

## **Economic Development and Housing Incentives Ordinance**

### **Section 2-246. Purpose of Economic Development and Housing Incentives Ordinance.**

(1) This Division shall be known as the “Gwinnett County Economic Development and Housing Incentives Ordinance.”

(2) Incentives are at times necessary to attract new capital investment to Gwinnett County that will result in new jobs, higher paying jobs, greater tax revenue, a community destination, and/or affordable housing for residents. Gwinnett County offers various incentives through Gwinnett County’s economic development and housing incentives which shall be administered by the Economic Development Division of the Gwinnett County Department of Planning and Development. The purpose of the Gwinnett County Economic Development and Housing Incentives Ordinance is to outline certain financial incentives that Gwinnett County may offer to the following types of businesses or projects that meet criteria outlined in the Incentives Policy (as defined below):

- a. Business attraction, expansion, and retention projects.
- b. Mixed-use development projects.
- c. Affordable housing development projects.

### **Section 2-247. Authorization for Incentives Policy and Offer of Financial Incentives.**

The Board of Commissioners hereby delegates authority to the Gwinnett County Administrator to develop the Gwinnett County Administrator Economic Development and Housing Incentives Policy (the “Incentives Policy”) to establish strategic priorities, eligible types of businesses and development projects, or targeted industries, and incentive programs that align with this Division and Gwinnett County’s economic goals of job creation, higher wages, community revitalization, affordable housing, and balanced growth. The Gwinnett County Administrator is further authorized to offer the incentives outlined in this Division to projects that qualify under the Incentives Policy.

### **Section 2-248. Incentives Authorized.**

The following incentives may be offered as part of an incentives package by the Gwinnett County Administrator to qualifying businesses or projects:

- (1) Reduction of fees and charges in accordance with the Incentives Policy.
- (2) Expedited development review and permitting processes.
- (3) Coordination with the Development Authority of Gwinnett County for any incentives authorized by the Development Authorities Act.
- (4) Coordination with the Housing Authority of Gwinnett County for any incentives authorized by the Housing Authorities Law.
- (5) Construction of public infrastructure.

In no event shall any incentive authorized by this Division result in a direct payment of Gwinnett County funds to a business or development project.

### **Section 2-249. Incentive Offers and Agreements.**

- (1) All incentives offered to a qualifying business or project developer shall be set forth in a written offer letter (an "Incentive Offer Letter"). Each Incentive Offer Letter, at a minimum, shall include all commitments made by the qualifying business or project developer related to the fiscal impact and employment targets or affordability requirements that will be achieved with respect to the project (collectively, the "Requirements") and all incentives offered based on the Requirements. The Gwinnett County Administrator or designee is hereby authorized to execute any such Incentive Offer Letter on behalf of Gwinnett County.
- (2) All property tax incentives accepted by a qualifying business or project developer shall be set forth in a written incentive agreement among Gwinnett County, the recipient of such incentives (each, a "Recipient") and/or any applicable Authority (each, an "Incentive Agreement"). Each such Incentive Agreement, at a minimum, shall include all Requirements and all applicable reporting and claw back requirements set forth in Section 2-250 of this Division. The Gwinnett County Administrator is hereby authorized to execute any such Incentive Agreement on behalf of Gwinnett County.

### **Section 2-250. Required Reporting and Claw Back Provisions.**

- (1) Recipients of incentives under the provisions of this Division shall be required to provide regular reports to demonstrate that the Recipient meets the Requirements established consistent with this Division and the Incentives Policy and set forth in the applicable Incentive Offer Letter and/or Incentive Agreement. Reports shall be provided on an annual basis or at such other interval or intervals specified in any Incentive Agreement.
- (2) Recipients of incentives under the provisions of this Division shall not relocate outside unincorporated Gwinnett County for the entire period during which any incentive is granted (the "Incentive Period") without the prior written consent from the Gwinnett County Administrator. Should a Recipient relocate outside unincorporated Gwinnett County without the prior written consent of Gwinnett County during the Incentive Period, the Recipient shall immediately reimburse Gwinnett County and/or the applicable Authority (as applicable) for the full value of any and all monetary incentives received as set forth in the applicable Incentive Offer Letter or Incentive Agreement. In the event that a Recipient petitions for annexation into a municipality located wholly or partially within Gwinnett County during the Incentive Period or fails to vigorously oppose an annexation request which includes the land upon which the Recipient's project or business is located, in each case without receiving the prior written consent of Gwinnett County (which consent shall be provided in the sole discretion of Gwinnett County), then the Recipient shall immediately reimburse Gwinnett County and/or the applicable Authority (as applicable) for the full value of any and all monetary incentives received and set forth in the applicable Incentive Offer Letter or Incentive Agreement.
- (3) Should any Recipient of an incentive under the provisions of this Division fail to meet its annual Requirements as set forth in the Recipient's Incentive Offer Letter or Incentive Agreement, any monetary incentive offered by Gwinnett County or any applicable Authority shall be reduced by 20% for the first such year of nonattainment. In the event that the Recipient fails to meet its Requirements as set forth in the Recipient's Incentive Offer Letter or Incentive Agreement for a second year during the Incentive Period, any

monetary incentive offered shall be reduced by 50% for the second such year of nonattainment. In the event that the recipient fails to meet its Requirements as set forth in the Recipient's Incentive Offer Letter or Incentive Agreement for a third year during the Incentive Period, all incentives granted to such Recipient under the applicable Incentive Offer Letter or Incentive Agreement shall terminate, and the Recipient shall be required to reimburse Gwinnett County or the applicable Authority for any and all monetary incentives received in accordance with the terms of the Incentive Offer Letter or Incentive Agreement. Notwithstanding anything to the contrary herein, the Gwinnett County Administrator is hereby authorized to enter into an Incentive Agreement with any Recipient of property tax incentive under the provisions of this Division that will not subject such Recipient to any penalties under this Section 2-250(3) unless such Recipient fails to achieve its Requirements, as applicable, by a percentage as specified in the Incentive Agreement, which percentage shall not exceed eighty per cent (80%) of the applicable Requirements.

- (4) In the event that any incentive offered pursuant to this Division is determined to be illegal, unenforceable, or invalid, then the Recipient of such incentive shall immediately reimburse Gwinnett County and/or the applicable Authority (as applicable) for the full value of any monetary incentive received.

#### **Section 2-251. Confidentiality Agreements.**

The Gwinnett County Administrator, Gwinnett County Director of Planning and Development, or either party's respective designee, are each hereby authorized to sign confidentiality agreements with prospective businesses in the furtherance of their official duties so long as such confidentiality agreements are made subject to the provisions of the Georgia Open Records Act.

#### **Section 2-252. Fees.**

Fees to ensure that expenses related to ongoing compliance are covered will be established by resolution of the Gwinnett County Board of Commissioners.

All fees imposed in accordance with this Section shall be paid by the Recipient of an incentive under this Division to the applicable entity as identified in the inducement offer letter. Annual Compliance Fees shall be paid by the applicable Authority to Gwinnett County to cover Gwinnett County's costs related to the administration of the Gwinnett County Economic Development and Housing Incentives Ordinance.

The applicable Authority may also charge certain fees and costs in connection with a contemplated transaction as described in the applicable Incentive Agreement, which fees and costs shall be in addition to the costs described in this Section above.