “typical” infrastructure a developer installs like streets, water lines and sewer lines (this issue will be discussed at length in the “Planning Considerations” section of the paper).

Following the public hearing to create an IDD, O.C.G.A. 36-93 mandates that the governing board “shall consider” several factors when deciding whether to approve the IDD, including consistency with the comprehensive plan, compatibility with existing services, the anticipated amount of tax-bond financing required, the potential for the IDD to increase taxes in the surrounding area and “whether the creation of the district is a ‘reasonable alternative’ for providing the necessary infrastructure” and is “of sufficient size and sufficiently contiguous to be developed as one functional interrelated community.”⁸⁶ It is important to note that the governing board does not have to determine that the IDD actually meets all these standards in order to approve it; it simply must consider them. The local government must also approve the services that the IDD can provide, the standards of maintenance for the infrastructure and attach

⁸⁵ O.C.G.A. 36-93 (b)

⁸⁶ O.C.G.A. 36-93-4 (c)

conditions it considers necessary to protect the health and welfare of the residents in the community.

In addition to the local government, IDD's also must be approved by all federal, state and regional authorities, including the Department of Community Affairs (DCA) if it qualifies as a Development of Regional Impact (DRI). Should DCA deny the DRI application, the governing board that approved it may override this decision by placing the IDD on the local ballot to be considered by the citizens of the community.⁸⁷

As part of its approval, the local government also authorizes the creation of a four-member governing district board that will make subsequent decisions for the IDD. The governing body must also appoint a fifth member. The board members serve four year terms that begin once a certain thresholds of development are achieved. For example, the first "petitioner member" must stand for election once thirty percent of the geographic area has been developed.⁸⁸ All petition members must "stand for election within six months of the sale to the general public of land representing 75 percent of the geographic area within the boundaries of the district or within six years after the effective date of the resolution or ordinance establishing the district, whichever is sooner."⁸⁹ This requirement aims to circumvent a problem that has occurred in a few of Florida's Community Development Districts (CDDs) where the developers have maintained control of the governing board for more than a decade. However, a loophole still remains in Georgia's legislation because if the land has not been developed and the developer still owns it, he remains the only "qualified elector" who can vote and be elected to serve on the governing board. Therefore, a local government must carefully consider the timeline for construction and address this possibility directly before approving an IDD.

⁸⁷ O.C.G.A. 36-93-3 (c) (4)

⁸⁸ O.C.G.A. 36-93-5 (c) (1) (B)

⁸⁹ O.C.G.A. 36-93-5 (c) (1) (D)

The governing district board has a multitude of important powers connected with the development and management of the IDD. In addition to issuing and managing bonds for the infrastructure that is installed, the governing board bids and executes the contracts for infrastructure construction. While the local government approves the infrastructure and services the IDD will provide when it establishes the district, the IDD governing board makes the detailed decisions about the facilities, which could include water and sewer systems, streets, sidewalks, street lights, electrical and gas lines, stormwater facilities, security personnel, fire and police stations, schools, indoor and outdoor recreation facilities, waste collection, pest management and other amenities.⁹⁰ The governing board may choose to hire an administrative manager to handle the day-to-day operations of the IDD. Finally, the governing board determines the taxes and fees that will be charged to property owners within the district to pay for some of the infrastructure installation and maintenance. The financial records must be audited annually and are available to the public.

Planning considerations

David Kirk, an attorney and proponent of IDD's who helped draft Georgia's legislation, explains that IDD's are primarily a "financing mechanism" that gives developers and a new option to fund growth without overextending the local government's ability to pay for it.⁹¹ Nevertheless, important planning considerations should be made before a community implements this tool.

Whether IDD's produce smart growth or urban sprawl is an ongoing debate. David Kirk's law firm, Troutman-Sanders, argues that "IDD's do not promote growth. They help manage growth. Development will come with or without IDD's. Local government manages growth by

⁹⁰ O.C.G.A. 36-93-8

⁹¹ Kirk, David (2008, April 17)

allowing developers to use the financial mechanism offered by an IDD only if they develop in the way most beneficial to the community.”⁹² This reasoning is seductive in its simplicity because it theoretically relieves the burden for local governments who recognize that new development does not always pay for itself through tax revenues. Troutman-Sanders also maintains that “local governments need a way to encourage smart growth in their communities” indicating that IDD’s can fill this role.⁹³

