

The Senate Committee on State and Local Governmental Operations - General offered the following substitute to HB 155:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to procedure for resolving annexation disputes, so as to revise procedures for the
3 selection and objection to arbitrators; to revise how arbitration panels report their findings
4 and recommendations; to revise provisions relating to compensation of arbitrators; to amend
5 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
6 appellate practice, and Chapter 66 of Title 36 of the Official Code of Georgia Annotated,
7 relating to zoning procedures as pertaining to counties and municipal corporations, so as to
8 provide for the appeal of superior court decisions on zoning decisions of counties and
9 municipal corporations; to repeal provisions authorizing administrative officers to exercise
10 zoning powers; to repeal provisions authorizing quasi-judicial boards and agencies to hear
11 and render decisions on applications for special administrative permits and conditional
12 permits; to revise definitions; to provide for related matters; to provide for effective dates and
13 applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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PART I
SECTION 1-1.

17 Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
18 procedure for resolving annexation disputes, is amended by revising Code Section
19 36-36-114, relating to arbitration panel, composition and membership, assistance in
20 formulating record, and regulation, as follows:

21 "36-36-114.

22 (a) Not later than the ~~fifteenth~~ twentieth ~~calendar~~ business day following the date ~~that~~ the
23 department ~~received~~ the first receives an objection of a proposed annexation as provided
24 for in Code Section 36-36-113, ~~an arbitration~~ a panel of five arbitrators shall be appointed
25 by the department using the selection process detailed as provided in subsection (c) of this
26 Code section.

27 ~~(b)(1) The arbitration panel shall be composed of five members to be selected as~~
28 ~~provided in this subsection.~~ The department shall develop and maintain three pools of
29 potential arbitrators, comprised as follows:

30 (A) One ~~one~~ pool which consists of persons who are currently or within the previous
31 six years have been municipal elected officials, managers, or administrators;

32 (B) One ~~one~~ pool which consists of persons who are currently or within the previous
33 six years have been county elected officials, managers, or administrators; and

34 (C) One ~~one~~ pool which consists of persons with a master's degree or higher in public
35 administration or planning and who are currently employed by an institution of higher
36 learning in this state, other than the Carl Vinson Institute of Government of the
37 University of Georgia.

38 (2) Each ~~The~~ pool shall be sufficiently large to ensure as nearly as practicable that no
39 person shall be required to serve on more than four panels in any one calendar year and
40 serve on no more than one panel in any given county in any one calendar year.

41 (3) The department is authorized to coordinate with the Georgia Municipal Association,
 42 the Association County Commissioners of Georgia, ~~the Council of Local Governments,~~
 43 and similar organizations in developing and maintaining such pools.

44 (c)(1) Within 15 business days of the date that the department first receives an objection
 45 of a proposed annexation as provided for in Code Section 36-36-113, Upon receiving
 46 notice of a disputed annexation, the department shall choose at random four names
 47 submit to the county and municipal corporations a list of 11 potential arbitrators
 48 consisting of four potential arbitrators randomly selected by the department from the pool
 49 of municipal officials, four ~~names~~ potential arbitrators randomly selected by the
 50 department from the pool of county officials, and three ~~names~~ potential arbitrators
 51 randomly selected by the department from the pool of academics; provided, however, that
 52 the department shall ensure that none of such selections shall include a person who:

53 (A) Is is a resident of the county which has interposed the objection or any municipal
 54 corporation located wholly or partially in such county;

55 (B) Actively seeks employment in the county which has interposed the objection or
 56 any municipal corporation located wholly or partially in such county;

57 (C) Is or has been employed within the preceding six years by the county which has
 58 interposed the objection or any municipal corporation located wholly or partially in
 59 such county; or

60 (D) Has and further provided that none of such selections shall include a person who
 61 has already served on four other arbitration panels in the then-current calendar year.

62 (2) Until noon on the twentieth business day following the date that the department
 63 receives the notice of disputed annexation:

64 (A) The municipal corporation shall be permitted to strike or excuse up to two of the
 65 names chosen four arbitrators that were randomly selected by the department from the
 66 county officials pool by submitting written notice of any such strikes to the department;

67 (B) The the county shall be permitted to strike or excuse up to two of the names chosen
68 four arbitrators that were randomly selected by the department from the municipal
69 officials pool by submitting written notice of any such strikes to the department; and

70 (C) The the county and municipal corporation corporations shall each be permitted to
71 strike or excuse one of the names chosen three arbitrators that were randomly selected
72 by the department from the academic pool by submitting written notice of any such
73 strikes to the department.

