

Senate Bill 101

By: Senators Ginn of the 47th, Stone of the 23rd, Tolleson of the 20th, Mullis of the 53rd, Hill of the 32nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 8, 16, 27, and 43 of the Official Code of Georgia Annotated, relating to  
2 buildings and housing, crimes and offenses, game and fish, and professions and businesses,  
3 respectively, so as to regulate the sale, use, and possession of firearms in this state; to  
4 prohibit conditioning tenancy in public housing upon certain restrictions on the possession  
5 of firearms; to provide for exceptions; to authorize persons licensed in other states to carry  
6 firearms in this state; to repeal state laws regarding firearms dealers; to provide a definition;  
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is  
11 amended by revising subsection (a) of Code Section 8-3-202, relating to unlawful practices  
12 in selling or renting dwellings and exceptions, as follows:

13 "(a) Except as exempted by subsection (b) or (d) of this Code section or Code  
14 Section 8-3-205, it shall be unlawful:

15 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate  
16 for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person  
17 because of race, color, religion, sex, disability, familial status, or national origin;

18 (2) To discriminate against any person in the terms, conditions, or privileges of sale or  
19 rental of a dwelling, or in the provision of services or facilities in connection therewith,  
20 because of race, color, religion, sex, disability, familial status, or national origin;

21 (3) To make, print, or publish or cause to be made, printed, or published any notice,  
22 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates  
23 any preference, limitation, or discrimination based on race, color, religion, sex, disability,  
24 familial status, or national origin, or an intention to make any such preference, limitation,  
25 or discrimination;

26 (4) To represent to any person because of race, color, religion, sex, disability, familial  
 27 status, or national origin that any dwelling is not available for inspection, sale, or rental  
 28 when such dwelling is in fact so available;

29 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by  
 30 representations regarding the entry or prospective entry into the neighborhood of a person  
 31 or persons of a particular race, color, religion, sex, familial status, or national origin or  
 32 with a disability;

33 (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a  
 34 dwelling to any buyer or renter because of a disability of:

35 (A) That buyer or renter;

36 (B) A person residing in or intending to reside in that dwelling after it is sold, rented,  
 37 or made available; or

38 (C) Any person associated with that buyer or renter; ~~or~~

39 (7)(A) To discriminate against any person in the terms, conditions, or privileges of sale  
 40 or rental of a dwelling, or in the provision of services or facilities in connection with  
 41 such dwelling, because of a disability of:

42 (i) That person;

43 (ii) A person residing in or intending to reside in that dwelling after it is sold, rented,  
 44 or made available; or

45 (iii) Any person associated with that person.

46 (B) For purposes of this paragraph, discrimination includes:

47 (i) A refusal to permit, at the expense of the person with disabilities, reasonable  
 48 modifications of existing premises occupied or to be occupied by such person if such  
 49 modifications may be necessary to afford such person full enjoyment of the premises,  
 50 except that, in the case of a rental, the landlord may where it is reasonable to do so  
 51 condition permission for a modification on the renter's agreeing to restore the interior  
 52 of the premises to the condition that existed before the modification, reasonable wear  
 53 and tear excepted;

54 (ii) A refusal to make reasonable accommodations in rules, policies, practices, or  
 55 services when such accommodations may be necessary to afford such person equal  
 56 opportunity to use and enjoy a dwelling; or

57 (iii) In connection with the design and construction of covered multifamily dwellings  
 58 for first occupancy after March 13, 1991, a failure to design and construct those  
 59 dwellings in such a manner that:

60 (I) The public use and common use portions of such dwellings are readily  
 61 accessible to and usable by persons with disabilities;

62 (II) All the doors designed to allow passage into and within all premises within  
 63 such dwellings are sufficiently wide to allow passage by persons with disabilities  
 64 in wheelchairs; and

65 (III) All premises within such dwellings contain the following features of adaptive  
 66 design: (a) an accessible route into and through the dwelling; (b) light switches,  
 67 electrical outlets, thermostats, and other environmental controls in accessible  
 68 locations; (c) reinforcements in bathroom walls to allow later installation of grab  
 69 bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair  
 70 can maneuver about the space.

71 (C) Compliance with the appropriate requirements of the American National Standard  
 72 for buildings and facilities providing accessibility and usability for physically  
 73 disabled people (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements  
 74 of subdivision (B)(iii)(III) of this paragraph.

75 (D) In regard to persons with disabilities, discrimination includes, in connection with  
 76 the design and construction of covered multifamily dwellings for first occupancy after  
 77 March 13, 1991, a failure to design and construct dwellings in such a manner that the  
 78 dwellings have at least one building entrance on an accessible route, unless it is  
 79 impracticable to do so because of the terrain or unusual characteristics of the site; or  
 80 (8) To require, as a condition of tenancy in public housing, any prohibition or restriction  
 81 of any lawful possession of a firearm within an individual dwelling unless required by  
 82 federal law or regulation."

### 83 SECTION 2.

84 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 85 amended by revising subsection (e) of Code Section 16-11-126, relating to having or carrying  
 86 handguns, long guns, or other weapons; license requirements; exceptions for homes, motor  
 87 vehicles, and other locations and conditions; and penalties for violations, as follows:

88 "(e) Any person licensed to carry a handgun or weapon in any other state ~~whose laws~~  
 89 ~~recognize and give effect to a license issued pursuant to this part~~ shall be authorized to  
 90 carry a weapon in this state, but only while the licensee is not a resident of this state;  
 91 provided, however, that such licensee shall carry the weapon in compliance with the laws  
 92 of this state."

### 93 SECTION 3.

94 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
 95 is amended by repealing and reserving Chapter 16, relating to firearms dealers, in its entirety.

96

**SECTION 4.**

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