

Senate Bill 447

By: Senators Dixon of the 45th, Still of the 48th, Anavitarte of the 31st, Goodman of the 8th, Echols of the 49th and others

**AS PASSED SENATE**

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

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 447

17

**SECTION 1.**

18 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil  
19 erosion and sedimentation, is amended in Code Section 12-7-3, relating to definitions, by  
20 adding a new paragraph to read as follows:

21 "(3.1) 'Completed application' means a submitted plan, application, or request for  
22 inspection that contains all information and supporting documentation required by the  
23 local issuing authority in making its determination as to whether the plan, application, or  
24 request is in compliance with regulatory requirements."

25

**SECTION 2.**

26 Said chapter is further amended by revising Code Section 12-7-9, relating to applications for  
27 permits, erosion and sediment control plans and data, and time for issuance or denial, as  
28 follows:

29 "12-7-9.

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

41 (b) No permit shall be issued to any applicant unless the local issuing authority  
42 affirmatively determines that the plan embracing such activities meets the requirements of

43 Code Section 12-7-6. All applicable fees shall be paid prior to issuance of the land  
44 disturbance permit by the local issuing authority.

45 (c) Permits shall be issued or denied as soon as practicable after the application ~~therefor~~  
46 for such permit has been filed with the local issuing authority, but in any event not later  
47 than 45 days ~~thereafter~~ after such filing. In the event that a permit has been denied or  
48 deemed not accepted and the applicant thereafter resubmits the application in modified  
49 form to address deficiencies identified in the stated reasons for denial or nonacceptance  
50 pursuant to subsection (a) of Code Section 12-7-11, then the local issuing authority shall  
51 cause the permit to be issued or denied as soon as practicable after such resubmission, but  
52 in any event not later than 14 days after such resubmission.

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

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

62 **SECTION 3.**

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

66 "12-7-11.

67 (a) Within the time frames specified by Code Section 12-7-9, the local issuing authority  
68 shall issue or deny the permit. In the event that such authority does not issue or deny a

69 permit within the provided time frame, such permit shall be deemed approved and the local  
70 issuing authority shall refund all fees collected in association with the applicant's permit  
71 application. The local issuing authority, upon denial of a permit, shall state its reasons for  
72 the denial, setting forth specifically ~~wherein~~ where such application is found to be  
73 deficient. No local issuing authority shall deny or deem not accepted a permit for any  
74 reason that is not an authorized reason for denial or nonacceptance under local, state, or  
75 federal law with which the application or plans do not comply. Concurrently with denial  
76 or nonacceptance, the local issuing authority shall provide to the applicant a written list of  
77 the reasons for such denial or nonacceptance and sufficient information and documentation  
78 supporting each such reason. Should the applicant make material additions to the  
79 resubmitted application that are unrelated to the cited reasons for the denial or  
80 nonacceptance of the original application, the local issuing authority shall also address such  
81 additions in reviewing the resubmitted application. Material additions to any resubmitted  
82 application or to any application which the local issuing authority has notified the applicant  
83 is incomplete shall be deemed new applications subject to the review timeline provided for  
84 in subsection (c) of Code Section 12-7-9; provided, however, that nonmaterial additions  
85 or determinations of incompleteness shall not be conflated by the local issuing authority  
86 to reset such timelines. Any land-disturbing activity permitted under this chapter shall be  
87 carried out in accordance with this chapter and the ordinance, resolution, or rules and  
88 regulations adopted and promulgated pursuant to this chapter. The local issuing authority  
89 shall specify on the permit the conditions under which the activity may be undertaken.

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

96 any portion of the land affected by the approved plan of the conditions contained in the  
97 permit."

98 **SECTION 4.**

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

102 "36-60-34.

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

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

106 (2) 'Completed application' means a submitted plan, application, or request for inspection  
107 that contains all information and supporting documentation required by the local issuing  
108 authority in making its determination as to whether the plan, application, or request is in  
109 compliance with regulatory requirements.

110 (3) 'Local issuing authority' means the appropriate office or official with a county or  
111 municipal government charged with accepting, reviewing, and approving or denying  
112 permit applications.

113 (4) 'Permit' means any license, permit, or other official governmental approval of the  
114 development of real property issued by a county or municipality pursuant to ordinances  
115 and resolutions enacting subdivision regulations, environmental ordinances and  
116 resolutions, state minimum standard codes provided for in Code Section 8-2-25, the  
117 Georgia State Fire Code provided for in Code Section 25-2-13, or other ordinances and  
118 resolutions regulating the development of real property.

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

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

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

125 (3) Permits shall be issued or denied by a county or municipality as soon as practicable  
126 after the application for such permit has been filed, but in any event not later than 45 days  
127 after such filing. In the event that a permit has been denied or deemed not accepted and  
128 the applicant thereafter resubmits the application in modified form to address deficiencies  
129 identified in the stated reasons for denial or nonacceptance such authority shall cause the  
130 permit to be issued or denied as soon as practicable after such resubmission, but in any  
131 event not later than 14 days after such resubmission.

132 (c) Within the time frames specified by paragraph (3) of subsection (b) of this Code  
133 section, the local issuing authority shall issue or deny the permit. In the event that such  
134 authority does not issue or deny a permit within the provided time frame, such permit shall  
135 be deemed approved and the local issuing authority shall refund all fees collected in  
136 association with the applicant's permit application. The local issuing authority, upon denial  
137 of a permit, shall state its reasons for the denial, setting forth specifically where such  
138 application is found to be deficient. No local issuing authority shall deny or deem not  
139 accepted a permit for any reason that is not an authorized reason for denial or  
140 nonacceptance under local, state, or federal law with which the application or plans do not  
141 comply. Concurrently with denial or nonacceptance, the local issuing authority shall  
142 provide to the applicant a written list of the reasons for such denial or nonacceptance and  
143 sufficient information and documentation supporting each such reason. Should the  
144 applicant make material additions to the resubmitted application that are unrelated to the  
145 cited reasons for the denial or nonacceptance of the original application, the local issuing  
146 authority shall also address such additions in reviewing the resubmitted application.

147 (d) The provisions of this Code section shall not apply to any permit application where  
148 general law provides a specific process and time frame for the acceptance, review,

149 approval, or denial of a specific permit. In the event of a conflict between this Code  
150 section and another provisions of general law related to the acceptance, review, approval,  
151 or denial of a permit application, the more specific provision shall govern.

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

157 36-60-35

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

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

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

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

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

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

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

173 (1) Permit application number;

174 (2) Date of application submission;

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

202 (2) Personal identifying information of permit applicants beyond what is otherwise  
203 publicly available under state law.  
204 (g) Nothing in this Code section shall be construed to alter substantive permitting  
205 standards, review timelines, or appeal rights otherwise provided by law."

206

**SECTION 5.**

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