

House Bill 1317

By: Representatives Holmes of the 61st, Thomas of the 55th, and Gordon of the 162nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 8 of the Official Code of Georgia Annotated, relating to buildings and
2 housing, so as to provide a definition; to provide that it shall be unlawful for any person who
3 owns, controls, or is the responsible agent of a vacant structure to maintain, cause, or permit
4 the maintenance of the vacant structure in a neglected condition and that such neglected
5 vacant structure shall constitute a public nuisance; to provide certain requirements for the
6 maintenance of vacant structures; to provide for the abatement of such neglected vacant
7 structures; to provide for the recoupment of the costs of abatement; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
12 amended in Chapter 1, which is reserved, as follows:

13 "CHAPTER 1

14 8-1-1.

15 (a) As used in this Code section, the term 'vacant structure' means a residential building
16 which has remained unoccupied for a period of more than 30 days and shall include
17 manufactured housing or mobile homes. A structure shall not deemed to be vacant for
18 purposes of this Code section if any of the following circumstances exist:

19 (1) Any unit or portion of the structure is occupied;

20 (2) Any other structure on the same lot is occupied; or

21 (3) Construction or alteration is in progress pursuant to a valid, unexpired building
22 permit.

23 (b) It shall be unlawful for any person who owns, controls, or is the responsible agent of
24 a vacant structure to maintain, cause, or permit the maintenance of the vacant structure in
25 a neglected condition. A neglected vacant structure shall constitute a public nuisance.

1 (c)(1) All vacant structures shall be maintained in a structurally sound condition. All
2 electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition
3 which does not create a hazard to public health or safety.

4 (2) All vacant structures shall be maintained in a manner which does not create an
5 unreasonable risk of fire, including the removal of weeds and the proper maintenance of
6 grass areas which may constitute a fire hazard. No vacant structure or portion thereof
7 shall be used for the storage of flammable liquids or other materials which would
8 constitute a safety or fire hazard. Heating facilities or heating equipment in vacant
9 structures shall either be removed or maintained in accordance with applicable local
10 codes or ordinances. If heating equipment is removed, any fuel supply shall be removed
11 or terminated in accordance with applicable local codes and ordinances.

12 (3) All vacant structures shall be maintained in a way which secures such structures from
13 any unauthorized entry.

14 (4) All vacant structures including all adjoining yard areas shall be maintained free of
15 debris, combustible materials, litter, and garbage.

16 (5) All vacant structures shall be maintained in a manner which minimizes the
17 appearance of vacancy, including the prompt removal of graffiti.

18 (6) All exterior surfaces, including any boarded windows or doors, shall be applied with
19 sufficient paint, siding, stucco, or other finishes, in the same color or similar color as the
20 adjoining areas, to weatherproof the vacant structure and to create a sufficient appearance
21 of repair to deter unauthorized occupation.

22 (7) The exterior of the vacant structure property, including all landscaping, shall be kept
23 in such condition so as not to create the appearance of an unsecured, unoccupied structure
24 or other hazard to public safety.

25 (d) When a local government determines that a vacant structure constitutes a public
26 nuisance and presents an immediate or imminent peril to the health, safety, or general
27 welfare of the public, the local government may abate the nuisance by removal, demolition,
28 repair, or other acts with or without notice to the owner of the property. Such abatement
29 shall be at the expense of the owner of the property on which it is occurring and shall
30 constitute a lien against the property.

31 (e) Whenever a local government determines that any property within its jurisdiction is
32 being maintained contrary to one or more of the provisions of subsection (c) of this Code
33 section, the local government shall give written notice to the owner of such property of the
34 violations. Such notice shall set forth a reasonable time limit, in no event less than ten
35 calendar days, for correcting the violations and may also set forth suggested methods of
36 correcting the same. Such notice shall be served upon the owner in person or by mail to
37 the last known address of the owner. If such violations are not abated as directed within

1 the abatement period, the local government may cause the violations to be abated by local
2 government employees or private contractors. The cost, including incidental expenses, of
3 abating the violations shall be billed to the owner and shall become due and payable 30
4 days thereafter. Such expenses shall include, but not be limited to, the actual costs of
5 abating the violations; personnel costs, both direct and indirect, including attorney's fees;
6 costs incurred in documenting the violations; the actual expenses and costs of the local
7 government in inspecting the work and in the preparation of notices, specifications, and
8 contracts; and the costs of printing and mailing required under this subsection. Such costs,
9 if not paid, shall constitute a lien on such property."

10 **SECTION 2.**

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