

AS PASSED SENATE

SENATE SUBSTITUTE TO HB 514

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 amend Chapter 71 of Title 36 of the Official Code of Georgia Annotated, relating to
7 development impact fees, so as to modify the required revenue source for a development
8 project involving workforce housing; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

13 **SECTION 2.**

14 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
15 procedures, is amended in Code Section 36-66-4, relating to hearings on proposed zoning

16 decisions, notice of hearing, nongovernmental initiated actions, reconsideration of defeated
17 actions, and procedure on zoning, by adding new subsections to read as follows:

18 "(i)(1) An ordinance or resolution that would result in the enactment of a temporary
19 moratorium on one or more types of zoning decisions associated with property proposed
20 to be used or developed for residential purposes or on the issuance or approval of one or
21 more types of permits associated with property proposed to be used or developed for
22 residential purposes shall only be valid for a period of 180 days or less. No such
23 moratorium shall be continued or renewed beyond 180 days, and a new moratorium over
24 the same type or types of zoning decisions or permits may only be enacted if more than
25 180 days have elapsed from the termination date of an earlier moratorium.

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

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

32 (B) A natural disaster;

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

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

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

42 such moratorium shall lapse upon the completion of such studies and any
43 recommendations of such studies.

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

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

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

62 **SECTION 3.**

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

66 "(c) The policies and procedures required by subsection (a) of this Code section and the
67 adoption of standards required by subsection (b) and permitted by subsection (b.1) of this

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

76 **SECTION 4.**

77 Chapter 71 of Title 36 of the Official Code of Georgia Annotated, relating to development
78 impact fees, is amended by revising subsection (l) of Code Section 36-71-4, relating to
79 calculation of development impact fees, as follows:

80 "(1) A municipal or county development impact fee ordinance may exempt all or part of
81 particular development projects from development impact fees if:

82 (1) Such projects are determined to create extraordinary economic development and
83 employment growth, workforce housing, or affordable housing;

84 (2) The public policy which supports the exemption is contained in the municipality's or
85 county's comprehensive plan; and

86 (3) The exempt development project's proportionate share of the system improvement
87 is funded through a revenue source other than development impact fees; provided,
88 however, that if a development project creates workforce housing and otherwise meets
89 the requirements of this subsection, then a municipal or county development impact fee
90 ordinance may waive the requirements of this paragraph."

91 **SECTION 5.**

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