

House Bill 1624

By: Representative Smith of the 129th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-70-3 of the Official Code of Georgia Annotated, relating to
2 powers of municipalities and counties, so as to provide that local governing authorities may
3 develop, establish, and implement land use regulations consistent with a comprehensive plan
4 approved by the Department of Community Affairs; to amend Code Section 50-8-3 of the
5 Official Code of Georgia Annotated, relating to the purpose of Article 1 of Chapter 8 of Title
6 50 and the duties of the Department of Community Affairs, so as to provide a state interest
7 in the provision of housing to its citizens; to provide that the Department of Community
8 Affairs shall develop, promote, maintain, and encourage nondiscriminatory planning; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 36-70-3 of the Official Code of Georgia Annotated, relating to powers of
13 municipalities and counties, is amended by striking paragraph (2) and inserting in lieu thereof
14 the following:

15 "(2) To develop, establish, and implement land use regulations which are consistent with
16 the comprehensive plan of prepared by the municipality or county, as the case may be,
17 and approved by the department;"

18 **SECTION 2.**

19 Code Section 50-8-3 of the Official Code of Georgia Annotated, relating to the purpose of
20 Article 1 of Chapter 8 of Title 50 and the duties of the Department of Community Affairs,
21 is amended by striking in its entirety subsection (a) and inserting in lieu thereof the
22 following:

23 "(a) The local governments of the State of Georgia are of vital importance to the state and
24 its citizens. The state has an essential public interest in promoting, developing, sustaining,
25 and assisting local governments. The natural resources, environment, and vital areas of the

1 state are also of vital importance to the state and its citizens. The state has an essential
 2 public interest in establishing minimum standards for land use in order to protect and
 3 preserve its natural resources, environment, and vital areas. The purpose of this article is
 4 to provide for the department to serve these essential public interests of the state by
 5 developing, promoting, sustaining, and assisting local governments, by developing,
 6 promoting, and establishing standards and procedures for coordinated and comprehensive
 7 planning, by assisting local governments to participate in an orderly process for
 8 coordinated and comprehensive planning, and by assisting local governments to prepare
 9 and implement comprehensive plans which will develop and promote the essential public
 10 interests of the state and its citizens, including housing resources for its citizens. This
 11 article shall be liberally construed to achieve its purpose. This article is enacted pursuant
 12 to the authority granted the General Assembly in the Constitution of the State of Georgia,
 13 including, but not limited to, the authority provided in Article III, Section VI, Paragraphs
 14 I and II(a)(1) and Article IX, Section II, Paragraphs III and IV."

15 **SECTION 3.**

16 Said Code section is further amended by striking in its entirety paragraph (4) of subsection
 17 (b) and inserting in lieu thereof the following:

18 "(4) Act as the state's principal department for developing, promoting, maintaining, and
 19 encouraging nondiscriminatory coordinated and comprehensive planning;"

20 **SECTION 4.**

21 Said Code section is further amended by striking in its entirety paragraph (5) of subsection
 22 (b) and inserting in lieu thereof the following:

23 "(5) Develop, promote, sustain, and assist local governments in the performance of their
 24 duties and responsibilities under law to their citizens, including among such duties and
 25 responsibilities of local governments coordinated and comprehensive planning; the
 26 provision of infrastructure and other public works and improvements; the development,
 27 promotion, and retention of trade, commerce, industry, and employment opportunities;
 28 the provision of transportation systems; and the promotion of and provision for an
 29 adequate and varied housing supply including an adequate mix and supply of affordable
 30 housing;"

31 **SECTION 5.**

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