

Senate Bill 354

By: Senators Rhett of the 33rd, Butler of the 55th, Seay of the 34th, James of the 35th, Halpern of the 39th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to annexation pursuant to application by 100 percent of landowners, so as to provide
3 for notice to residential tenants; to amend Article 3 of Chapter 36 of Title 36 of the Official
4 Code of Georgia Annotated, relating to annexation pursuant to application by owners
5 of 60 percent of land and 60 percent of electors, so as to provide for additional notice to all
6 affected electors; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
11 annexation pursuant to application by 100 percent of landowners, is amended by adding a
12 new Code section to read as follows:

13 "36-36-21.1.

14 Before a municipal corporation may act upon an application made pursuant to Code
15 Section 36-36-21, the owners of all the land, except the owners of any public street, road,
16 highway, or right of way, proposed to be annexed shall certify to the municipal corporation

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17 that all residential tenants occupying the property to be annexed have been notified of the
18 proposed annexation. Any notices required by this Code section shall be sent by certified
19 mail or statutory overnight delivery, return receipt requested, and the owner shall provide
20 proof of such return receipt to the municipal corporation."

21 **SECTION 2.**

22 Article 3 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
23 annexation pursuant to application by owners of 60 of land and 60 percent of electors, is
24 amended by revising subsection (a) of Code Section 36-36-36, relating to requirement of
25 public hearing, notice of time and place, persons entitled to be heard, and right of property
26 owner to withdraw consent, as follows:

27 "(a) The municipal governing body shall hold a public hearing on any application which
28 has been determined to meet the requirements of this article. The hearing shall be held not
29 less than 15 nor more than 45 days from the time the governing body makes a
30 determination that the petition is valid. Notice of the time and place of the hearing shall
31 be given in writing to the persons presenting the application and shall be advertised once
32 a week for two consecutive weeks immediately preceding the hearing in a newspaper of
33 general circulation in the municipal corporation and in the area proposed for annexation.
34 Notice of the time and place of the hearing shall also be sent by certified mail or statutory
35 overnight delivery, return receipt requested, to every elector listed on the list obtained
36 pursuant to subsection (d) of Code Section 36-36-32."

37 **SECTION 3.**

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