

**A SUBSTITUTE ORDINANCE BY  
COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AMEND SECTION 2 OF ORDINANCE 01-O-1489, ENTITLED “AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THAT PORTION OF THE CASTLEBERRY HILL MIXED RESIDENTIAL/COMMERICAL ENTERPRISE ZONE KNOWN AS THE CASTLEBERRY INN/LEGACY AT CASTLEBERRY HILL, FROM JANUARY 1, 1996 TO JANUARY 1, 2002”; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 01-O-1489 (“Ordinance”) was adopted by the City Council on October 15, 2001 and approved by the Mayor on October 24, 2001, which changed the effective date of creation for that portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone know as the Castleberry Inn/Legacy at Castleberry Hill (“Castleberry Hill”), from January 1, 1996 to January 1, 2002; and

**WHEREAS**, the Department of Planning and Community Development desires to amend Section 2 of the Ordinance.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:**

**Section 1:** That Ordinance 01-O-1489 was adopted by the City Council on October 15, 2001 and approved by the Mayor on October 24, 2001, and that Section 2 of said Ordinance, which reads:

**Section 2:** Twenty percent (20%) of the total units to be provided, and ten percent of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area are most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units the property owner shall verify each tenants’ household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Is hereby amended to read as follows:

**Section 2:** Twenty percent (20%) of the total units to be provided, and ten percent of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not

exceed sixty percent (60%) of the median family income for rental units, and 100% of the AMI for the sale of units for the Atlanta metropolitan statistical area as are most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units the property owner shall verify each tenants' household income at the time that said tenant initially executes a lease or purchase agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning and Community Development indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

**Section 3:** That the Ordinance is hereby amended by adding a new Section 5 which shall read as follows:

**Section 5:** All abatements for this project will begin at the point that a Certificate of Occupancy is issued for each respective units.

**Section 4:** All ordinance and parts of ordinances in conflict herewith are hereby waived for the purposes of this Ordinance only, and only to the extent of the conflict.