

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

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

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

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

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

(B) A natural disaster;

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

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

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

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

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

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

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

SECTION 3.

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

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

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

SECTION 4.

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

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

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

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

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

SECTION 5.

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