Proponents argue that IDD’s provide a tool for smart growth because they offer the benefits of planned communities. In comparison to a series of small, disconnected subdivisions, IDD’s create large, master planned developments that can more easily incorporate connectivity, direct traffic flow, establish mixed-use “village” centers, effectively locate community facilities and provide contiguous open space. In fact, O.C.G.A. 36-93 requires IDD’s to maintain at least twenty percent open space. Furthermore, the Act mandates the use of public sewer, which is traditionally better for water quality than septic tanks.⁹⁴ Since elected officials must authorize the IDD and therefore approve the infrastructure it will provide, there is an opportunity for developers and local governments to negotiate for improvements that will benefit the entire community. For example, infrastructure can be located anywhere in the jurisdiction so the developer can contribute financially to the construction of new school facilities, water or wastewater treatments plants that would serve more than just the area within the IDD. For Georgia in particular, the fact that IDD financing can be used for school construction is especially important because impact fees are not available.⁹⁵ Finally, governments in Florida

⁹² Troutman-Sanders (no date). “The Georgia Smart Infrastructure Finance Act of 2007.” Internal document. (underline in original)

⁹³ Troutman-Sanders (no date). “The Georgia Smart Infrastructure Finance Act of 2007.” Internal document.

⁹⁴ O.C.G.A.36-93-4 (c) (4)

⁹⁵ Netter, O. D. (2006, October 18). *Infrastructure Development Districts Have Potentials & Pitfalls*. Retrieved April 5, 2008 from Association County Commissioners of Georgia at <http://www.accg.org/content.asp?contentid=770>

have used CDD agreements to increase the architectural standards for new developments beyond what they could mandate through traditional zoning practices.

However, the argument that IDD's promote smart growth is fundamentally flawed in at least one critical respect. By definition, IDD's encourage growth where no or limited infrastructure currently exists, which typically means greenfield developments on the fringes of the community where developers can find or assemble large tracts of land. Given the enormous size of most IDD's, they actually push new growth outward out into rural or suburban areas and promote additional development that can take advantage of the new infrastructure. Such trends may hasten the economic decline of downtown areas. The Association County Commissioners of Georgia (ACCG) acknowledges that "these districts do not appear to be effective tools in instances of redevelopment, meaning urban counties would have little or no opportunity to use them. A requirement that 100 percent of landowners must approve the creation of a district could also prove to be a hurdle owing to diverse, multiple-property ownership in redevelopment areas."⁹⁶ Since IDD's cannot encourage infill development or urban redevelopment that use existing infrastructure, they risk promoting urban sprawl rather than smart growth.

Another important planning consideration is that even though Georgia has patterned its IDD legislation after Florida's, the two states actually have considerably different attitudes towards planning and zoning. In 1985, Florida required all local governments to adopt comprehensive plans that must include specific standards to ensure that public facilities can support new development and maintain same "level of service."⁹⁷ As Roy Carriker explains, "this is a financial planning tool that requires local governments to have in place certain public

⁹⁶ Netter, no page

⁹⁷ Florida Department of Community Affairs (2005, February 8). *Concurrency*. Retrieved Power Point presentation on April 6, 2008 from Division of Community website, <http://www.dca.state.fl.us/fdcp/DCP/compplanning/concurrency1.pdf>

services . . . at an acceptable level of service concurrent with the impacts of new development.”⁹⁸ Every ordinance and “land use decision” must meet this “concurrency” requirement, otherwise the local government cannot legally approve it.⁹⁹ To determine whether a proposed development fulfills the concurrency requirement, comprehensive plans must include a capital improvement element (CIE) that project the expenditures necessary to maintain the adopted level of service for the current and projected future population.

While most local governments in Georgia have also adopted comprehensive plans, the state does not have a concurrency requirement and CIEs are only mandated when a local government decides to implement impact fees. Like impact fees, local governments cannot legally require IDD to contribute more than their “proportional share” of upgrading citywide infrastructure. Proponents of IDDs therefore recommend that communities intending to use this tool incorporate CIEs into their comprehensive plans.¹⁰⁰ This technique not only helps developers anticipate their contributions, it also helps to ensure that the current level of service in the community does not suffer.

More importantly, IDD approval in Georgia is not tied to comprehensive plan consistency as it is in Florida. After all, many rural counties and municipalities do not have zoning at all. Without this basic framework controlling land use, it is difficult to imagine that local governments will be able to effectively implement a sophisticated growth management tool like IDDs. For this reason, ACCG initially suggested that Georgia consider restricting IDDs to counties and municipalities that have zoning because “in counties with little or no planning, zoning and permitting capacity in place, local officials would have little ability to guarantee, or

⁹⁸ Carriker, Roy R. (July 2006). “Comprehensive Planning for Growth Management in Florida.” University of Florida, Institute of Food and Agricultural Sciences. Retrieved April 18, 2008 from <http://edis.ifas.ufl.edu/FE642>.

