

The Senate Committee on State and Local Governmental Operations – General offered the following substitute to SB 447:

MOOT

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to
2 control of soil erosion and sedimentation, so as to revise provisions regarding denial or
3 nonacceptance of permits; to require local issuing authorities to provide rejected permit
4 applicants with a written list of reasons for denial within specified time frames; to provide
5 for refunding of fees and waiver of sovereign immunity in certain circumstances; to toll such
6 timing requirements in certain circumstances; to amend Chapter 60 of Title 36 of the Official
7 Code of Georgia Annotated, relating to provisions applicable to counties and municipal
8 corporations, so as to provide general provisions for counties and municipalities regarding
9 the acceptance, denial, or nonacceptance of certain permits; to require unambiguous criteria
10 for approval of permits; to require completed applications; to require local issuing authorities
11 to provide rejected permit applicants with a written list of reasons for denial within specified
12 time frames; to provide for refunding of fees and waiver of sovereign immunity in certain
13 circumstances; to toll such timing requirements in certain circumstances; to provide for
14 exceptions; to provide for access to real-time status information relative to building permit
15 application status; to provide definitions; to provide for related matters; to repeal conflicting
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

18

19 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil
20 erosion and sedimentation, is amended by revising Code Section 12-7-9, relating to
21 applications for permits, erosion and sediment control plans and data, and time for issuance
22 or denial, as follows:

23 "12-7-9.

24 (a) ~~Completed applications~~ Applications for permits shall be submitted in accordance with
25 this chapter and the rules and regulations, ordinances, and resolutions adopted pursuant to
26 this chapter. The local issuing authority shall specify in clear and unambiguous language
27 the criteria for approval of permits pursuant to this chapter. Such applications shall be
28 accompanied by the applicant's erosion and sediment control plans and by such supportive
29 data as will affirmatively demonstrate that the land-disturbing activity proposed will be
30 carried out in such a manner that the minimum requirements set forth in Code
31 Section 12-7-6 shall be met. All applications shall contain a certification stating that the
32 plan preparer or ~~the designee thereof~~ his or her designee visited the site prior to creation
33 of the plan or that such a visit was not required in accordance with rules and regulations
34 established by the board.

35 (b) No permit shall be issued to any applicant unless the local issuing authority
36 affirmatively determines that the plan embracing such activities meets the requirements of
37 Code Section 12-7-6. All applicable fees shall be paid prior to issuance of the land
38 disturbance permit by the local issuing authority.

39 (c) Permits shall be issued or denied as soon as practicable after the application ~~therefor~~
40 for such permit has been filed with the local issuing authority, but in any event not later
41 than 45 days ~~thereafter~~ after such filing. In the event that a permit has been denied or
42 deemed not accepted and the applicant thereafter resubmits the application in modified
43 form to address deficiencies identified in the stated reasons for denial or nonacceptance
44 pursuant to subsection (a) of Code Section 12-7-11, then the local issuing authority shall

45 cause the permit to be issued or denied as soon as practicable after such resubmission, but
46 in any event not later than 14 days after such resubmission.

47 (d) If a local issuing authority requires compliance with additional regulatory items by the
48 applicant beyond erosion and sediment control, including, but not limited to, storm-water
49 management or utility approvals, all such requirements shall be subject to the review time
50 frames imposed in subsection (c) of this Code section.

51 (e) If a local issuing authority is required to utilize a state agency to conduct a portion of
52 its plan or permit review pursuant to this chapter, the local issuing authority shall provide
53 to the applicant a list of such items that require external review. The review time frames
54 imposed in subsection (c) of this Code section shall be tolled while such reviews are being
55 conducted by a state agency."

56 **SECTION 2.**

57 Said chapter is further amended by revising Code Section 12-7-11, relating to statement of
58 reasons for denial of permit required, conditions for approval, and suspension, revocation,
59 or modification of permit, as follows:

60 "12-7-11.

