

Senate Bill 188

By: Senators Goodman of the 8th, Gooch of the 51st, Summers of the 13th, Watson of the 11th, Robertson of the 29th 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 for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

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

8 "CHAPTER 93

9 36-93-1.

10 As used in this chapter, the term:

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

12 (2) 'Local government entity' means any county, municipality, or consolidated
13 government.

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

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

24 36-93-2.

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

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

33

SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.