

House Bill 517

By: Representatives Washburn of the 144th, Bazemore of the 69th, Smith of the 18th, Lim of the 98th, Ridley of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 8 of the Official Code of Georgia Annotated, relating to buildings and
2 housing, so as to enact the "Georgia Homeowner Opportunity Act"; to provide for a short
3 title; to prohibit local governments from adopting or enforcing ordinances or regulations
4 relating to or regulating building design elements as applied to one- or two-family dwellings;
5 to provide for definitions; to provide for exceptions; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
10 amended in Part 1 of Article 1 of Chapter 2, relating to buildings generally, by adding a new
11 Code section to read as follows:

12 "8-2-5.

13 (a) This Code section shall be known and may be cited as the 'Georgia Homeowner
14 Opportunity Act.'

15 (b) As used in this Code section, the term:

16 (1) 'Building design element' means, exclusively:

- 17 (A) Exterior building color;
18 (B) Type or style of exterior cladding material;
19 (C) Style or materials of roof structures or porches;
20 (D) Exterior nonstructural architectural ornamentation;
21 (E) Location or architectural styling of windows and doors, including garage doors;
22 (F) The number and types of rooms;
23 (G) The interior layout of rooms;
24 (H) Types of foundation structures approved under state minimum standard codes;
25 (I) Covered parking;
26 (J) Structural square footage minimums greater than 1,200 square feet;
27 (K) Lot size minimums that are greater than:
28 (i) What is required by the rules and regulations of the Department of Public Health
29 for on-site sewage management systems without public sewerage;
30 (ii) The requirements of Code Section 12-5-134 without public water; or
31 (iii) One-half acre with both public water and public sewerage; and
32 (L) Lot width minimums or road frontage minimums.
33 (2) 'State minimum standard codes' shall have the same meaning as provided in Code
34 Section 8-2-20.
35 (3) 'Zoning decision' shall have the same meaning as provided in Code Section 36-66-3.
36 (4) 'Zoning ordinance' shall have the same meaning as provided in Code Section 36-66-3.
37 (c) No county or municipal corporation shall adopt or enforce any ordinance or regulation
38 relating to or regulating building design elements as applied to one- or two-family
39 dwelling except under one or more of the following circumstances:
40 (1) The structure is located in an area designated as a historic district pursuant to
41 Article 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act';
42 (2) The structure is located in an area designated as a historic district on the National
43 Register of Historic Places;

44 (3) The structure is individually designated as a local, state, or national historic
45 landmark; or

46 (4) The ordinance or regulation is a requirement of applicable state minimum standard
47 codes.

48 (d) The provisions of subsection (c) of this Code section shall not be construed to:

49 (1) Prohibit or impair the power of a county or municipal corporation to adopt or enforce
50 any zoning ordinance or make any zoning decision; or

51 (2) Affect the validity or enforceability of private covenants or other contractual
52 agreements among property owners relating to building design elements."

53 **SECTION 2.**

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