

Senate Bill 104

By: Senators Ginn of the 47th, Jeffares of the 17th, Albers of the 56th, Carter of the 42nd, Miller of the 49th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the  
2 Department of Community Affairs, so as to revise the minimum elements addressed and  
3 included in comprehensive plans of local governments; to remove the requirement for certain  
4 findings with regard to projects of regional importance or impact; to remove certain  
5 limitations on actions by counties or municipalities with regard to local plans; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department  
10 of Community Affairs, is amended by revising subsections (b) and (d) of Code  
11 Section 50-8-7.1, relating to general powers and duties, as follows:

12 "(b) The department shall establish in accordance with the provisions of Code Section  
13 50-8-7.2 minimum standards and procedures for coordinated and comprehensive planning,  
14 including standards and procedures for preparation of plans, for implementation of plans,  
15 and for participation in the coordinated and comprehensive planning process. The  
16 department shall undertake and carry out such activities as may be specified by law. Such  
17 activities may include, but shall not be limited to, the following:

18 (1) As part of such minimum standards and procedures, the department shall establish  
19 minimum elements which shall be addressed and included in comprehensive plans of  
20 local governments which are prepared as part of the coordinated and comprehensive  
21 planning process. ~~These elements shall include, but shall not be limited to, housing,~~  
22 ~~human services, natural resources, the environment, vital areas, historic and cultural~~  
23 ~~resources, infrastructure, land use other than zoning, recreation, transportation, and~~  
24 ~~economic development;~~

25 (2) The department shall establish minimum standards and procedures which shall be  
26 used by local governments in developing, preparing, and implementing their  
27 comprehensive plans. The department shall incorporate the minimum standards and

28 procedures with respect to natural resources, the environment, and vital areas of the state  
29 established and administered by the Department of Natural Resources pursuant to Code  
30 Section 12-2-8. In establishing such minimum standards and procedures, the department  
31 shall be authorized to differentiate among local governments and among regions based  
32 upon factors which the department determines merit differentiation, such as total  
33 population, density of population, geographic features, the size of tax base, the type and  
34 character of services furnished by local governments, the size of budget, and other  
35 factors;

36 (3) The department shall develop planning procedures with respect to regionally  
37 important resources, for planning with respect to developments of regional impact, and  
38 for encouraging interjurisdictional cooperation among local governments. The  
39 department shall determine, in its judgment and for each region, what shall constitute  
40 developments of regional impact. Such determinations by the department shall be made  
41 for each region after receiving any necessary information from the regional commission  
42 for the region, from local governments within the region, and from others within the  
43 region. The department's determinations shall be publicly promulgated, using such  
44 means as the commissioner may determine, so that all local governments within a region  
45 will receive notice of the department's determinations affecting that region; and

46 (4) The department shall establish and shall promulgate procedures for obtaining input  
47 from, and participation by, local governments and the public in establishing, amending,  
48 and updating from time to time the minimum standards and procedures."

49 "(d) The department shall undertake and carry out such activities as may be necessary to  
50 mediate, or otherwise assist in resolving, conflicts. Such activities may include, but shall  
51 not be limited to, the following:

52 (1) The department may establish such procedures and guidelines for mediation or other  
53 forms of resolving conflicts as the commissioner may deem necessary. The procedures  
54 and guidelines shall specify the times within which steps in the mediation or other form  
55 of conflict resolution shall take place and shall provide that such times shall not exceed,  
56 in the aggregate, 90 days from the date on which mediation or other conflict resolution  
57 begins. The department shall promulgate and make public all such procedures and  
58 guidelines;

59 (2) The department may act to mediate or otherwise assist in resolving conflicts upon  
60 written request from any regional commission or local government or may act, without  
61 any such request, on its own initiative;

62 (3) The department may establish rules and procedures which require that local  
63 governments submit for review any proposed action which would, based upon guidelines  
64 which the department may establish, affect regionally important resources or further any

65 development of regional impact. Any such proposed action by a local government (other  
 66 than a regional commission) shall be submitted for review to the local government's  
 67 regional commission. Any such proposed action by a regional commission shall be  
 68 submitted for review to the department. Review shall be in accordance with rules and  
 69 procedures established by the department. ~~The review shall result in a public finding by  
 70 the regional commission or the department, as the case may be, that the action will be in  
 71 the best interest of the region and state or that it will not be in the best interest of the  
 72 region and state;~~

73 (4) Any conflict which remains after review pursuant to the procedures established under  
 74 paragraph (3) of this subsection shall be submitted to mediation or such other form of  
 75 resolving conflicts as the commissioner may deem necessary; and

76 (5) The department may decline to certify a local government as a qualified local  
 77 government or may take or recommend action which would reduce state or other funding  
 78 for a regional commission if such local government or regional commission, as the case  
 79 may be, is a party to a conflict but fails to participate in the department's mediation or  
 80 other means of resolving conflicts in a manner which, in the judgment of the department  
 81 and a majority of the Board of Community Affairs, reflects a good faith effort to resolve  
 82 the conflict."

83 **SECTION 2.**

84 Said chapter is further amended by striking subsection (g) of Code Section 50-8-36, relating  
 85 to review, comment, and recommendation regarding local plans and public meetings and  
 86 hearings.

87 **SECTION 3.**

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