61 (a) Within the time frames specified by Code Section 12-7-9, the local issuing authority
62 shall issue or deny the permit. In the event that such authority does not issue or deny a
63 permit within the provided time frame, the local issuing authority shall refund all fees
64 collected in association with the applicant's permit application and such authority may be
65 subject to damages, including, but not limited to, attorney's fees and costs, incurred by the
66 applicant resulting from the failure to issue or deny a permit within the provided time
67 frame. The General Assembly waives the sovereign immunity of local issuing authorities
68 to the fullest extent necessary to effectuate this Code section. The local issuing authority,
69 upon denial of a permit, shall state its reasons for the denial, setting forth specifically
70 wherein where such application is found to be deficient. No local issuing authority shall

71 deny or deem not accepted a permit for any reason that is not an authorized reason for
72 denial or nonacceptance under local, state, or federal law with which the application or
73 plans do not comply. Concurrently with denial or nonacceptance, the local issuing
74 authority shall provide to the applicant a written list of the reasons for such denial or
75 nonacceptance and sufficient information and documentation supporting each such reason.
76 Should the applicant make material additions to the resubmitted application that are
77 unrelated to the cited reasons for the denial or nonacceptance of the original application,
78 the local issuing authority shall also address such additions in reviewing the resubmitted
79 application. Material additions to any resubmitted application or to any application which
80 the local issuing authority has notified the applicant is incomplete shall be deemed new
81 applications subject to the review timeline provided for in subsection (c) of Code Section
82 12-7-9; provided, however, that nonmaterial additions or determinations of incompleteness
83 shall not be conflated by the local issuing authority to reset such timelines. Any
84 land-disturbing activity permitted under this chapter shall be carried out in accordance with
85 this chapter and the ordinance, resolution, or rules and regulations adopted and
86 promulgated pursuant to this chapter. The local issuing authority shall specify on the
87 permit the conditions under which the activity may be undertaken.

88 (b) The permit may be suspended, revoked, or modified by the local issuing authority, as
89 to all or any portion of the land affected by the plan, upon a finding that the holder or his
90 or her successor in title is not in compliance with the approved erosion and sediment
91 control plan or that the holder or his or her successor in title is in violation of this chapter
92 or any ordinance, resolution, rule, or regulation adopted or promulgated pursuant to this
93 chapter. A holder of a permit shall notify any successor in title to him or her as to all or
94 any portion of the land affected by the approved plan of the conditions contained in the
95 permit."

96

SECTION 3.

97 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
98 applicable to counties and municipal corporations, is amended by adding new Code sections
99 to read as follows:

100 "36-60-34.

101 (a) As used in this Code section, the term:

102 (1) 'Applicant' means any person, entity, or organization submitting a permit application
103 for review or approval by a county or municipality.

104 (2) 'Local issuing authority' means the appropriate office or official with a county or
105 municipal government charged with accepting, reviewing, and approving or denying
106 permit applications.

107 (3) 'Permit' means any license, permit, or other official governmental approval of the
108 development of real property issued by a county or municipality pursuant to ordinances
109 and resolutions enacting subdivision regulations, environmental ordinances and
110 resolutions, state minimum standard codes provided for in Code Section 8-2-25, the
111 Georgia State Fire Code provided for in Code Section 25-2-13, or other ordinances and
112 resolutions regulating the development of real property.

113 (b) Unless otherwise provided by federal or general state law:

114 (1) Counties and municipalities shall specify in clear and unambiguous language the
115 criteria for approval of permits;

116 (2) All applications for a permit shall be submitted to the appropriate local issuing
117 authority as a complete application in accordance with the laws, rules, regulations,
118 ordinances, or resolutions related to such permitting process; and

119 (3) Permits shall be issued or denied by a county or municipality as soon as practicable
120 after the application for such permit has been filed, but in any event not later than 45 days
121 after such filing. In the event that a permit has been denied or deemed not accepted and
122 the applicant thereafter resubmits the application in modified form to address deficiencies

123 identified in the stated reasons for denial or nonacceptance such authority shall cause the
124 permit to be issued or denied as soon as practicable after such resubmission, but in any
125 event not later than 14 days after such resubmission.