74 (3) At the close of the period for permitted strikes as allowed in paragraph (2) of this
75 subsection, the department shall finalize the arbitration panel for the given annexation
76 dispute by appointing:

77 (A) Two arbitrators from the county officials subset identified in subparagraph (A) of
78 paragraph (2) of this subsection who were not stricken;

79 (B) Two arbitrators from the municipal officials subset identified in subparagraph (B)
80 of paragraph (2) of this subsection who were not stricken; and

81 (C) One arbitrator from the academic subset identified in subparagraph (C) of
82 paragraph (2) of this subsection who was not stricken.

83 (4) In the event that more than the required number of arbitrators remains within any
84 given subset, the department shall randomly appoint the number of arbitrators needed for
85 such subset from among those arbitrators remaining within such subset.

86 (5) In the event that an arbitrator refuses or becomes unable to serve on a given panel to
87 which he or she has been appointed pursuant to paragraph (3) of this subsection, the
88 department shall randomly appoint a new arbitrator to such panel by randomly selecting
89 an eligible arbitrator from the specific pool of arbitrators from which the original
90 arbitrator was randomly selected under paragraph (1) of this subsection; provided,
91 however, that such new arbitrator shall not have been previously stricken by the county
92 or municipality.

93 (d) Prior to being eligible to serve on any of the three pools, persons interested in serving
94 on such panels shall receive joint training in alternative dispute resolution together with
95 zoning and land use training, which may be designed and overseen by the Carl Vinson
96 Institute of Government of the University of Georgia in conjunction with the Association
97 County Commissioners of Georgia and the Georgia Municipal Association, provided such
98 training is available. Provided that the General Assembly appropriates sufficient funds in
99 an applicable fiscal year, the Carl Vinson Institute of Government of the University of
100 Georgia shall provide at least one training program per year to train new potential panel
101 members.

102 (e) At the time any person is selected to serve on a panel for any particular annexation
103 dispute, he or she shall sign the following oath: 'I do solemnly swear or affirm that I will
104 faithfully perform my duties as an arbitrator in a fair and impartial manner without favor
105 or affection to any party, and that I have not and will not have any ex parte communication
106 regarding the facts and circumstances of the matters to be determined, other than
107 communications with my fellow arbitrators, and will only consider, in making my
108 determination, those matters which may lawfully come before me.'

109 (f) The department shall develop and maintain a list of court reporters and hearing officers
110 that may be employed by the department at the request of an arbitration panel to assist the
111 panel in formulating the record before the panel. An arbitration panel may by majority
112 vote of its members elect to employ court reporters and hearing officers from such list.
113 Any costs or charges related to the employment of court reporters and hearing officers
114 pursuant to this subsection shall be evenly divided between the city and the county.

115 (g) The department shall promulgate rules and regulations to provide for uniform
116 procedures and operations of arbitration panels established pursuant to this article.
117 Notwithstanding any provision of Chapter 13 of Title 50, the 'Georgia Administrative
118 Procedure Act,' to the contrary, such proposed rules and regulations shall be submitted to

119 the chairperson of the House Governmental Affairs Committee and the Senate Committee
 120 on State and Local Government Operations.”

121 **SECTION 1-2.**

122 Said article is further amended by revising Code Section 36-36-115, relating to meetings of
 123 arbitration panel, duties, findings and recommendations, and compensation, as follows:

124 "36-36-115.

125 (a)(1)(A) The arbitration panel appointed pursuant to Code Section 36-36-114 shall
 126 meet as soon after appointment as practicable and shall receive evidence and argument
 127 from the municipal corporation, the county, and the applicant or property owner and
 128 shall by majority vote render a decision which shall be binding on all parties to the
 129 dispute as provided for in this article not later than 60 days following such appointment,
 130 provided that the chairperson of the arbitration panel shall be authorized to extend such
 131 deadline one time for a period of up to ten business days; provided, however, that
 132 ~~Notwithstanding anything in this subparagraph to the contrary,~~ the municipal
 133 corporation and county may by mutual agreement, postpone the arbitration procession
 134 for a period of up to 180 days to negotiate a potential settlement, and such
 135 postponement shall stay the 60 day deadline provided herein.

136 (B) Meetings of the panel may occur in person, virtually, or via teleconference. The
 137 meetings of the panel in which evidence is submitted or arguments of the parties are
 138 made, whether such meeting is in person, virtual, or via teleconference, shall be open
 139 to the public pursuant to Chapter 14 of Title 50.

