

House Bill 131

By: Representatives Holmes of the 48th, Post 1 and Orrock of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to
2 abatement of nuisances, so as to enact "The Georgia Neighborhood Protection Act"; to
3 provide for legislative findings; to provide definitions; to provide for a cause of action for
4 an owner of property adversely impacted by the pollution, impairment, or destruction of
5 natural resources due to the use of an adjacent property; to provide that such actions are
6 cumulative; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to abatement of
10 nuisances, is amended by designating Code Sections 41-2-1 through 41-2-17 as Article 1 and
11 inserting a new article, to be designated Article 2, to read as follows:

12 "ARTICLE 2

13 41-2-30.

14 This article shall be known and may be cited as 'The Georgia Neighborhood Protection
15 Act.'

16 41-2-31.

17 The General Assembly finds that each person is entitled by right to the protection,
18 preservation, and enhancement of air, water, land, and other natural resources located
19 within this state and that each person has the responsibility to contribute to the protection,
20 preservation, and enhancement of these natural resources. The General Assembly further
21 declares its policy to create and maintain within the state conditions under which human
22 beings and nature can exist in productive harmony in order that present and future
23 generations may enjoy clean air and water, productive land, and other natural resources

1 with which this state has been endowed. Accordingly, it is in the public interest to provide
2 an adequate civil remedy to protect air, water, land, and other natural resources located
3 within the state from pollution, impairment, or destruction.

4 41-2-32.

5 As used in this article, the term:

6 (1) 'Natural resources' includes, but is not limited to, all mineral, animal, botanical, air,
7 water, land, timber, soil, quietude, recreational, and historic resources.

8 (2) 'Pollution, impairment, or destruction' means conduct by a person which violates or
9 is likely to violate an environmental quality standard, limitation, regulation, order,
10 license, agreement, or permit of the state or any instrumentality, agency, or political
11 subdivision of the state which was promulgated or issued before the date the alleged
12 violation occurred or is likely to occur or conduct which materially adversely affects or
13 is likely to materially adversely affect the environment; however, pollution, impairment,
14 or destruction does not include conduct which violates or is likely to violate an
15 environmental quality standard, limitation, regulation, order, license, agreement, or
16 permit solely because of the introduction of an odor into the air.

17 41-2-33.

18 In addition to all other remedies available at law, the owner of property, the value of which
19 is adversely impacted by pollution, impairment, or destruction of natural resources due to
20 the use to which neighboring property has been put, may bring an action against the owner
21 of such property for the purpose of recovering money damages or suitable equitable relief
22 sufficient to compensate the owner of the adversely impacted property or otherwise provide
23 a remedy to such owner for the decline in value of such owner's property.

24 41-2-34.

25 This article shall be cumulative and shall not be construed to amend, impair, or repeal any
26 other remedy at law or equity available."

27 **SECTION 2.**

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