

The Senate Committee on State and Local Governmental Operations - General offered the following substitute to HB 309:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 8, Title 12, and Title 36 of the Official Code of Georgia Annotated, relating
2 to buildings and housing, conservation and natural resources, and local government,
3 respectively, so as to revise provisions related to inspections submitted by private
4 professional providers; to revise provisions regarding denial or nonacceptance of permits;
5 to require local issuing authorities to provide rejected permit applicants with a written list of
6 reasons for denial within specified time frames; to provide for refunding of fees; to provide
7 for mandamus; to toll such timing requirements in certain circumstances; to provide
8 exceptions; to require adoption of a resolution or ordinance and voter approval prior to
9 abolishment of a police force that was created by such method; to provide for a referendum;
10 to provide general provisions for counties and municipalities regarding the acceptance,
11 denial, or nonacceptance of certain permits; to require unambiguous criteria for approval of
12 permits; to require completed applications; to require local issuing authorities to provide
13 rejected permit applicants with a written list of reasons for denial within specified time
14 frames; to provide for refunding of fees; to provide for exceptions; to provide for access to
15 real-time status information relative to building permit application status; to provide that
16 local moratoria shall not apply to certain properties in certain circumstances; to provide for
17 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19

SECTION 1.

20 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
21 amended in Chapter 2, relating to standards and requirements for construction and alteration
22 of buildings and other structures, by revising paragraph (14) of subsection (g) of Code
23 Section 8-2-26, relating to local enforcement, inspectors, and building permits, as follows:

24 ~~"(14) Upon submission by the private professional provider of a copy of his or her an~~
25 ~~approved inspection report to the local governing authority, said local governing authority~~
26 ~~shall be required to accept the inspection of the private professional provider without the~~
27 ~~necessity of further inspection or approval by the inspectors or other personnel employed~~
28 ~~by the local governing authority unless said governing authority has notified the private~~
29 ~~professional provider, within two~~ such inspection shall be deemed approved as a matter
30 of law. The local governing authority shall have two business days after the submission
31 of the inspection report, ~~that it finds the report incomplete or the inspection inadequate~~
32 ~~and has provided the private professional provider to notify the private professional~~
33 provider of any deficiencies in such inspection report with a written description of the
34 such deficiencies and specific regulatory requirements that have not been adequately
35 addressed. The private professional provider shall submit a corrected inspection report
36 after receiving notice from the local governing authority of deficiencies in such
37 inspection report, but in no event shall any deficiency in an inspection report or a
38 correction to such report prevent the completion of work that has been approved by the
39 private professional provider or otherwise delay the progress of the project related to the
40 private professional provider's inspection."

41

SECTION 2.

42 Title 12 of the Official Code of Georgia Annotated, relating conservation and natural
43 resources, is amended in Chapter 7, relating to control of soil erosion and sedimentation, by

44 revising paragraph (10.3) of and adding new paragraphs to Code Section 12-7-3, relating to
45 definitions, to read as follows:

46 "(3.1) 'Completed application' means a submitted plan, application, or request for
47 inspection that contains all information and supporting documentation required by the
48 local issuing authority in making its determination as to whether the plan, application, or
49 request is in compliance with regulatory requirements."

50 "(10.3) 'Material addition' means anything added to a resubmitted application that is not
51 directly related to a comment or request of the local issuing authority.

52 (10.4) 'Operator' means the party or parties that have:

53 (A) Operational control of construction project plans and specifications, including the
54 ability to make modifications to those plans and specifications; or

55 (B) Day-to-day operational control of those activities that are necessary to ensure
56 compliance with a storm-water pollution prevention plan for the site or other permit
57 conditions, such as a person authorized to direct workers at a site to carry out activities
58 required by the storm-water pollution prevention plan or to comply with other permit
59 conditions."

60

SECTION 3.

61 Said title is further amended in said chapter by revising Code Section 12-7-9, relating to
62 applications for permits, erosion and sediment control plans and data, and time for issuance
63 or denial, as follows:

64 "12-7-9.

65 (a) ~~Completed applications~~ Applications for permits shall be submitted in accordance with
66 this chapter and the rules and regulations, ordinances, and resolutions adopted pursuant to
67 this chapter. The local issuing authority shall specify in clear and unambiguous language
68 the criteria for approval of permits pursuant to this chapter. Such applications shall be
69 accompanied by the applicant's erosion and sediment control plans and by such supportive

70 data as will affirmatively demonstrate that the land-disturbing activity proposed will be
71 carried out in such a manner that the minimum requirements set forth in Code
72 Section 12-7-6 shall be met. All applications shall contain a certification stating that the
73 plan preparer or ~~the designee thereof~~ his or her designee visited the site prior to creation
74 of the plan or that such a visit was not required in accordance with rules and regulations
75 established by the board.

