

House Bill 1315

By: Representatives Carpenter of the 4th, Reeves of the 99th, Washburn of the 144th, Frye of the 122nd, and Powell of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to
2 zoning procedures, so as to provide for the maximum period of time a local government may
3 enforce certain moratoria; to prohibit reimposition of certain moratoria within a certain
4 period of time; to waive sovereign immunity on claims related to damages arising from
5 moratoria exceeding such limitations; to provide for recoverable damages and attorney's fees;
6 to provide for legislative findings; to provide a short title; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Georgia Landowners Protection Act."

11 **SECTION 2.**

12 The General Assembly finds that while temporary moratoria on zoning decisions and
13 development permits may be necessary for local planning purposes, successive or extended
14 moratoria deprive property owners of reasonable, investment backed use of their property.
15 The General Assembly further finds that the cost of home ownership is becoming

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16 unobtainable due to the high cost of building materials, elevated interest rates, and delays
17 caused by local governments, which make it difficult for small builders to withstand
18 extended approval processes and to afford to build. Nearly 30 percent of the cost associated
19 with building a home is attributable to government delays and regulations. By removing
20 excessive and intentional delays created by local governments, the State of Georgia can help
21 drive down the cost of construction and make the dream of home ownership more obtainable
22 for working Georgians.

23

SECTION 3.

24 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
25 procedures, is amended in Code Section 36-66-4, relating to hearings on proposed zoning
26 decisions, notice of hearing, nongovernmental initiated actions, reconsideration of defeated
27 actions, and procedure on zoning, by adding new subsections to read as follows:

28 "(i)(1) A temporary moratorium on one or more types of zoning decisions shall not
29 exceed 180 days in duration. No zoning moratorium shall be renewed or reimposed
30 within 365 days of the expiration of a prior zoning moratorium of the same type.

31 (2) A temporary moratorium on the acceptance, processing, or approval of permits for
32 commercially or residentially zoned property shall not exceed 180 days in duration.

33 (3) No zoning or permitting moratorium shall be enacted unless at least 30 days public
34 notice is provided prior to the vote on adoption. Such notice shall be published in the
35 county legal organ and on the official website of the local government.

36 (4) The limitations in this subsection shall not apply to moratoria adopted as a necessary
37 response to a declared state of emergency, a natural disaster, or conditions posing an
38 imminent threat to public health or safety.

39 (j)(1) The sovereign immunity of any county, municipality, or other local governing
40 authority is hereby waived for actions brought by a property owner whose property

41 suffers a diminution in value as a result of a zoning or permitting moratorium that extends
42 beyond 180 days.

43 (2) A property owner who suffers damages as provided for in paragraph (1) of this
44 subsection may bring an action in the superior court to recover such damages. Such
45 recoverable damages shall include, but not be limited to:

46 (A) Loss in development value;

47 (B) Carrying costs incurred during the moratorium period, including financing costs,
48 interest, and maintenance expenses; and

49 (C) Elevated ad valorem taxes paid on property taxed at a higher rate while the
50 property is unable to be used due to the moratorium.

51 (3) The court may award reasonable attorney's fees and costs to a prevailing property
52 owner bringing a suit pursuant to this subsection."

53 **SECTION 4.**

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