

House Bill 523

By: Representatives Carpenter of the 4<sup>th</sup>, Powell of the 32<sup>nd</sup>, Washburn of the 141<sup>st</sup>, and Hawkins of the 27<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to prohibit local governments from regulating the use of certain real estate as short-term  
3 rental property; to provide for definitions; to provide for related matters; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
8 by adding a new chapter to read as follows:

9 style="text-align:center">"CHAPTER 77

10 36-77-1.

11 As used in this chapter, the term:

12 (1) 'Local government' means any county or municipality of this state.

13 (2) 'Operator' means any individual or entity that rents any short-term rental property.

14 (3) 'Short-term rental property' means any individually or collectively owned  
15 single-family house or dwelling unit or any unit or group of units in a condominium,  
16 cooperative, or timeshare, or owner occupied residential home, that is offered for a fee  
17 and for less than eight consecutive days. The term does not include a unit that is used for  
18 any nonresidential use, including retail space, restaurant, banquet space, event center, or  
19 another similar use.

20 (4) 'Transaction' means a charge by an operator for the occupancy of any short-term  
21 rental.

22 36-77-2.

23 (a) No local law, ordinance, resolution, or regulation of a local government shall:

- 24 (1) Prohibit rental transactions, impose occupancy limits, restrict the use of, or regulate  
25 the duration or frequency of a rental of short-term rental property;  
26 (2) Require the inspection, licensing, or registration of short-term rental property; or  
27 (3) Require the licensing or registration of owners or operators of short-term rental  
28 property.
- 29 (b) A court of law shall determine if a local law, ordinance, resolution, or regulation  
30 complies with this Code section without regard to any assertion in the local law, ordinance,  
31 resolution, or regulation that it complies. In all actions brought pursuant to this Code  
32 section, the political subdivision that enacted the local law, ordinance, resolution, or  
33 regulation shall establish by clear and convincing evidence that the local law, ordinance,  
34 resolution, or regulation complies with this Code section and that its primary purpose is the  
35 least restrictive means to protect the public health and safety."

36

**SECTION 2.**

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