

Senate Bill 422

By: Senators VanNess of the 43rd, Beach of the 21st, Stone of the 23rd and Parent of the 42nd

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 for legislative findings; to provide a definition; to provide that it
3 shall be unlawful for any person who owns, controls, or is the responsible agent of a vacant
4 structure to maintain, cause, or permit the maintenance of the vacant structure in a neglected
5 condition and that such neglected vacant structure shall constitute a public nuisance; to
6 provide certain requirements for the maintenance of vacant structures; to provide for the
7 abatement of such neglected vacant structures; to provide for the recoupment of the costs of
8 abatement; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

13 style="text-align:center">"CHAPTER 1

14 8-1-1.

15 (a) The General Assembly finds that:

16 (1) There are dwellings or other buildings or structures in this state which are unfit for
17 human habitation or for commercial, industrial, or business occupancy or use and not in
18 compliance with applicable state minimum standard codes; any optional building, fire,
19 life safety, or other codes relative to the safe use of real property and real property
20 improvements; or general nuisance law and which constitute a hazard to the health,
21 safety, and welfare of the people of this state and a public necessity exists for the repair,
22 closing, or demolition of such dwellings, buildings, or structures;

23 (2) Where there is in existence a condition or use of real estate which renders adjacent
24 real estate unsafe or inimical to safe human habitation, such use is dangerous and

25 injurious to the health, safety, and welfare of the people of this state and a public
26 necessity exists for the repair of such condition or the cessation of such use which renders
27 the adjacent real estate unsafe or inimical to safe human habitation; and

28 (3) There exists in this state dwellings, buildings, or structures which are unfit for human
29 habitation or for commercial, industrial, or business uses due to dilapidation and which
30 are not in compliance with applicable codes; which have defects that increase the hazards
31 of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary
32 facilities; or which have other conditions rendering such dwellings, buildings, or
33 structures unsafe or unsanitary or dangerous or detrimental to the health, safety, or
34 welfare, or otherwise inimical to the welfare, of the residents of this state; and there exists
35 in this state vacant, dilapidated dwellings, buildings, or structures in which drug crimes
36 are being committed and private property constituting an endangerment to the public
37 health or safety as a result of unsanitary or unsafe conditions to those persons residing or
38 working in the vicinity of the property.

39 (b) As used in this Code section, the term 'vacant structure' means a residential,
40 commercial, industrial, or business building which has remained unoccupied for a period
41 of more than 30 days and shall include manufactured housing or mobile homes. A
42 structure shall not be deemed to be vacant for purposes of this Code section if any of the
43 following circumstances exist:

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

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

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

48 (c) It shall be unlawful for any person who owns, controls, or is the responsible agent of
49 a vacant structure to maintain, cause, or permit the maintenance of the vacant structure in
50 a neglected condition. A vacant structure which meets the definition of blighted areas as
51 provided in Code Section 8-4-3 shall constitute a public nuisance.

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

55 (2) All vacant structures shall be maintained in a manner which does not create an
56 unreasonable risk of fire, including the removal of weeds and the proper maintenance of
57 grass areas which may constitute a fire hazard. No vacant structure or portion thereof
58 shall be used for the storage of flammable liquids or other materials which would
59 constitute a safety or fire hazard. Heating facilities or heating equipment in vacant
60 structures shall either be removed or maintained in accordance with applicable local

61 codes or ordinances. If heating equipment is removed, any fuel supply shall be removed
 62 or terminated in accordance with applicable local codes and ordinances.
 63 (3) All vacant structures shall be maintained in a way which secures such structures from
 64 any unauthorized entry.
 65 (4) All vacant structures, including all adjoining yard areas, shall be free of debris,
 66 combustible materials, litter, and garbage.
 67 (5) All vacant structures shall be maintained in a manner which minimizes the
 68 appearance of vacancy, including the prompt removal of graffiti.
 69 (6) All exterior surfaces, including any boarded windows or doors, shall be applied with
 70 sufficient paint, siding, stucco, or other finishes, in the same color or similar color as the
 71 adjoining areas, to weatherproof the vacant structure and to create a sufficient appearance
 72 of repair to deter unauthorized occupation.
 73 (7) The exterior of the vacant structure property, including all landscaping, shall be kept
 74 in such condition so as not to create the appearance of an unsecured, unoccupied structure
 75 or other hazard to public safety.
 76 (e) Whenever a local government determines that any property within its jurisdiction is
 77 being maintained contrary to one or more of the provisions of subsection (d) of this Code
 78 section, the local government shall give written notice to the owner of such property of the
 79 violations. Such notice shall set forth a reasonable time limit, in no event less than 30
 80 calendar days, for correcting the violations and may also set forth suggested methods of
 81 correcting the same. Such notice shall be served upon the owner in person or by mail to
 82 the last known address of the owner, shall be posted on the property, and shall be
 83 advertised in the legal organ of the county. If such violations are not abated as directed
 84 within the abatement period, such property shall be deemed a public nuisance. The local
 85 government shall cause the violations to be abated by local government employees or
 86 private contractors. The cost, including incidental expenses, of abating the violations shall
 87 be billed to the owner and shall become due and payable 30 days thereafter. Such expenses
 88 shall include, but not be limited to, the actual costs of abating the violations; personnel
 89 costs, both direct and indirect, including attorney's fees; costs incurred in documenting the
 90 violations; the actual expenses and costs of the local government in inspecting the work
 91 and preparing notices, specifications, and contracts; and the costs of printing, posting,
 92 mailing, and giving notice required under this subsection. Such costs, if not paid, shall
 93 constitute a lien on such property which may be foreclosed in accordance with laws
 94 regarding foreclosures of liens on real property Reserved."

95 SECTION 2.

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