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

80 (c) Permits shall be issued or denied as soon as practicable after the application ~~therefor~~
81 for such permit has been filed with the local issuing authority, but in any event not later
82 than 45 days ~~thereafter~~ after such filing. During the first five days after filing of the
83 application, the local issuing authority shall determine whether the application is complete
84 and whether external review will be required pursuant to subsection (e) of this Code
85 section, in which event the local issuing authority shall notify the external reviewer of the
86 filing of the application. If after such five-day period the local issuing authority fails to
87 provide notice to the applicant that the application is incomplete, the application shall be
88 deemed complete. In the event that a permit has been denied or deemed not accepted and
89 the applicant thereafter resubmits the application in modified form to address deficiencies
90 identified in the stated reasons for denial or nonacceptance pursuant to subsection (a) of
91 Code Section 12-7-11, then the local issuing authority shall cause the permit to be issued
92 or denied as soon as practicable after such resubmission, but in any event not later than:

93 (1) Twenty days after the first resubmission by the applicant; or

94 (2) Fourteen days after any subsequent resubmission by the applicant;

95 provided, however, that, for any review by the local issuing authority following a
96 resubmission by the applicant, the local issuing authority may not issue any comments on

97 aspects of the application that are not related to its initial comments on such application or
98 any changes made in a resubmission of the application. The provisions of this subsection
99 shall not apply to any development of regional impact, as determined by the Department
100 of Community Affairs pursuant to Article 1 of Chapter 8 of Title 50.

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

106 (e) If a local issuing authority is required to utilize a state or federal agency, local
107 government other than the local issuing authority, or utility provider to conduct a portion
108 of its plan or permit review pursuant to this chapter, the local issuing authority shall
109 provide to the applicant a list of such items that require external review. The review time
110 frames imposed in subsection (c) of this Code section shall be tolled while such reviews
111 are being conducted by a state or federal agency."

112 **SECTION 4.**

113 Said title is further amended in said chapter by revising Code Section 12-7-11, relating to
114 statement of reasons for denial of permit required, conditions for approval, and suspension,
115 revocation, or modification of permit, as follows:

116 "12-7-11.

117 (a) Within the time frames specified by Code Section 12-7-9, the local issuing authority
118 shall issue or deny the permit. In the event that such authority does not issue or deny a
119 permit within the provided time frame, the local issuing authority shall refund all fees
120 collected in association with the applicant's permit application. The local issuing authority,
121 upon denial of a permit, shall state its reasons for the denial, setting forth specifically
122 wherein where such application is found to be deficient. No local issuing authority shall

123 deny or deem not accepted a permit for any reason that is not an authorized reason for
124 denial or nonacceptance under local, state, or federal law with which the application or
125 plans do not comply. Concurrently with denial or nonacceptance, the local issuing
126 authority shall provide to the applicant a written list of the reasons for such denial or
127 nonacceptance and sufficient information and documentation supporting each such reason.
128 Should the applicant make material additions to the resubmitted application that are
129 unrelated to the cited reasons for the denial or nonacceptance of the original application,
130 the local issuing authority shall also address such additions in reviewing the resubmitted
131 application. Material additions to any resubmitted application or to any application which
132 the local issuing authority has notified the applicant is incomplete shall be deemed new
133 applications subject to the review timeline provided for in subsection (c) of Code
134 Section 12-7-9. Any land-disturbing activity permitted under this chapter shall be carried
135 out in accordance with this chapter and the ordinance, resolution, or rules and regulations
136 adopted and promulgated pursuant to this chapter. The local issuing authority shall specify
137 on the permit the conditions under which the activity may be undertaken.

138 (b) The permit may be suspended, revoked, or modified by the local issuing authority, as
139 to all or any portion of the land affected by the plan, upon a finding that the holder or his
140 or her successor in title is not in compliance with the approved erosion and sediment
141 control plan or that the holder or his or her successor in title is in violation of this chapter
142 or any ordinance, resolution, rule, or regulation adopted or promulgated pursuant to this
143 chapter. A holder of a permit shall notify any successor in title to him or her as to all or
144 any portion of the land affected by the approved plan of the conditions contained in the
145 permit.