⁹⁹ Carriker (July 2006)

¹⁰⁰ Ross, Bill (2008, April 17). “Infrastructure Development Districts: A new approach to providing infrastructure for new development.” Presentation at the Georgia Planning Association state conference.

inspect, new infrastructure.”¹⁰¹ Such a policy would help to ensure that only communities that are more prepared to handle the increased development could use this growth management tool. This requirement would also encourage local governments to engage in comprehensive planning and zoning practices in order to attract IDD and direct them to the most appropriate areas of their communities. It is important to note that this requirement is not in the Smart Infrastructure Growth Act of 2007, perhaps because the ACCG worried that it would deter rural counties from voting to support the constitutional amendment.

Since planning seeks to improve the quality of life for all its residents, any IDD program in Georgia must ensure it does not become a legal, publicly-subsidized method of excluding low and moderate-income residents from these new developments. In Florida, most CDDs tend to attract affluent residents wanting additional services and amenities that lower-income citizens typically cannot afford. While exclusive subdivisions without affordable housing can certainly be found in many communities in both Florida and Georgia, CDDs or IDDs are different because the state legislature authorizes them to use tax-exempt bonds. In exchange for this privilege, they should be required to include affordable housing and ensure that their amenities open to the public. Despite assurances from the ACCG that IDDs will not create a “private city” because all infrastructure must be publicly accessible,¹⁰² O.C.G.A. 36-93 would allow IDD bonds to pay for “guardhouses, fences and gates, electronic intrusion systems and patrol cars,”¹⁰³ that presumably would exclude some people or at least offer the impression that a neighborhood was “off-limits” to non-residents. Furthermore, since many IDDs contain commercial or mixed-use components, providing workforce housing creates new opportunities for low-income employees to live near

¹⁰¹ Netter, no page.

¹⁰² Association County Commissioners of Georgia (June 2007). “Financing and Managing Growth in Georgia.” Internal document received from Matt Hicks.

¹⁰³ O.C.G.A 36-96-8 (G)

their homes and save on transportation expenses. If affordable housing is incorporated, however, special provisions must be made to ensure that residents will not be unduly burdened if the governing district board raises taxes to pay for infrastructure or maintenance.

While only a couple of IDD's nationwide have defaulted completely on their ability to finish a project, there are more than a few examples of developments in Florida, Colorado and other states that have had to scale back their infrastructure plans, sell off some of the facilities or drastically raise taxes to cover the shortfall. Local governments that approve IDD's must clarify from the outset that they will not financially rescue ill-conceived projects or accept their infrastructure for public maintenance. On a smaller scale, similar problems have occurred in Georgia and elsewhere when homeowners associations (HOAs) dissolve or fail to pay for road or stormwater facility maintenance. While residents have an obligation to understand the financial risks they take when moving into one of these communities, local governments have a responsibility to proceed carefully when authorizing these IDD's. Elected officials and planners must take into account market trends, the strength of the community's employment base and the feasibility of a proposed IDD before approving another one. Clearly, saturating the market with these projects will result in failure because there is only a certain amount of residential demand for these neighborhoods.

Case Studies – Michelle Mondragon

The Florida experience/case studies

Originally the Florida Special District was created over 179 years ago; however, more recently Florida's Community Development Districts (CDD) have become more prevalent due to the rapid growth of their communities; this is largely due to the large increase in population and recent interest in real-estate investment boom that was occurring the last few years.

As of 2006, there were over 1,404 Special Districts in Florida, which are comprised of 592 dependent and 812 independent districts. However, in 1975 the State created the New Communities Act, which created the first independent special district primarily for community developments. Today Florida has over 150 active CDDs with Hillsborough County leading the state with 34, six located in Tampa, and twenty-five in the Miami-Dade area. Within the last five years, more than 200 CDDs have been created in Florida (Van Sickler, Jan. 2005).

