

House Bill 514 (COMMITTEE SUBSTITUTE)

By: Representatives Washburn of the 144th, Bazemore of the 69th, Reeves of the 99th, Lim of the 98th, Ridley of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to
2 zoning procedures, so as to provide for the length and renewal of certain moratoriums related
3 to zoning decisions; to provide for legislative findings; to provide procedures for the levy,
4 collection, use, and waiver of fees related to zoning decisions and related permits; to revise
5 notice and hearing requirements for certain zoning decisions; to provide a short title; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Housing Regulation Transparency Act."

10 **SECTION 2.**

11 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
12 procedures, is amended in Code Section 36-66-4, relating to hearings on proposed zoning
13 decisions, notice of hearing, nongovernmental initiated actions, reconsideration of defeated
14 actions, and procedure on zoning, by adding new subsections to read as follows:

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15 "(i)(1) An ordinance or resolution that would result in the enactment of a temporary
16 moratorium on one or more types of zoning decisions associated with property proposed
17 to be used or developed for single-family residential purposes or on the issuance or
18 approval of one or more types of permits associated with property proposed to be used
19 or developed for single-family residential purposes shall only be valid for a period of 180
20 days or less. No such moratorium shall be continued or renewed beyond 180 days, and
21 a new moratorium over the same type or types of zoning decisions or permits may only
22 be enacted if more than 180 days have elapsed from the termination date of an earlier
23 moratorium.

24 (2) The limitation on temporary moratoriums set forth in this subsection shall not apply
25 to any temporary moratorium that is adopted after the local government adopting the
26 ordinance or resolution finds the adoption thereof is a necessary and proper response to
27 any of the following:

28 (A) A state of emergency declared by any federal, state, or local emergency
29 management agency, official, or authority;

30 (B) A natural disaster;

31 (C) Any set of conditions or circumstances that poses a danger to the health or safety
32 of any person or property;

33 (D) The order of any federal, state, or local agency or court with jurisdiction over the
34 local government; or

35 (E) The local government has engaged a professional third-party contractor to conduct
36 specific engineering, infrastructure, utility, future land use plans, or environmental
37 studies relating to public utilities, works, or services to be supplied in whole or in part
38 by the local government and such studies cannot be completed in the time provided in
39 the temporary moratorium; provided, however, that any extension of such moratorium
40 shall lapse upon the completion of such studies and any recommendations of such
41 studies.

42 (j)(1) The General Assembly finds that an equitable program for financing the
43 development and enforcement of local planning, land use, and zoning ordinances is
44 necessary in order to promote and accommodate orderly growth and development and to
45 protect the public health, safety, and general welfare of the citizens of the State of
46 Georgia.

47 (2) Local governments are authorized to levy and collect application, review, and other
48 fees associated with the exercise of their zoning powers and the issuance of permits
49 related to the exercise of such powers. All such fees for a local government shall be
50 provided for in the local government's zoning ordinances. The proceeds of such fees
51 shall be used to fund the administration and enforcement of zoning ordinances and not
52 the general operations of the local government, provided that the local government shall
53 not be required to establish separate accounts for such proceeds.

54 (3) Local governments are authorized to abate, exempt, or waive any fees authorized
55 pursuant to this subsection that relate to zoning decisions and related permits for
56 single-family housing developments or projects when the residential units associated with
57 such development or project consist of single-family houses with less than 2,500 square
58 feet of conditioned space per unit, provided that such development or project is consistent
59 with the local government's comprehensive plan."

60

SECTION 3.

61 Said chapter is further amended by revising subsection (c) of Code Section 36-66-5, relating
62 to adoption of hearing policies and procedures and standards for exercise of zoning power,
63 as follows:

64 "(c) The policies and procedures required by subsection (a) of this Code section and the
65 adoption of standards required by subsection (b) and permitted by subsection (b.1) of this
66 Code section shall be included in and adopted as part of the zoning ordinance. Prior to the
67 adoption of any zoning ordinance decision under subparagraphs (A) or (B) of paragraph (4)

68 of Code Section 36-66-3 enacted on or after July 1, ~~2022~~ 2023, a local government shall
69 conduct a public hearing on a proposed action which may be advertised and held
70 concurrent with the hearing required by subsection (a) of Code Section 36-66-4 for the
71 adoption of a zoning ordinance. The provisions of subsection (a) of Code Section 36-66-4
72 relating to notices of public hearings for the purposes of that subsection shall also apply to
73 public hearings required by this subsection."

74

SECTION 4.

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