

House Bill 1093

By: Representatives Washburn of the 141<sup>st</sup>, Powell of the 32<sup>nd</sup>, Ridley of the 6<sup>th</sup>, Williamson of the 115<sup>th</sup>, Mitchell of the 88<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to prohibit certain use restrictions on residential dwellings; to provide for definitions;  
3 to provide a limited waiver of sovereign immunity; to provide for interest prior to judgment;  
4 to provide for the withholding of certain state funding; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
9 by enacting a new chapter to read as follows:

10 "CHAPTER 93

11 36-93-1.

12 As used in this chapter, the term:

13 (1) 'Dwelling' means any permanent building or structure utilized as a residence.

14 (2) 'Local government entity' means any county, municipality, or consolidated  
15 government.

16 (3) 'Residential rental agreement' means any landlord-tenant relationship, contract, lease,  
17 or license agreement for the rental or use of real property as a dwelling.

18 (4) 'Restriction' means any permit, condition, fee, occupational tax certificate fee,  
19 amenity requirement, license fee, or other limitation on land or a dwelling which is  
20 enacted, applied, or imposed on land or a dwelling because of the use of such land or  
21 dwelling being subject to a residential rental agreement. Such term shall include any  
22 refusal to issue any farming permit, land disturbance permit, building permit, certificate  
23 of occupancy, or other permit required for the farming or development of land,  
24 construction of a dwelling, or tenancy of a dwelling because of the use or anticipated use  
25 being subject to a residential rental agreement.

26 36-93-2.

27 (a) Notwithstanding any other provision of this title to the contrary, local government  
28 entities shall not enact or enforce any restrictions on land or dwellings that are or are  
29 anticipated to be subject to a residential rental agreement of more than 30 days in duration  
30 and are located on any property where residential dwellings are allowed.

31 (b) Notwithstanding any other provision of this title to the contrary, it shall be unlawful  
32 for any local government entity to enact or enforce any restriction that would prevent a  
33 person from occupying a dwelling for more than 30 days in duration, based solely on  
34 whether or not that person owns the dwelling.

35 36-93-3.

36 (a) The sovereign immunity of all local government entities is waived to the extent  
37 necessary to effectuate this chapter, provided that such waiver shall not authorize damages  
38 arising out of violations of this chapter in an amount exceeding \$1 million per occurrence.

39 (b) Interest prior to judgment may be recovered pursuant to Code Section 51-12-14;  
40 provided, however, that any such interest recovered shall be counted toward the cap on  
41 damages provided for in subsection (a) of this Code section.

42 (c) Any local government entity that acts in violation of this chapter shall not be entitled  
43 to any financial assistance, funds, or grants from the Department of Community Affairs."

44 **SECTION 2.**

45 All laws and parts of laws in conflict with this Act are repealed.