Chapter 190, F.S. of the Uniform Community Development District Act allows for the establishment of independent special districts for the purpose of financing infrastructure for planned developments. These districts are limited to funding specific infrastructure such as water management, water supply, sewer and wastewater management, reclamation, and reuse; bridges or culverts; roads; street lights; parks and other outdoor recreational, cultural, and educational facilities; fire prevention and control; school buildings; security; mosquito control; and the collection and disposal of waste. They are categorized into two areas: districts with less than 1,000 acres and those with more than 1,000 acres. These districts are typically financed with the issuance of tax-free bonds, ad valorem taxes, special assessments or service charges; the burden of cost is passed onto homeowners buying within the district

CDDs are not mini cities and do not have the power of eminent domain. They also don't have the authority to change traditional development standards or local zoning decisions. They don't provide governmental services or have any authority over environmental regulations, and they can't create local ordinances. They must be approved by the local government and once initiated cannot be expanded without approval. The CDD must have 100% consent from the homeowners; the board cannot be shifted to a developer; no single owner may represent more than 15% of district's total vote; and full disclosure about an CDD, its rules and regulations must

be provided to the buyer prior to the sale of the property. Lastly, the bonds cannot be issued without the permission of the landowners. The CDD assessment doesn't cover the operating and maintenance of the infrastructure, or the improvement of the common areas (AJC Associates, Inc., 2005).

New Tampa Residential Communities

This area remained undeveloped until annexation during the 1980's; it was known as the oldest neighborhood and development has retained that atmosphere, naturally. Strict guidelines are applied to retain the preservation of the animals.

New Tampa's boundaries are the University of South Florida to SR 54 and Morris Bridge Road (north to south) and Lutz to Morris Bridge road (west to east). The area is known for high growth, an above average income and denotes life in suburbia (RNT.com, 2007).

Two particular sites were evaluated, both located in Hillsborough County; Heritage Isles, which is a successful community and Corey Isle, which has been plagued with developer interference and abuse. The sites are actually adjacent to each other with Heritage Pines separating them.

Heritage Isles

This Heritage Isles Community Development District definitely gives you the feel of living with the finer things in life. The amenities give you the atmosphere of being in a first-class resort but with a small town effect, yet it encompasses 475 acres. A family hardly leaves the development for entertainment; it offers playgrounds, swimming pools with a water slide, volleyball, basketball and racquet courts, an aerobics room plus a roller hockey rink and championship golf course.

It's conveniently located near I-75 for quick access to Downtown Tampa, and ample shopping and restaurants are available with the University of South Florida campus and a medical complex close by (NTCC, 2008).

According to advertisements found online, a single family home can be purchased for only \$100,000 to \$400,000 (NTCC, 2008); however, when this researcher went to the real estate sites to view the type of houses that were available, their price range and an idea of the amenities offered, I found no homes within the \$100,000 range, or for that fact up to \$200,000

However, when the Lennar Homes website was viewed five different home styles are offered, the Monaco, Normandy and Corsica, are all within the \$230,000 to \$260,000 price range. The Corsica has 3 bedrooms, 2 baths, and a 3 car garage in a one-story layout, while the Monaco and Normandy have 4 bedrooms, two car garages and are two stories, the only difference is the amount of bathrooms, the Monaco has 3 bedroom and the Normandy has 2.5 bathrooms. The Catalina and Monte Carlo are with the \$305,000 to \$360,000 price range. The Catalina boasts 6 bedrooms, 3 bathrooms and a 2-car garage while the Monte Carlo has 4 bedrooms, 3 bathrooms and a 3-car garage (lennar.com., 2008).

Heritage Isles provides homes and townhouses for rent from \$950 to \$2,900 per month with 2 to 6 bedrooms and 2 to 4 bathrooms. Rent New Tampa handles the renting process from taking the application to completing the lease documents (RNT.com, 2007).

The CCD also offers four age-restricted communities for those over the age of 55 years old; the Terraces, the Manors, the Estates and the Villas; otherwise known as the Heritage Isle Estates. They are located on the other side of the Duran golf course giving it a nice quiet ambiance.

Subsidized housing, multiple housing complexes and executive housing are also offered. No pictures or information is available for the Section 8 housing; however multiple-housing complex pictures can be found in the Appendix. Rental prices ranged from \$1000 to \$1700 with subsidization ranging from \$500 to \$1000. The executive homes ranged from \$360,000 to \$450,000; had four to five bedrooms with 3 to 4.5 bathrooms and four different styles with nine different floor plans to choose from. Multiple housing units such as the Terraces at Heritage Isles are priced from \$134,990 to \$174,990 and have two bedrooms and two bathrooms (move.com, 2008)

But despite its success in providing all forms of housing for all types of consumers, the district has problems with conflict of interest with its board members. The board transitioned to home-owner control in 2006 and now the supervisor and one member face re-election; the developer and supervisor had past conflict of interests. The conflict arose over the leasing of the failing golf course and restaurant (Kinsler, Feb.2008).

