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

A BILL TO BE ENTITLED
AN ACT

To amend Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, so as to prohibit local governments from adopting or enforcing ordinances or regulations relating to or regulating building design elements as applied to one or two-family dwellings; to provide for definitions; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"8-2-5.

(a) As used in this Code section, the term:
(1) 'Building design element' means, exclusively:
(A) Exterior building color;
(B) Type or style of exterior cladding material;
(C) Style or materials of roof structures or porches;
(D) Exterior nonstructural architectural ornamentation;
(E) Location or architectural styling of windows and doors, including garage doors;
(F) The number and types of rooms;
(G) The interior layout of rooms; and
(H) Types of foundation structures approved under state minimum standard codes.

(2) 'State minimum standard codes' means the following codes:
(A) International Building Code (ICC);
(B) National Electrical Code (NFPA);
(C) International Fuel Gas Code (ICC);
(D) International Mechanical Code (ICC);
(E) International Plumbing Code (ICC);
(F) International Residential Code for One- and Two-Family Dwellings (ICC);
(G) International Energy Conservation Code (ICC);
(H) International Fire Code (ICC);
(I) International Existing Building Code (ICC);
(J) International Property Maintenance Code (ICC); and
(K) Any other code deemed appropriate by the board for the safety and welfare of Georgia's citizens.

(3) 'Zoning decision' shall have the same meaning as provided in Code Section 36-66-3.

(4) 'Zoning ordinance' shall have the same meaning as provided in Code Section 36-66-3.

(b) No county or municipal corporation shall adopt or enforce any ordinance or regulation relating to or regulating building design elements as applied to one or two-family dwellings except under one or more of the following circumstances:

(1) The structure is located in an area designated as a historic district pursuant to Article 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act';
(2) The structure is located in an area designated as a historic district on the National Register of Historic Places;
(3) The structure is individually designated as a local, state, or national historic landmark;
(4) The ordinance or regulation is a requirement of applicable state minimum standard codes;
(5) The ordinance or regulation is applied to manufactured homes in a manner consistent with Part 2 of Article 2 of this chapter, 'The Uniform Standards Code for Manufactured Homes Act,' and applicable federal law;
(6) The ordinance or regulation is adopted as a condition of participation in the National Flood Insurance Program; or
(7) The ordinance or regulation is for an overlay district and prior to adoption of such ordinance or regulation:
   (A) Notice is provided to all property owners within the proposed overlay district; and
   (B)(i) A petition approving of the ordinance or regulation on behalf of a majority of the parcels, as described in division (ii) of this subparagraph, to be located within the proposed overlay district is filed with the county or municipal corporation.
   (ii) A parcel to be located within a proposed overlay district shall only be deemed to approve of a petition provided for in division (i) of this subparagraph as follows:
(I) In the event that the parcel has only one owner, such owner or the authorized representative of such owner signs the petition;

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

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

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

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

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

SECTION 2.

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