

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 302:

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 prohibit local governments from adopting or enforcing ordinances or
3 regulations relating to or regulating building design elements as applied to one or two-family
4 dwellings; to provide for definitions; to provide for exceptions; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
9 amended in Part 1 of Article 1 of Chapter 2, relating to buildings generally, by adding a new
10 Code section to read as follows:

11 "8-2-5.

12 (a) As used in this Code section, the term:

13 (1) 'Building design element' means, exclusively:

14 (A) Exterior building color;

15 (B) Type or style of exterior cladding material;

16 (C) Style or materials of roof structures or porches;

17 (D) Exterior nonstructural architectural ornamentation;

18 (E) Location or architectural styling of windows and doors, including garage doors;

19 (F) The number and types of rooms;

20 (G) The interior layout of rooms; and

21 (H) Types of foundation structures approved under state minimum standard codes.

22 (2) 'State minimum standard codes' means the following codes:

23 (A) International Building Code (ICC);

24 (B) National Electrical Code (NFPA);

- 25 (C) International Fuel Gas Code (ICC);
 26 (D) International Mechanical Code (ICC);
 27 (E) International Plumbing Code (ICC);
 28 (F) International Residential Code for One- and Two-Family Dwellings (ICC);
 29 (G) International Energy Conservation Code (ICC);
 30 (H) International Fire Code (ICC);
 31 (I) International Existing Building Code (ICC);
 32 (J) International Property Maintenance Code (ICC); and
 33 (K) Any other code deemed appropriate by the board for the safety and welfare of
 34 Georgia's citizens.
- 35 (3) 'Zoning decision' shall have the same meaning as provided in Code Section 36-66-3.
 36 (4) 'Zoning ordinance' shall have the same meaning as provided in Code Section 36-66-3.
- 37 (b) No county or municipal corporation shall adopt or enforce any ordinance or regulation
 38 relating to or regulating building design elements as applied to one or two-family dwellings
 39 except under one or more of the following circumstances:
- 40 (1) The structure is located in an area designated as a historic district pursuant to
 41 Article 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act';
 42 (2) The structure is located in an area designated as a historic district on the National
 43 Register of Historic Places;
 44 (3) The structure is individually designated as a local, state, or national historic
 45 landmark;
 46 (4) The ordinance or regulation is a requirement of applicable state minimum standard
 47 codes;
 48 (5) The ordinance or regulation is applied to manufactured homes in a manner consistent
 49 with Part 2 of Article 2 of this chapter, 'The Uniform Standards Code for Manufactured
 50 Homes Act,' and applicable federal law;
 51 (6) The ordinance or regulation is adopted as a condition of participation in the National
 52 Flood Insurance Program; or
 53 (7) The ordinance or regulation is for an overlay district and prior to adoption of such
 54 ordinance or regulation:
- 55 (A) Notice is provided to all property owners within the proposed overlay district; and
 56 (B)(i) A petition approving of the ordinance or regulation on behalf of a majority of
 57 the parcels, as described in division (ii) of this subparagraph, to be located within the
 58 proposed overlay district is filed with the county or municipal corporation.
 59 (ii) A parcel to be located within a proposed overlay district shall only be deemed to
 60 approve of a petition provided for in division (i) of this subparagraph as follows:

61 (I) In the event that the parcel has only one owner, such owner or the authorized
62 representative of such owner signs the petition;

63 (II) In the event that the parcel has two owners, both owners or their authorized
64 representatives sign the petition; or

65 (III) In the event that the parcel has more than two owners, a majority of the owners
66 or their authorized representatives sign the petition.

67 (c) The provisions of subsection (b) of this Code section shall not be construed to:

68 (1) Prohibit or impair the power of a county or municipal corporation to adopt or enforce
69 any zoning ordinance or make any zoning decision; or

70 (2) Affect the validity or enforceability of private covenants or other contractual
71 agreements among property owners relating to building design elements."

72 **SECTION 2.**

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