Cory Lake Isles

Cory Lake Isles, another New Tampa community, is set along the 10-mile shoreline of Tampa's largest lake, bordered with 17,000 acres of forest and tropical landscaping. The single family homes are set on $\frac{1}{4}$ acres to $\frac{3}{4}$ acres with a dock for every home. It has a white sand beach that offers skiing, fishing and canoeing with a main street that has hand constructed laid bricks. The price range is from \$250,000 to \$1,000,000 (D&CHarding, 2008).

In 2000, developer Gene Thomason filed for a zoning change that would allow him to bring in commerce to the District; the application had major changes to the current comprehensive plan. His history for development was well known in the area; he'd already built 114 single family homes. This would include a much-needed day-care facility, office space, and

a self-storage business; totaling 127,000 square feet (Mabe, 2000). Corey Lake Isles was that much closer to becoming a self-sufficient community.

But in November 2007, after 12 years under control of the developer, Gene Thomason, the owners association was told they would be paying additional assessments to pay for the lawsuit being drafted against him and his company, Cory Lakes Limited (CLL). And in December 2007, Corey Lake homeowners were told that Thomason's private development company, CLL had charged \$4.6 million dollars over the last five years for maintenance of the district (Kinsler, Dec.2007). So in January 2008, seven homeowners sued the association to gain access to the financial records; accountability questions were being demanded from Mr. Thomason by the residents. It seems the developer's company, CLL, had provided landscaping and road maintenance, as well as security for the district without a written contract (Kinsler, Jan. 2008).

Corey Lake Isles is the perfect example of developer abuse despite the Florida laws prohibiting builder-control over a six year period. The abuse continues beyond the no-contract for labor; finances were mishandled, checks were made out to the property owner's association, yet were deposited into CLL's account and property taxes weren't kept current.

Now in February 2008, Corey Lake Isles will choose their new Board of supervisors for the first time. The board had consisted of appointed family members and associates. Two of the appointed seats are available as well as the former Supervisor's position (Kinsler, Feb.2008). Hopefully, the district will now run as intended by homeowners that will have to provide accountability measures for the maintenance and operation of the district.

Other State Community Development Districts

New Jersey - Twin Rivers is a community development located outside of New Jersey that is run by a homeowners association; they are having difficulties living with the small privatized mini-government that operate as the de facto government entity. Homeowners in Twin Rivers filed a lawsuit arguing that their constitutional rights were being violated. One neighbor was quoted as stating, “you leave your constitution rights outside the gate.”

The residents are seeking a determination from their local government as to whether the rights of property owners supercedes the community association’s rights to restrict and fine them for minor infractions; activities that most homeowners have, such as posting a political sign on your lawn or installing the wrong kind of storm door. A major issue that can determine the future of other developments is whether a buyer must abide voluntarily to accept all restrictions issued by the association; currently residents have little power to change rules already established, needing a 76+ vote to alter or eliminate them (Schwaneberg, 2005).

San Antonio, Texas – A resident at Post Oak Manor, was asked to remove a local election sign from his yard while other neighbors were allowed to post national elections signs in their yard (Willilams, 2003) Another resident living in Memorial Northwest has filed suit on their homeowners association due to fines charged for the infraction of running a business out of their home. The charge is \$200 a day, while the case is pending; homeowner Robin Lent says “The ruling is weighted against the homeowner; dissension is penalized by the absorbent fine and the threat of being foreclosed” (Jackson, 2006).

Denver, Colorado – Governor Bill Owens signed a measure that limits the power that homeowner associations have based on the numerous horror stories told by homeowners. Senate Bill 100 will require associations to open their books and post notices of meetings and limit the ability to seize property in addition HOA is prohibited from adopting rules that prevent

homeowners from displaying the U.S. flag or political sign; from parking an emergency vehicle in the community and limits the ability to foreclose on properties (Summit Daily News, 2005).

Process to Create a Infrastructure Development District

The first step to create an Infrastructure Development District involves having the local government approve an ordinance that authorizes the creation of a district. The petitioner/developer submits a development plan that includes information pertaining to the site, such as the estimated costs, a timeline, what boundaries are sought; the name of the site, the names of the initial district board and of course attached the application and fee (\$5,000 per 1,000 acres). The final step is to host at least two public hearings about the proposal and then a vote is taken as whether to create it or not (Rivercrest, 2008).

