

House Bill 374

By: Representatives Momtahan of the 17th, Cannon of the 172nd, Gullett of the 19th, Ehrhart of the 36th, and Ballard of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated,
2 relating to local enforcement boards created on or after January 1, 2003, so as to authorize
3 local governing bodies to establish housing management databases of residential rental
4 property; to provide for applicability; to provide for registration with the databases; to
5 provide for penalties; to provide for disclosure of ownership by foreign adversaries; to
6 provide for exemptions; to provide for definitions; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated, relating to
11 local enforcement boards created on or after January 1, 2003, is amended by revising Code
12 Section 36-74-21, relating to definitions, as follows:

13 "36-74-21.

14 As used in this article, the term:

15 (1) 'Code enforcement officer' means any person contracted with or employed by a
16 county or municipality who has enforcement authority for health, safety, or welfare

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17 requirements and is authorized to issue citations or file formal complaints regarding the
18 same.

19 (2) 'County or municipal codes and ordinances' means zoning ordinances and resolutions,
20 ordinances and resolutions enacting subdivision regulations, environmental ordinances
21 and resolutions, state minimum standard codes provided for in Code Section 8-2-25,
22 ordinances and resolutions enacted pursuant to Code Section 8-2-25, other ordinances and
23 resolutions regulating the development of real property, and ordinances and regulations
24 providing for control of litter and debris, control of junked or abandoned vehicles, and
25 control of overgrown vegetation. Notwithstanding the above, the term 'county and
26 municipal codes and ordinances' shall not include:

27 (A) Those codes and ordinances requiring a permit, unless the alleged violator has
28 failed to secure all necessary valid permits under said codes and ordinances; or

29 (B) Any local amendments to the state minimum standard codes provided for in Code
30 Section 8-2-25 that have not been adopted in conformity with the requirements of
31 subsection (c) of Code Section 8-2-25.

32 (3) 'Enforcement board' means a local government code enforcement board.

33 (3.1) 'Licensee' shall have the same meaning as set forth in Code Section 43-40-1.

34 (4) 'Local governing body' means the governing authority of the county or municipality,
35 however designated.

36 (5) 'Local governing body attorney' means the legal counselor for the county or
37 municipality.

38 (5.1) 'Property management services' shall have the same meaning as set forth in Code
39 Section 43-40-1.

40 (5.2) 'Property manager' means a licensee who performs property management services
41 for a specific property.

42 (5.3) 'Residential rental property' means any property that is rented or leased as a
43 dwelling unit for human habitation.

44 (5.4) 'Short-term rental property' means any property that is rented or leased as a
45 dwelling unit for human habitation for less than 30 days in duration.

46 (6) 'Violation involving the health or safety of a third party' means a violation that
47 creates a legitimate concern for the health and safety of a third-party occupant of a
48 dwelling place or that creates an immediate and substantial danger to the environment."

49 **SECTION 2.**

50 Said article is further amended by revising subsection (a) of Code Section 36-74-29, relating
51 to notice required and form of notice, as follows:

52 "(a) All notices required by this article shall be provided to the alleged violator or to the
53 property manager of the property that is the subject of the alleged violation by certified
54 mail or statutory overnight delivery, return receipt requested; by hand delivery by the
55 sheriff or other law enforcement officer, code enforcement officer, or other person
56 designated by the local governing body; or by leaving the notice at the violator's usual
57 place of residence with any person residing therein who is above 15 years of age and
58 informing such person of the contents of the notice."

59 **SECTION 3.**

60 Said article is further amended in Code Section 36-74-30, relating to other enforcement
61 methods and probable cause for investigation required, by revising subsection (b) and adding
62 new subsections to read as follows:

63 "(b) Except as otherwise provided in subsection (c) of this Code section, no ~~No~~ local
64 government is authorized to perform investigations or inspections of residential rental
65 property unless there is probable cause to believe there is or has been a violation or
66 violations of applicable codes, and in no event may a local government require the
67 registration of residential rental property. Conditions which appear to be code violations
68 which are in plain view may form the basis for probable cause.

69 (c)(1) A local governing body may establish by ordinance or resolution for the
70 requirement of a housing management database of residential rental property as provided
71 in this Code section.

72 (2) No local governing body shall require inclusion in a housing management database
73 unless the owner of such residential rental property owns or controls at least five dwelling
74 units within the jurisdiction of such local governing body.

75 (3) A local governing body may require each registrant to file with a specifically
76 identified office or officer a registration form, in paper or electronic format, as required
77 by the local governing body, requiring submission of only the following information:

78 (A) The property owner's name, street address, mailing address, phone number,
79 facsimile number, and email address;

80 (B) The property manager's name, street address, mailing address, phone number,
81 facsimile number, and email address;

82 (C) The property's street address and tax parcel number; and

83 (D) The recording information, including transfer date and deed book and page
84 numbers, of the instrument conveying the property to the owner.

85 (4) An ordinance or resolution establishing a housing management database may require
86 an owner to update the information specified in paragraph (3) of this subsection within
87 30 days after any change in such required information.

88 (5) An ordinance or resolution establishing a housing management database may not
89 require the payment of any fees for such registration.

90 (6) An ordinance or resolution establishing a housing management database may impose
91 penalties for failure to register or failure to update the information specified in
92 paragraph (3) of this subsection, provided that such penalties shall not exceed:

93 (A) For a first violation in a 12 month period, \$500.00;

94 (B) For a second violation in a 12 month period, \$750.00; and

95 (C) For a third and each subsequent violation in a 12 month period, \$1,000.00.

96 (d)(1) Any owner of residential rental property subject to the housing management
97 database requirements under subsection (c) of this Code section shall disclose whether
98 the property is partially or wholly owned, directly or indirectly, by a foreign adversary,
99 including, but not limited to:

100 (A) The People's Republic of China, including the Hong Kong Special Administrative
101 Region;

102 (B) The Republic of Cuba;

103 (C) The Islamic Republic of Iran;

104 (D) The Democratic People's Republic of Korea;

105 (E) The Russian Federation; and

106 (F) Venezuela.

107 (2) The local governing body may require such disclosure to be submitted at the time of
108 initial registration and updated within 30 days of any change in ownership structure and
109 such information shall be made public.

110 (3) Failure to disclose foreign ownership in accordance with this subsection shall be
111 subject to the same penalties established for failure to register or update required
112 information under paragraph (6) of subsection (c) of this Code section.

113 (e)(1) The following property owners shall be exempt from the requirements of
114 subsection (c) of this Code section, including registration, updates, and penalties:

115 (A) Active duty military personnel deployed for more than 30 consecutive days outside
116 the state;

117 (B) Individuals experiencing a serious medical condition that prevents them from
118 managing their rental property, as certified by a licensed physician;

119 (C) Owners of properties who are in hospice care or palliative care services;

120 (D) Heirs or estate representatives managing a property due to the owner's death, for
121 up to 18 months after the date of death; and

122 (E) Owners experiencing financial hardship due to natural disasters, as declared by
123 federal, state, or local authorities.

124 (2) Property owners seeking an exemption pursuant to this subsection must provide
125 documentation supporting their claim to the local governing body.

126 (3) Local governing bodies may establish procedures for reviewing and granting
127 exemptions based on this subsection."

128 **SECTION 4.**

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