

The House Committee on Governmental Affairs offers the following substitute to HB 374:

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  
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. Such term does not include homes licensed by the  
44 Department of Community Health pursuant to Code Sections 31-7-12, 31-7-12.2, and  
45 31-7-12.4 or multifamily properties consisting of more than 20 units.

46 (5.4) 'Short-term rental property' means any property that is rented or leased as a  
47 dwelling unit for human habitation for less than 30 days in duration.

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

51 **SECTION 2.**

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

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

61 **SECTION 3.**

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

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

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

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

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

80 (A) Either the property owner's or the property manager's name, street address, mailing  
81 address, phone number, facsimile number, and email address;

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

83 (C) 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 or property manager to update the information specified in paragraph (3) of this  
87 subsection within 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 or property manager of residential rental property subject to the  
97 housing management database requirements under subsection (c) of this Code section  
98 shall disclose whether the property is partially or wholly owned, directly or indirectly, by  
99 a foreign adversary, as designated by the United States Secretary of Commerce pursuant  
100 to 15 C.F.R. Section 7.4.

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

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

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

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

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

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

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

- 116 (E) Owners experiencing financial hardship due to natural disasters, as declared by  
117 federal, state, or local authorities.
- 118 (2) Property owners seeking an exemption pursuant to this subsection must provide  
119 documentation supporting their claim to the local governing body.
- 120 (3) Local governing bodies may establish procedures for reviewing and granting  
121 exemptions based on this subsection.
- 122 (f) Nothing in this Code section shall apply to short-term rental properties."

123 **SECTION 4.**

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