Process to Create District Boards

During the initial proposal process, the petitioner/developer selects the first five board members while the local government appoints one member. As the development transitions, the initial board must be re-elected within a six year period or when seventy-five percent of the development is complete. Prior to the election, public notice must be given and landowners within the district are allowed to cast one vote per acre of land owned; no one may vote over 15 percent of the votes (Rivercrest, 2008)

Responsibilities of the CDD

The community development district's responsibilities include appointing a treasurer, someone that is not a member who will handle the disbursement of funds for the district. The treasurer must prepare a budget and provide copies to the board within a 60 day period prior to approval. The board then submits the budget to the local government; 60 days prior to the date of adoption, waiting for comments and suggestions. The board may hire contractors to

complete work but must stay within a \$100,000 limit; anything above that must be assigned to the lowest bidder. It may borrow money, issue bonds, lease facility properties and maintain an office on district property.

The board oversees off-site improvements to roads, street signs and lighting; water management; administration of the conservation areas; contact and compliance with the local government in regards to water and sewer facilities; and the landscaping of the site.

The cost to operate is subject to a non ad valorem assessment, which appears on the homeowner's property tax bill. This assessment is based on the charge for the operations and maintenance of the district, this can fluctuate based on yearly charges; and the annual capital assessment that goes toward repayment of the bonds sold by the CDD for development; these are often fixed.

The IDD must have 100% consent from the homeowners and in Georgia the IDD board cannot be shifted to a developer, no single owner may represent more than 15% of district's total vote; and full disclosure about an IDD, its rules and regulations must be provided to the buyer prior to the sale of the property and lastly, the bonds cannot be issued without the permission of the landowners (HCDPGM, 2002).

Challenges found in Florida's CDD's

Some of the challenges that have hindered implementation and governance are CDDs are subject to all of the state's Sunshine Laws, which allows ambiguity and liability. Most often, the biggest hindrance to the homeowner is the day of signing for the sale of the home, the one page disclosure, describing the regulations for living in the district is amongst hundreds of other pages of documents; and is often missed. Other financial stipulations are not disclosed clearly, according to the initial rules, the assessment for operations and maintenance can vary from year

to year, however, often the buyer is under the assumption the assessment fee is set for the period of the purchase of the home (VanSickler, 2003). And then the problem arises when the developer is ready to embark on building when the local government's plans for roads, sewers and other infrastructure aren't planned for years later; such as in the Connerton CCD (Thorner, 2003).

Community Development District Changes expected

During the 2007 legislations period House Bill 1491 – Community Development Districts was revised the definition of the community development to specify requirements for adoption of certain rules by Florida's Land and Water Adjudicatory Commission; revising the provisions for determining voting rights for landowners within a district; requiring the district to publish notice of the qualifying period for elections; revising the timeframes and the requirements for preparation of any budgets proposed by the districts; this would amend Ch 190 (COCP, 2003).

Recommendations for implementation in Georgia

Before Georgia embarks on passing legislation to make tax-exempt bonds available to petitioners that are considering the build-out of a IDD, they view websites like the Florida Articles, "Problems with Developers", there are over 60 cases of abuse reported, from (POATV,Inc, 2008).

The petitioner (developer) is almost given a blank check on the amount of time he can build the development. In Connerton, Florida, the developer had plans to build new homes prior to the local government's plan for the input of roads and sewers. While in Corey Lake Isles the developer continued to add homes to the site over a thirteen year period, totaling over 900 homes (Thorner, 2003).

Chapter 190 must be amended to eliminate any conflict of interest problems that are sure to arise. The CDDs should be disallowed to purchase real property from the developer if a conflict of interest exists. This allows the Board of Supervisors to act on the behalf of the current and future homeowners of the CDD versus personal gain.

The developers should be made to establish a limit that determines the maximum of an annual increase for monthly fees before the sale of a home; providing property buyers no surprises in years to come; resulting in happy consumers over the 30 year period. Allowing them to differentiate the purchase of a home in a CDD as more positive than owning a home in a traditional development (HCDPGM, 2002)

Georgia's Act establishes a board of directors to manage district business; an amendment should be implemented giving a more detail of how the board must be accountable for every action that transpires that would affect the community in whole. Currently the Act only defines their responsibilities to include budgeting, financing of capital projects and daily operations, implementing contracts and recording all transactions on behalf of the district. Florida's examples find this broad language can lend opportunity for abuse by the developer, leaving the homeowners vulnerable to excessive fees. Largely, because the board can vote to place deed restrictions on property and leave others with contractual obligations over a long period of time.

