

Senate Bill 494

By: Senators Gooch of the 51st, Kennedy of the 18th, Cowser of the 46th, Mullis of the 53rd, Parent of the 42nd 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 a limited waiver of sovereign immunity; to provide for interest prior to judgment;  
4 to provide for revocation of qualified local government status for a violation; to provide for  
5 reinstatement of qualified local government status under certain conditions; to provide for  
6 the promulgation of rules and regulations; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "CHAPTER 93

13 36-93-1.

14 As used in this chapter, the term:

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

16 (2) 'Local government entity' means any county, municipality, or consolidated  
17 government.

18 (3) 'Long-term residential rental agreement' means any landlord-tenant relationship,  
19 contract, lease, or license agreement for the rental or use of real property as a dwelling  
20 for an initial term of at least 12 months.

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

29 36-93-2.

30 (a) Notwithstanding any other provision of this title to the contrary, local government  
31 entities shall not enact or enforce any restrictions on land or dwellings that are or are  
32 anticipated to be subject to a long-term residential rental agreement and are located on any  
33 property where residential dwellings are allowed. Such prohibition on the enactment or  
34 enforcement of such restrictions shall also be applicable to any common area or amenity  
35 associated with such land or dwellings.

36 (b) Notwithstanding any other provision of this title to the contrary, it shall be unlawful  
37 for any local government entity to enact or enforce any restriction that would prevent a  
38 person from occupying a dwelling based solely on whether or not that person owns the  
39 dwelling.

40 36-93-3.

41 (a) The sovereign immunity of all local government entities is waived to the extent  
42 necessary to effectuate this chapter, provided that such waiver shall not authorize damages  
43 arising out of violations of this chapter in an amount exceeding \$1 million per occurrence.

44 (b) Interest prior to judgment may be recovered pursuant to Code Section 51-12-14;  
45 provided, however, that any such interest recovered shall be counted toward the maximum  
46 authorized amount for damages as provided for in subsection (a) of this Code section.

47 (c) Any local government entity that acts in violation of this chapter shall, upon notice of  
48 such violation to the Department of Community Affairs, have its status as a qualified local  
49 government under Chapter 8 of Title 50, revoked. Such qualified local government status  
50 may be reinstated after a period of six months, provided that there is no ongoing violation  
51 of this chapter and that the local government entity meets all other requirements necessary  
52 for such status. The Department of Community Affairs shall, through the promulgation of  
53 rules and regulations, establish a process to carry out this subsection."

54 **SECTION 2.**

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