140 (C) The panel shall first determine the validity of the grounds for objection as specified
 141 in the objection. If an objection involves the financial impact on the county as a result
 142 of a change in zoning or land use or the provision of maintenance of infrastructure, the
 143 panel shall quantify such impact in terms of cost. As to any objection which the panel
 144 has determined to be valid, the panel, in its findings, may establish reasonable zoning,

145 land use, or density conditions applicable to the annexation and propose any reasonable
146 mitigating measures as to an objection pertaining to infrastructure demands.

147 (2) In arriving at its determination, the panel shall consider:

148 (A) The existing comprehensive land use plans of both the county and city;

149 (B) The existing land use patterns in the area of the subject property;

150 (C) The existing zoning patterns in the area of the subject property;

151 (D) Each jurisdiction's provision of infrastructure to the area of the subject property
152 and to the areas in the vicinity of the subject property;

153 (E) Whether the county has approved similar changes in intensity or allowable uses on
154 similar developments in other unincorporated areas of the county;

155 (F) Whether the county has approved similar developments in other unincorporated
156 areas of the county which have a similar impact on infrastructure as complained of by
157 the county in its objection; and

158 (G) Whether the infrastructure or capital outlay project which is claimed adversely
159 impacted by the county in its objection was funded by a county-wide tax.

160 (3) The county shall provide supporting evidence that its objection is consistent with its
161 land use plan and the pattern of existing land uses and zonings in the area of the subject
162 property, which may include, but not be limited to, adopted planning documents and
163 capital or infrastructure plans.

164 (4) The cost of the arbitration shall be equally divided between the city and the county;
165 provided, however, that if the panel determines that any party has advanced a position
166 that is not valid, the costs shall be borne by the party or parties that have advanced such
167 position.

168 (5) The reasonable costs of participation in the arbitration process of the property owner
169 or owners whose property is at issue shall be borne by the county and the city in the same
170 proportion as costs are apportioned under paragraph (4) of this subsection.

171 (6) The panel shall deliver its written findings and recommendations to the parties and
172 the department by verifiable delivery. The written findings and recommendations shall
173 include a signed statement for each panel member as to whether or not he or she voted
174 in support of or against such findings and recommendations. The department shall
175 maintain a data base and record of arbitration panel results and at least annually publish
176 a report on such decisions and make such report freely available on the department's
177 website.

178 (b) If the decision of the panel contains zoning, land use, or density conditions, the
179 findings and recommendations of the panel shall be recorded in the deed records of the
180 county with a caption describing the name of the current owner of the property, recording
181 reference of the current owner's acquisition deed and a general description of the property,
182 and plainly showing the expiration date of any restrictions or conditions.

183 (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and
184 recommendations but may be reconvened as provided in Code Section 36-36-116.

185 (d) Notwithstanding the provisions of subsection (b) of Code Section 45-7-21, the
186 members of the arbitration panel shall receive the same per diem, expenses, and allowances
187 for their service on the panel as authorized by law for members of the General Assembly
188 plus \$100.00 in total for all days of service for serving on an arbitration panel.

189 (e) If the panel so agrees, any one or more additional annexation disputes which may arise
190 between the parties prior to the panel's initial meeting may be consolidated for the purpose
191 of judicial economy if there are similar issues of location or similar objections raised to
192 such other annexations or the property to be annexed in such other annexations is
193 within 2,500 feet of the subject property."

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PART II
SECTION 2-1.

196 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
197 appellate practice, is amended by revising subsection (a) of Code Section 5-6-34, relating to
198 judgments and rulings deemed directly appealable, procedure for review of judgments,
199 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
200 involving a capital offense for which death penalty is sought, and appeals involving
201 nonmonetary judgments in child custody cases, as follows:

202 "(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the
203 following judgments and rulings of the superior courts, the Georgia State-wide Business
204 Court, the constitutional city courts, and such other courts or tribunals from which appeals
205 are authorized by the Constitution and laws of this state:

206 (1) All final judgments, that is to say, where the case is no longer pending in the court
207 below, except as provided in Code Section 5-6-35;

208 (2) All judgments involving applications for discharge in bail trover and contempt cases;

209 (3) All judgments or orders directing that an accounting be had;

210 (4) All judgments or orders granting or refusing applications for receivers or for
211 interlocutory or final injunctions;

212 (5) All judgments or orders granting or refusing applications for attachment against
213 fraudulent debtors;

214 (6) Any ruling on a motion which would be dispositive if granted with respect to a
215 defense that the action is barred by Code Section 16-11-173;