The Act does require public notification of the creation however public hearings and town hall meetings should be initiated to assure the neighbors are informed of all activities that may affect them. This is another area that Florida's CDDs suffered from; despite the Georgia Act providing a clear statement that this legislation provides the creation of exclusive improvements found within the district; an amendment should be established that outlines that other easements or utility requirements for the future are either included or excluded from the

association fees. Thirteen years after development, a local government designated the ‘district’ should fund new traffic lights and modifications to the road that led into the entrance of the district; thereby increasing the homeowners fees without a vote of the board or the homeowners.

Despite the master plan petition being filed with the local government and all holders in title of taxable land within the proposed district, the county commissioners have the capability of requiring that each section of the district be rezoned individually as the project progresses. Allowing the developer or board to alter original plans for the district; zoning changes from multi-family to single-family, density changes can occur or other infrastructure improvements can be added. This occurred in Pasco County where the local government was able to pry more school land and other infrastructure from Terrabrook (Thorner, 2003).

Conclusion

Our group’s research found this type of infrastructure funding to be common across the nation and most often plagued with similar types of problems. Though this finance tool won’t assist with infill and already established communities, it does have potential in counties such as Rocksdale, Cherokee and Fayette, where development has the area strained for infrastructure. IDD’s should take caution in specific areas noted in our recommendations throughout this study.

Recommendations

- Areas 1. Create a way to dissolve a district once the financial obligations for development have been met
 - a. Outline a fair way for local governments to pay for maintenance of additional amenities.
 - b. How do deal with non-compliance of developers
- 2. Expand requirements for disclosure notice to homeowners – require documentation

- a. Include documentation of estimated expenditures
 - b. Notice should be required for subsequent sales
 - c. Require developer to get a receipt that is signed and dated by home buyers indication they received disclosure.
3. Revise impact fees so credits are granted to the IDD (not the developer)
- 4. Allow homeowners to vote for administrative staff
 - 5. Outline what tax-free bonds can be issued for i.e. golf courses and other large scale recreational amenities
 - 6. Require timely transfer of control of the IDD from the developer to the homeowners
 - 7. Revise election procedures
 - a. Clarify processes
 - b. Make consistent with current law for other elections i.e. city councilman

