

House Bill 748 (AS PASSED HOUSE AND SENATE)

By: Representatives Buck of the 112th, Smyre of the 111th, Buckner of the 109th, Royal of the 140th, and Hugley of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 88 of Title 36 of the Official Code of Georgia Annotated, relating to
2 enterprise zones, so as to change certain provisions regarding definitions; to provide for
3 additional qualifying businesses and services; to amend Code Section 36-74-13 of the
4 Official Code of Georgia Annotated, relating to enforcement of local codes, so as to provide
5 for limitations with respect to residential rental property; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 88 of Title 36 of the Official Code of Georgia Annotated, relating to enterprise
10 zones, is amended by striking Code Section 36-88-3, relating to definitions, and inserting in
11 its place a new Code Section 36-88-3 to read as follows:

12 "36-88-3.

13 As used in this chapter, the term:

14 (1) 'Ad valorem tax' ~~shall mean~~ means property taxes levied for state, county, or
15 municipal operating purposes but does not include property taxes imposed by school
16 districts or property taxes imposed for general obligation debt.

17 (2) 'Business enterprise' means any business ~~which is~~ engaged primarily in retail,
18 manufacturing, warehousing and distribution, processing, telecommunications, tourism,
19 research and development industries, new residential construction, and residential
20 rehabilitation.

21 (3) 'Department' means the Department of Community Affairs.

22 (4) 'Enterprise zone' means the geographic area designated pursuant to Code Section
23 36-88-5.

24 (5) 'Full-time job equivalent' means a job or jobs with no predetermined end date, with
25 a regular work week of 30 hours or more, and with the same benefits provided to similar
26 employees.

1 (6) 'Low-income and moderate-income individual' means a person ~~who is~~ currently:

2 (A) Unemployed or unemployed for three of the six months prior to the date of hire;

3 (B) Homeless;

4 (C) A resident of public housing;

5 (D) Receiving temporary assistance for needy families or who has received temporary
6 assistance for needy families at any time during the 18 months previous to the date of
7 hire;

8 (E) A participant in the Job Training Partnership Act or who has participated in the Job
9 Training Partnership Act at any time during the 18 months previous to the date of hire;

10 (F) A participant in a job opportunity where basic skills are required or who has
11 participated in such a job opportunity at any time during the 18 months previous to the
12 date of hire;

13 (G) Receiving supplemental social security income; or

14 (H) Receiving food stamps.

15 (7) 'New job' means employment for an individual created within an enterprise zone by
16 a new or expanded qualified business or service enterprise at the time of the initial
17 staffing of such new or expanded enterprise.

18 (8) 'Qualified or qualifying business' means an employer that meets the requirements of
19 Code Section 36-88-4 and other applicable requirements of this chapter.

20 (9) 'Service enterprise' means an entity ~~which is~~ engaged primarily in finance, insurance,
21 and real estate activity or activities listed under the Standard Industrial Classification
22 (SIC) Codes 60 through 67 according to the Federal Office of Management and Budget
23 Standard Industrial Classification Manual, 1987 edition, or engaged primarily in day-care
24 activities."

25 SECTION 2.

26 Code Section 36-74-13 of the Official Code of Georgia Annotated, relating to enforcement
27 of local codes, is amended by designating the existing text of the Code section as subsection
28 (a) and inserting a new subsection (b) to read as follows:

29 (b) No local government is authorized to perform investigations or inspections of
30 residential rental property unless there is probable cause to believe there is or has been a
31 violation or violations of applicable codes, and in no event may a local government require
32 the registration of residential rental property. Conditions which appear to be code
33 violations which are in plain view may form the basis for probable cause.

34 SECTION 3.

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