216 (7) All judgments or orders granting or refusing to grant mandamus or any other
217 extraordinary remedy, except with respect to temporary restraining orders;

218 (8) All judgments or orders refusing applications for dissolution of corporations created
219 by the superior courts;

- 220 (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a
 221 will;
- 222 (10) All judgments or orders entered pursuant to subsection (c) of Code
 223 Section 17-10-6.2;
- 224 (11) All judgments or orders in child custody cases awarding, refusing to change, or
 225 modifying child custody or holding or declining to hold persons in contempt of such child
 226 custody judgment or orders;
- 227 (12) All judgments or orders entered pursuant to Code Section 35-3-37; ~~and~~
- 228 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1; and
- 229 (14) All final judgments or orders reviewing a zoning decision, as such term is defined
 230 in paragraph (4) of Code Section 36-66-3."

231 **SECTION 2-2.**

232 Said article is further amended by revising subsection (a) of Code Section 5-6-35, relating
 233 to cases requiring application for appeal, requirements for application, exhibits, response,
 234 issuance of appellate court order regarding appeal, procedure, supersedeas, jurisdiction of
 235 appeal, and appeals involving nonmonetary judgments in custody cases, as follows:

236 "(a) Appeals in the following cases shall be taken as provided in this Code section:

- 237 (1) Appeals from decisions of the superior courts reviewing decisions of the State Board
 238 of Workers' Compensation, the State Board of Education, auditors, state and local
 239 administrative agencies, ~~and lower courts, and quasi-judicial decisions of boards or~~
 240 agencies of local governments, including those defined in paragraphs (1.1) and (1.2) of
 241 Code Section 36-66-3 by petition for review; provided, however, that this provision shall
 242 not apply to decisions of the Public Service Commission and probate courts and to cases
 243 involving ad valorem taxes and condemnations;
- 244 (2) Appeals from judgments or orders in divorce, alimony, and other domestic relations
 245 cases including, but not limited to, granting or refusing a divorce or temporary or

246 permanent alimony or holding or declining to hold persons in contempt of such alimony
247 judgment or orders;

248 (3) Appeals from cases involving distress or dispossessory warrants in which the only
249 issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

250 (4) Appeals from cases involving garnishment or attachment, except as provided in
251 paragraph (5) of subsection (a) of Code Section 5-6-34;

252 (5) Appeals from orders revoking probation;

253 (5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual
254 Offender Risk Review Board;

255 (5.2) Appeals from decisions of superior courts granting or denying petitions for release
256 pursuant to Code Section 42-1-19;

257 (6) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;

258 (7) Appeals, when separate from an original appeal, from the denial of an extraordinary
259 motion for new trial;

260 (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion
261 to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief
262 upon a complaint in equity to set aside a judgment;

263 (9) Appeals from orders granting or denying temporary restraining orders;

264 (10) Appeals from awards of attorney's fees or expenses of litigation under Code
265 Section 9-15-14;

266 (11) Appeals from decisions of the state courts reviewing decisions of the magistrate
267 courts by de novo proceedings so long as the subject matter is not otherwise subject to
268 a right of direct appeal;

269 (12) Appeals from orders terminating parental rights; and

270 (13) Appeals from orders under subsection (a) of Code Section 44-14-610 granting or
271 denying an objection to the filing of a lis pendens or granting or denying a motion
272 canceling a lis pendens."

273

SECTION 2-3.

274 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
 275 procedures as pertaining to counties and municipal corporations, is amended by revising
 276 paragraph (1) of subsection (b) of Code Section 36-66-2, relating to legislative purpose and
 277 local government zoning powers, and by adding a new paragraph to read as follows:

278 "(1) Provide by ordinance or resolution for such administrative officers, boards, or
 279 agencies as may be expedient for the efficient exercise of delegated, quasi-judicial zoning
 280 powers and to establish procedures and notice requirements for hearings before such
 281 quasi-judicial ~~officers~~, boards; or agencies that are consistent with the minimum
 282 procedures provided for in this chapter to assure due process is afforded the general
 283 public; and"

284

SECTION 2-4.