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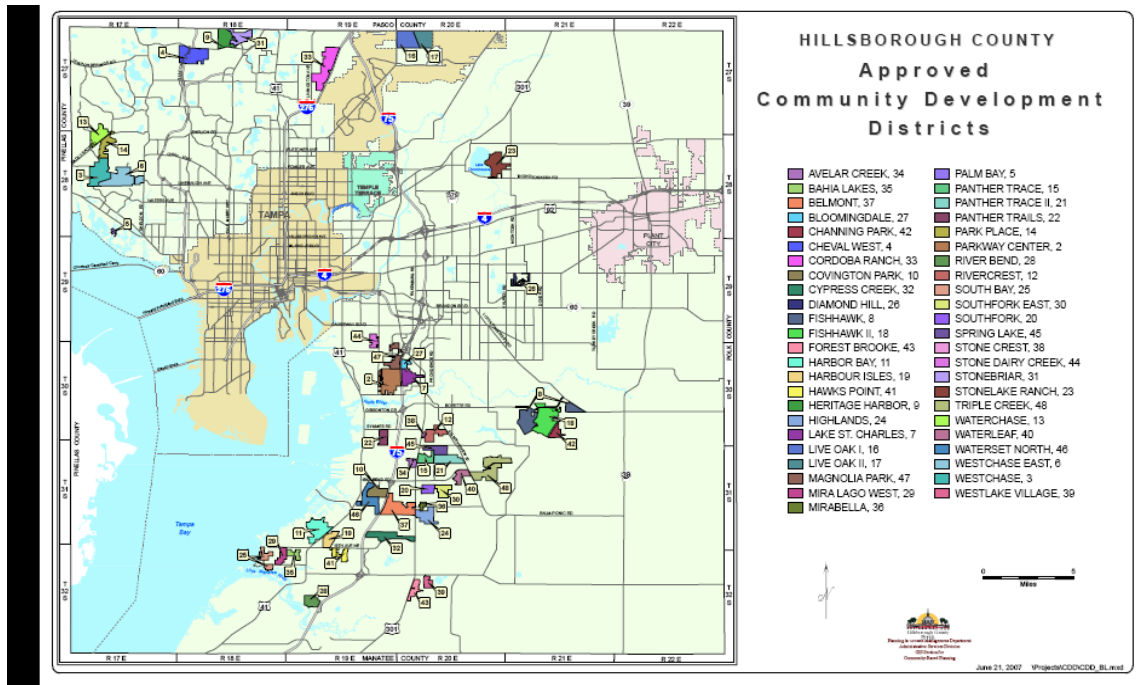
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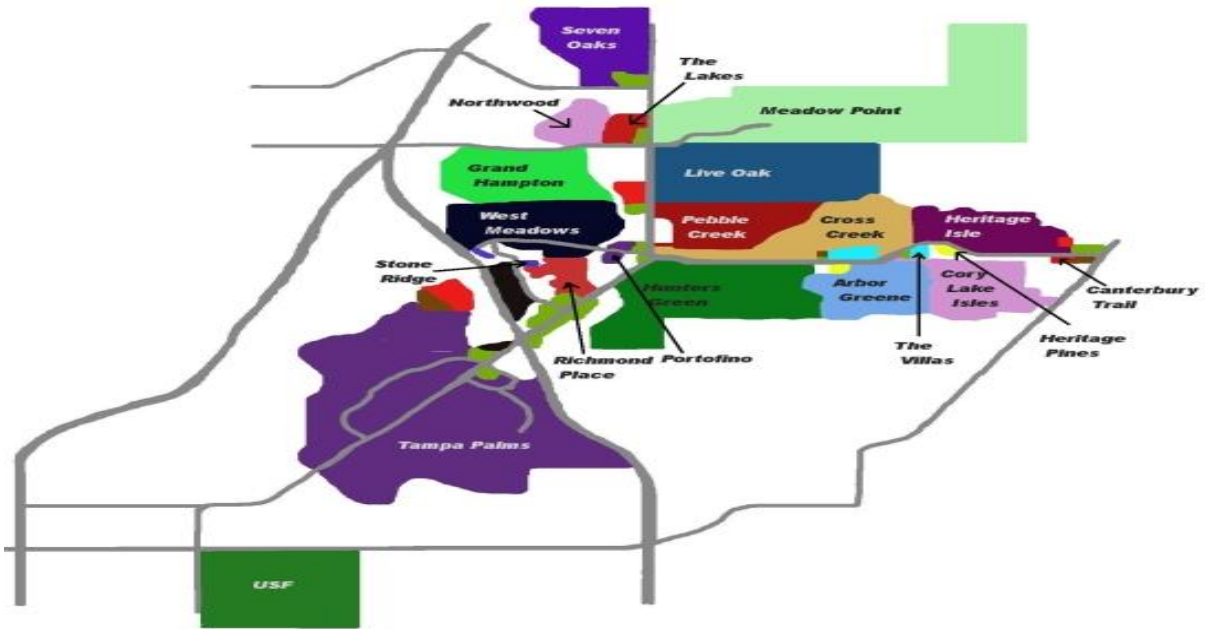
Appendix

Hillsborough County Approved Community Development Districts



<http://www.hillsboroughcounty.org/pgm/communityplanning/resources/gismaps/cdd.pdf>

New Tampa Bay Residential Communities



Map of Heritage Isles



Heritage Isles Executive Homes



The Crestview



The Ashbury



The Bristol

http://realestate.yahoo.com/Florida/Tampa/Homes_for_sale/aa235d501d70708aa255c2c9a1

be88df

Heritage Isles

Homes For Sale



The Corsica



The Monaco



The Catalina



The Normandy



The Monte Carlo

Heritage Isle Phase I – Single Family Homes (built 2002)



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<http://www.brandonre.com/searchheritageisles.php>

Heritage Homes for Rent



\$1295 2bdrm 3 bath

<http://www.lennar.com/FL/Tampa/HeritageIsles/Monaco.html>

Heritage Isle Estates



<http://cu-inflorida.com/FloridaActiveAdultCommunities/Heritage-Isle-Estates.html>



Heritage Isle Subsidized housing



The Terraces at Heritage Isles (multiple housing)

http://www.firstintampabay.com/neighborhood_details.asp?Q_nid=E37&A_Name=E_Heritage+Isles

Corey Lake Isles

The boulevard as you enter Corey Lake Isles



Homes for Sale



New Home

<http://www.tampabayhomesales.com/newtampa.html>



Established home

<http://www.tampabayhomesales.com/newtampa.html>



Community Center

<http://www.topteamweb.com/coreylakes.html>