126 (c) Within the time frames specified by paragraph (3) of subsection (b) of this Code
127 section, the local issuing authority shall issue or deny the permit. In the event that such
128 authority does not issue or deny a permit within the provided time frame, the local issuing
129 authority shall refund all fees collected in association with the applicant's permit
130 application and such authority may be subject to damages, including, but not limited to,
131 attorney's fees and costs, incurred by the applicant resulting from the failure to issue or
132 deny a permit within the provided time frame. The General Assembly waives the
133 sovereign immunity of local issuing authorities to the fullest extent necessary to effectuate
134 this Code section. The local issuing authority, upon denial of a permit, shall state its
135 reasons for the denial, setting forth specifically where such application is found to be
136 deficient. No local issuing authority shall deny or deem not accepted a permit for any
137 reason that is not an authorized reason for denial or nonacceptance under local, state, or
138 federal law with which the application or plans do not comply. Concurrently with denial
139 or nonacceptance, the local issuing authority shall provide to the applicant a written list of
140 the reasons for such denial or nonacceptance and sufficient information and documentation
141 supporting each such reason. Should the applicant make material additions to the
142 resubmitted application that are unrelated to the cited reasons for the denial or
143 nonacceptance of the original application, the local issuing authority shall also address such
144 additions in reviewing the resubmitted application.

145 (d) The provisions of this Code section shall not apply to any permit application where
146 general law provides a specific process and time frame for the acceptance, review,
147 approval, or denial of a specific permit. In the event of a conflict between this Code
148 section and another provisions of general law related to the acceptance, review, approval,
149 or denial of a permit application, the more specific provision shall govern.

150 (e) If a local issuing authority is required to utilize a state agency to conduct a portion of
151 its plan or permit review that is subject to this Code section, the local issuing authority shall
152 provide to the applicant a list of such items that require external review. The review time
153 frames imposed in subsection (b) of this Code section shall be tolled while such reviews
154 are being conducted by a state agency.

155 36-60-35

156 (a) As used in this Code section, the term:

157 (1) 'Building permit' means any permit, approval, or authorization issued by a county or
158 municipal government relating to the construction, alteration, expansion, demolition, or
159 substantial renovation of a structure. For purposes of this section, land disturbance
160 permits are included.

161 (2) 'Local government' means a county, municipality, or consolidated government that
162 issued more than 250 building permits in the preceding calendar year.

163 (3) 'Real time' means updated contemporaneously with, or within one business day of
164 any change in the status of a building permit.

165 (4) 'Status' means the current stage of review or action on a building permit application.

166 (b) Beginning January 1, 2027, each local government shall maintain a publicly accessible
167 website or application that provides real-time status information for all building permits for
168 which an application has been submitted.

169 (c) The website required by subsection (b) of this Code section shall, at a minimum,
170 display the following information for each building permit:

171 (1) Permit application number;

172 (2) Date of application submission;

173 (3) Property address or parcel identification number;

174 (4) Type of permit applied for;

175 (5) Current status of the permit, including, but not limited to:

- 176 (A) 'Submitted';
177 (B) 'Under review';
178 (C) 'Incomplete' or 'additional information required';
179 (D) 'Approved';
180 (E) 'Issued';
181 (F) 'Suspended';
182 (G) 'Denied'; or
183 (H) 'Closed';
184 (6) Date of the most recent status update;
185 (7) Any failures to meet deadlines for approval or denial set by state or local law;
186 (8) The statutory basis for any denials; and
187 (9) Identification of the reviewing department or office.
188 (d) The permit status information required by subsection (c) of this Code section shall be:
189 (1) Searchable by permit number, property address, or parcel identification number;
190 (2) Available to the public without charge, registration, or login; and
191 (3) Presented in a format that is continuously accessible and reasonably usable by the
192 general public.
193 (e) Local governments shall ensure that permit status information is accurate and updated
194 in real time. A local government may satisfy the requirements of this Code section by
195 providing a direct public link to a third-party permitting or records management system,
196 provided such system displays the information required by subsection (c) of this Code
197 section.
198 (f) This Code section shall not require the disclosure of:
199 (1) Information protected from public disclosure under state or federal law; or
200 (2) Personal identifying information of permit applicants beyond what is otherwise
201 publicly available under state law.

202 (g) Nothing in this Code section shall be construed to alter substantive permitting
203 standards, review timelines, or appeal rights otherwise provided by law."

204

SECTION 4.

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