

House Bill 1340

By: Representatives Thompson of the 104th, Ashe of the 56th, Powell of the 171st, Jacobs of the 80th, and Kaiser of the 59th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated,
2 relating to enforcement boards created on or after January 1, 2003, so as to provide that local
3 governments may require owners of property for which a homestead exemption is not
4 claimed to provide the tax commissioner or the city clerk with the name and address of an
5 agent responsible for service of property maintenance issues associated with structures; to
6 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 Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated, relating to
10 enforcement boards created on or after January 1, 2003, is amended by revising Code
11 Section 36-74-30, relating to other enforcement methods, as follows:

12 "36-74-30.

13 (a) It is the intent of this article to provide an additional or supplemental means of
14 obtaining compliance with local codes. Nothing contained in this article shall prohibit a
15 local governing body through its code inspector from enforcing its codes by any other
16 lawful means including criminal and civil proceedings; provided, however, that a local
17 governing body shall not pursue a specific instance of an alleged violation of an ordinance
18 against one violator before both a code enforcement board and a magistrate, municipal, or
19 other court authorized to hear ordinance violations.

20 (b) No local government is authorized to perform investigations or inspections of
21 residential rental property unless there is probable cause to believe there is or has been a
22 violation or violations of applicable codes, and in no event ~~may~~ shall a local government
23 require the registration of residential rental property, except in accordance with the
24 provisions of subsection (c) of this Code section. Conditions which appear to be code
25 violations which are in plain view may form the basis for probable cause.

26 (c) The local governing body may provide by ordinance or resolution that the owner or
27 owners of any property located within the county or municipality for which no homestead
28 exemption is filed shall file with the tax commissioner of the county in which the property
29 is located or the city clerk of the municipality in which the property is located a written
30 designation of an agent for service. Any such filing shall include the agent's name and
31 physical address, which shall not include a post office box address. The designated agent
32 shall be the agent for service of notices and citations related to county or municipal codes
33 and ordinances, including, but not limited to, property maintenance issues. The ordinance
34 or resolution may provide that the designation of such agent shall occur within 90 days
35 following the adoption of any such resolution or ordinance or within 90 days of any change
36 in ownership of the property. Any such ordinance or resolution may further provide that
37 failure to provide such a designated agent in accordance with the local resolution or
38 ordinance shall authorize the service of notices or citations related to any violation of
39 county or municipal codes and ordinances by service of a copy of the notice or citation
40 upon the tax commissioner or the city clerk with the requirement that the tax commissioner
41 or the city clerk mail a copy of the notice or citation to the address to which tax bills and
42 tax notices for said property are mailed."

43 **SECTION 2.**

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