285 Said chapter is further amended by revising paragraphs (1.1) and (4) of Code
 286 Section 36-66-3, relating to definitions, and by adding a new paragraph to read as follows:

287 "~~(1.1) 'Quasi-judicial officers, boards, or agencies' means an officer, board, or agency~~
 288 ~~appointed by a local government to exercise delegated, quasi-judicial zoning powers~~
 289 ~~including hearing appeals of administrative decisions by such officers, boards, or~~
 290 ~~agencies and hearing and rendering decisions on applications for variances, special~~
 291 ~~administrative permits, special exceptions, conditional use permits, or other similar~~
 292 ~~permits not enumerated herein as a zoning decision, pursuant to standards for the exercise~~
 293 ~~of such quasi-judicial authority adopted by a local government~~ any board or agency
 294 designated by ordinance to make quasi-judicial decisions.

295 (1.2) 'Quasi-judicial decision' means a final quasi-judicial action that is the exercise of
 296 quasi-judicial land use powers, including hearing appeals of administrative decisions and
 297 hearing and rendering decisions on applications for variances, administrative permits, or
 298 other similar permits not enumerated herein as a zoning decision, pursuant to standards

299 for the exercise of such quasi-judicial authority adopted by a local government. Such
 300 term does not include permits issued or decisions made by administrative staff pursuant
 301 to the authority designated by ordinance which contains an express right to appeal to a
 302 local government board or authority which is subject to these provisions applicable to
 303 quasi-judicial decisions."

304 "(4) 'Zoning decision' means final legislative action by a local government which results
 305 in:

- 306 (A) The adoption or repeal of a zoning ordinance;
- 307 (B) The adoption of an amendment to a zoning ordinance which changes the text of the
 308 zoning ordinance;
- 309 (C) The adoption or denial of an amendment to a zoning ordinance to rezone property
 310 from one zoning classification to another;
- 311 (D) The adoption or denial of an amendment to a zoning ordinance by a municipal
 312 local government to zone property to be annexed into the municipality;
- 313 (E) The grant or denial of ~~a permit relating to~~ an application for a special use of
 314 property; or
- 315 (F) The grant or denial of an application for a variance or the imposition or
 316 modification of conditions concurrent and in conjunction with a decision pursuant to
 317 subparagraph (C) or (E) of this paragraph, or a subsequent modification to such a
 318 variance or condition."

319 **SECTION 2-5.**

320 Said chapter is further amended by revising subsections (b), (c), (g), and (h) of Code
 321 Section 36-66-4, relating to adoption of hearing policies and procedures and standards for
 322 exercise of zoning power, as follows:

323 "(b) If a zoning decision of a local government is for the rezoning of property and the
 324 rezoning is initiated by a party other than the local government, then:

325 (1) The notice, in addition to the requirements of subsection (a) of this Code section,
 326 shall include the location of the property, the present zoning classification of the property,
 327 and the proposed zoning classification of the property; and

328 (2) A sign containing information required by local ordinance or resolution shall be
 329 placed in a conspicuous location on the property not less than 15 days nor more than 45
 330 days prior to the date of the hearing.

331 (c) If the zoning decision of a local government is for the rezoning of property and the
 332 amendment to the zoning ordinance to accomplish the rezoning is ~~defeated~~ denied by the
 333 local government, then the same property may not again be considered for rezoning until
 334 the expiration of at least six months immediately following the ~~defeat~~ denial of the
 335 rezoning by the local government or the conclusion of related judicial proceedings."

336 "(g) A local government delegating decision-making power to a quasi-judicial ~~officer~~;
 337 board; or agency shall provide for a hearing on each proposed action described in
 338 paragraph ~~(1.1)~~ (1.2) of Code Section 36-66-3. Notice of such hearing shall be provided
 339 at least ~~30~~ 15 but not more than 45 days prior to the quasi-judicial hearing, with such notice
 340 being made as provided for in subsection (a) of this Code section and with additional notice
 341 being mailed to the owner of the property that is the subject of the proposed action.

342 (h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a
 343 proposed zoning decision relates to an amendment of the zoning ordinance to revise one
 344 or more zoning classifications or definitions relating to single-family residential uses of
 345 property so as to authorize multifamily uses of property pursuant to such classification
 346 or definitions, or to grant ~~blanket~~ permission, under certain or all circumstances, for
 347 property owners to deviate from the existing zoning requirements of a single-family
 348 residential zoning, such zoning decision shall be adopted in the following manner:

349 (A) The zoning decision shall be adopted at two regular meetings of the local
 350 government making the zoning decision, during a period of ~~not less than 21~~ at least 15
 351 but not more than 45 days apart; and

352 (B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at
353 least two public hearings shall be held on the proposed action. Such public hearings
354 shall be held at least three months and not more than nine months prior to the date of
355 final action on the zoning decision. Furthermore, at least one of the public hearings
356 shall be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by
357 this paragraph shall be in addition to any hearing required under subsection (a) of this
358 Code section. The local government shall give notice of such hearing by:

359 (i) Posting notice on each affected premises in the manner prescribed by
360 subsection (b) of this Code section; provided, however, that when more than 500
361 parcels are affected, in which case posting notice is required every 500 feet in the
362 affected area; and

363 (ii) Publishing in a newspaper of general circulation within the territorial boundaries
364 of the local government a notice of each hearing at least 15 days and not more than 45
365 days prior to the date of the hearing.

