

House Bill 1509

By: Representatives Holly of the 116th, Sanchez of the 42nd, Santos of the 117th, and Berry of the 56th

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 applicable to counties and municipal corporations, so as to require local
3 governments that have adopted zoning ordinances to require special use permits for the
4 operation of immigration detention centers; to provide for definitions; to provide for related
5 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
10 procedures applicable to counties and municipal corporations, is amended by adding a new
11 Code section to read as follows:

12 "36-66-8.

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

14 (1) 'Detainee' means a noncitizen who is held in an immigration detention center pending
15 immigration proceedings or removal from the United States under the authority of the

16 United States Department of Homeland Security, United States Immigration and Customs
17 Enforcement, or any other department or agency of the federal government.

18 (2) 'Immigration detention center' means any facility located in this state that holds
19 detainees, including private facilities contracted by the federal government to hold such
20 detainees.

21 (3) 'Permit' means a written governmental permission issued by an authorized official,
22 empowering the holder thereof to do some act not forbidden by law but not allowed
23 without such authorization.

24 (4) 'Special use' means a use being permitted if it meets stated conditions and is approved
25 as provided for in a local government's zoning ordinance.

26 (b) Notwithstanding any other provision of this chapter, a local government that has
27 adopted a zoning ordinance pursuant to this chapter shall not adopt or enforce any zoning
28 decision or zoning ordinance that does not require the issuance of a special use permit for:

29 (1) The operation or development of a detention center upon any real property within the
30 territorial boundaries of such local government; or

31 (2) The transfer of any real property within the territorial boundaries of such local
32 government to the federal government for the operation of a detention center."

33 **SECTION 2.**

34 This Act shall become effective on July 1, 2026, and shall apply to all zoning decisions
35 occurring on and after such date.

36 **SECTION 3.**

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