

House Bill 749

By: Representative McLaurin of the 51st

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 provide for the protection of naturally occurring affordable housing and naturally
3 occurring workforce housing in certain designated areas; to provide legislative findings; to
4 provide definitions; to limit the participation of local governments in certain public-private
5 partnerships; to limit local government from taking certain actions that allow for the
6 destruction or redevelopment of naturally occurring affordable housing and naturally
7 occurring workforce housing in designated areas under particular circumstances; to provide
8 for limited injunctive relief against local governments; to provide for a limited waiver of
9 sovereign immunity of local governments; to provide for related matters; to provide for an
10 effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
14 by adding a new chapter to read as follows:

15 style="text-align:center">"CHAPTER 93

16 36-93-1.

17 The General Assembly finds and determines that:

18 (1) Affordable housing and workforce housing are important tools the State of Georgia
19 must use to build a robust middle class and to keep members of the workforce in this state
20 employed and living near their jobs;

21 (2) The State of Georgia has a strong interest not only in developing new affordable and
22 workforce housing, but in protecting current affordable housing and workforce housing
23 where each naturally already exists; and

24 (3) The creation and protection of affordable housing and workforce housing requires
 25 a regional approach that assesses an area's housing needs as a whole.

26 36-93-2.

27 As used in this chapter, the term:

28 (1) 'Affordable' means costing 30 percent or less of a household's net income.

29 (2) 'Housing protection zone' or 'zone' means any census tract designated as such by a
 30 local act of the General Assembly.

31 (3) 'Local government' means a county, municipal corporation, consolidated government,
 32 or any authority of a county, municipal corporation, or consolidated government whether
 33 created by or pursuant to a general state law, a local act of the General Assembly, or a
 34 local constitutional amendment.

35 (4) 'Naturally occurring affordable housing' means residential rental properties that
 36 maintain rents, without federal housing subsidies, affordable to households making less
 37 than 60 percent of the median income of the county where the property is located.

38 (5) 'Naturally occurring workforce housing' means residential rental properties that
 39 maintain rents, without federal housing subsidies, affordable to households making
 40 between 60 percent and 120 percent of the median income of the county where the
 41 property is located.

42 (6) 'Public-private partnership' means any agreement, collaboration, cooperation,
 43 incentivization, or negotiation between a local government and a private person or entity
 44 regarding the development or redevelopment of real estate, including, but not limited to,
 45 financing arrangements, loans, grants, bonding, planning assistance, tax deductions, tax
 46 exemptions, or transfers of title to real or personal property.

47 36-93-3.

48 (a) A local government may not undertake any public-private partnership within a housing
 49 protection zone that would facilitate the destruction or redevelopment of naturally
 50 occurring affordable housing or naturally occurring workforce housing when:

51 (1) The proposed destruction or redevelopment is planned or estimated to reduce the
 52 per-square mile density of the residential population within the zone;

53 (2) The proposed destruction or redevelopment is planned or estimated to reduce the
 54 per-square mile density of the residential population living in rental units within the zone;

55 (3) The proposed destruction or redevelopment is planned or estimated to increase the
 56 average per-person monthly rent for rental housing units within the zone; or

57 (4) The proposed destruction or redevelopment would result in more than 25 percent of
 58 the residents who reside within the zone having to establish residency outside the zone
 59 in the two subsequent years.

60 (b) If a local government obtains fee simple title, a term of years, or a usufruct in real
 61 property located within a housing protection zone and the provision of naturally occurring
 62 affordable housing or naturally occurring workforce housing was the primary use of the
 63 real property for any period of time in the year preceding the local government obtaining
 64 possession of the property, and ending the use of the property for naturally occurring
 65 affordable housing or naturally occurring workforce housing would result in one or more
 66 of the events provided for in paragraph (1), (2), (3), or (4) of subsection (a) of this Code
 67 section, the local government shall be restricted to maintaining the use of the property for
 68 the provision of naturally occurring affordable housing or naturally occurring workforce
 69 housing for a period of five years from the date the local government obtains possession
 70 of such real property. This subsection shall apply only to real property obtained by a local
 71 government after the effective date of this Code section.

72 (c) Nothing in subsection (a) of this Code section shall prevent a county, municipality, or
 73 consolidated government from providing governmental services that are uniformly
 74 available to members of the general public.

75 36-93-4.

76 (a) A person may petition the judiciary for injunctive relief for the limited purpose of
 77 preventing or stopping a local government from violating the provisions of this chapter.

78 (b) No damages, attorney's fees, or costs of litigation shall be awarded to the petitioner for
 79 an action filed pursuant to this chapter.

80 (c) Sovereign immunity shall be waived for purposes of subsection (a) of this Code section
 81 pursuant to Article I, Section II, Paragraph IX and Article IX, Section II, Paragraph IX of
 82 the Constitution of this state."

83 **SECTION 2.**

84 This Act shall become effective upon its approval by the Governor or upon its becoming law
 85 without such approval.

86 **SECTION 3.**

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