366 Both the posted notice and the published notice shall include a prominent statement that
367 the proposed zoning decision relates to or will authorize multifamily uses or give ~~blanket~~
368 permission to the property owner to deviate from the zoning requirements of a
369 single-family residential zoning of property in classification previously relating to
370 single-family residential uses. The published notice shall be at least nine column inches
371 in size and shall not be located in the classified advertising section of the newspaper. The
372 notice shall state that a copy of the proposed amendment is on file in the office of the
373 clerk or the recording officer of the local government and in the office of the clerk of the
374 superior court of the county of the legal situs of the local government for the purpose of
375 examination and inspection by the public. The local government shall furnish anyone,
376 upon written request, a copy of the proposed amendment, at no cost.

377 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning
378 decisions that provide for the abolition of all single-family residential zoning

379 classifications within the territorial boundaries of a local government or zoning decisions
 380 that result in the rezoning of all property zoned for single-family residential uses within
 381 the territorial boundaries of a local government to multifamily residential uses of
 382 property.

383 (3) This subsection shall not apply to zoning decisions for the rezoning of property from
 384 a single-family residential use of property to a multifamily residential use of property
 385 when the rezoning is initiated by the owner or authorized agent of the owner of such
 386 property or when the local government adopts a zoning ordinance or zoning map
 387 applicable to the entire land area under the governance of the local government, as
 388 opposed to a subset of parcels of land under the governance of the local government."

389

SECTION 2-6.

390 Said chapter is further amended by revising subsections (b.1) and (c) of Code
 391 Section 36-66-5, relating to adoption of hearing policies and procedures and standards for
 392 exercise of zoning power, as follows:

393 "(b.1) In addition to policies and procedures required by subsection (a) of this Code
 394 section, each local government providing for a quasi-judicial ~~officer's, board's, board's~~ or
 395 agency's grant, denial, or review of a quasi-judicial matter ~~may~~ shall adopt specific
 396 standards and criteria governing the exercise of such quasi-judicial decision-making
 397 authority, and such standards shall include the factors by which the local government
 398 directs the evaluation of a quasi-judicial matter. Such standards shall be printed and copies
 399 thereof made available for distribution to the general public.

400 (c) The policies and procedures required by subsection (a) of this Code section and the
 401 adoption of standards required by ~~subsection~~ subsections (b) and ~~permitted by subsection~~
 402 (b.1) of this Code section shall be included in and adopted as part of the zoning ordinance.
 403 Prior to the adoption of any zoning ordinance enacted on or after July 1, 2022, a local
 404 government shall conduct a public hearing on a proposed action which may be advertised

405 and held concurrent with the hearing required by subsection (a) of Code Section 36-66-4
406 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code Section
407 36-66-4 relating to notices of public hearings for the purposes of that subsection shall also
408 apply to public hearings required by this subsection."

409 **SECTION 2-7.**

410 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code
411 Section 36-66-5.1, relating to judicial review and procedures, as follows:

412 "(2) Quasi-judicial decisions as described in this chapter ~~and zoning decisions under~~
413 ~~subparagraph (E) of paragraph (4) of Code Section 36-66-3~~ shall be subject to appellate
414 review by the superior court pursuant to its appellate jurisdiction from a lower judicatory
415 body and shall be brought by way of a petition for such review as provided for in Title 5.
416 Such matters shall be reviewed on the record which shall be brought to the superior court
417 as provided in Title 5."

418 **PART III**

419 **SECTION 3-1.**

420 (a) Part I of this Act shall become effective on January 1, 2026.

421 (b) Part II of this Act shall become effective on July 1, 2025, and shall apply to all zoning
422 and quasi-judicial decisions occurring on and after such date; provided, however, that no
423 zoning or quasi-judicial decision occurring prior to December 31, 2026, shall be rendered
424 invalid or void if a local government fails to implement the provisions set out in Code
425 Section 36-66-5.1.

426 (c) Part III of this Act shall become effective on July 1, 2025.

427

SECTION 3-2.

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