146 (c) An applicant aggrieved by a local issuing authority's failure to comply with any
147 requirement of this Code section may petition the superior court for mandamus relief, and
148 such petition shall receive priority on such court's docket."

149

SECTION 5.

150 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
151 in Chapter 8, relating to county police, by revising Code Section 36-8-2, relating to terms of
152 office, removal, and authority to abolish county police force, as follows:

153 "36-8-2.

154 (a) Except as otherwise provided in subsection (b) of this Code section, the ~~The~~ terms
155 for which county police shall be elected or appointed shall be left to the discretion of the
156 county governing authority. Such county police or any member thereof may be removed
157 from office at any time, at the will of the county governing authority, with or without
158 cause. A resolution or ordinance authorizing the creation of a county police force adopted
159 by a county governing authority and approved by the qualified electors of the county in a
160 special election as provided in subsection (b) of Code Section 36-8-1 shall not affect the
161 power of the county governing authority to abolish a county police force at any time.

162 (b)(1) A county police force created pursuant to subsection (b) of Code Section 36-8-1
163 shall be abolished only by adoption of a resolution or ordinance by a county governing
164 authority and with approval by the qualified electors of such county pursuant to this
165 subsection.

166 (2) Any county governing authority seeking to abolish a police force created pursuant
167 to subsection (b) of Code Section 36-8-1 may authorize, through proper resolution or
168 ordinance, the abolishment of such county police force. No resolution or ordinance
169 adopted pursuant to this paragraph shall become effective until the governing authority
170 of the county has submitted to the qualified electors of the county the question of whether
171 the resolution or ordinance shall be approved or rejected. The county governing authority
172 shall establish the date of the election in compliance with Code Section 21-2-540, which
173 shall be not less than 30 days after the call of the election, and shall notify the county
174 election superintendent of its decision as to the date. The election superintendent shall
175 issue the call for the election and shall specify that the election shall be held on the date

176 determined by the county governing authority. The election superintendent shall cause
 177 the date and purpose of the election to be published once a week for two weeks
 178 immediately preceding the date thereof in the official organ of the county. The ballot
 179 shall have written or printed thereon the following:

180 '() YES Shall the resolution or ordinance adopted by the governing authority
 181 () NO of (Name of County) to abolish the county police force be approved?'

182 (3) Those persons desiring to vote in favor of the abolishment of the county police force
 183 shall vote 'Yes,' and those persons opposed to the abolishment of the county police force
 184 shall vote 'No.' If more than one-half of the votes cast on the question are in favor of the
 185 abolishment of the county police force, then the county governing authority shall be
 186 authorized to abolish the county police force pursuant to the provisions of this chapter;
 187 otherwise, the county police force shall not be abolished. If the resolution or ordinance
 188 is rejected by the qualified electors, the question of the abolishment of the county police
 189 force may not again be submitted to the voters of the county within 48 months
 190 immediately following the month in which such election was held. The county election
 191 superintendent shall hold and conduct the election under the same rules and regulations
 192 as govern special elections, except as otherwise provided in paragraph (2) of this
 193 subsection. He or she shall canvass the returns and declare and certify the result of the
 194 election to the Secretary of State. The expense of any such election shall be borne by the
 195 county wherein the election was held."

196 **SECTION 6.**

197 Said title is further amended in Chapter 60, relating to general provisions applicable to
 198 counties and municipal corporations, by adding a new Code section to read as follows:

199 "36-60-34.

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

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

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

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

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

210 (b) Beginning January 1, 2028, each local government shall maintain a publicly accessible
211 website or application that provides real-time status information for all building permits for
212 which an application has been submitted.

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

215 (1) Permit application number;

216 (2) Date of application submission;

217 (3) Property address or parcel identification number;

218 (4) Type of permit applied for;

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

220 (A) 'Submitted';

221 (B) 'Under review';

222 (C) 'Incomplete' or 'additional information required';

223 (D) 'Approved';

224 (E) 'Issued';

225 (F) 'Suspended';

226 (G) 'Denied'; or

227 (H) 'Closed';

- 228 (6) Date of the most recent status update;
229 (7) Any failures to meet deadlines for approval or denial set by state or local law;
230 (8) The statutory basis for any denials; and
231 (9) Identification of the reviewing department or office.
- 232 (d) The permit status information required by subsection (c) of this Code section shall be:
233 (1) Searchable by permit number, property address, or parcel identification number;
234 (2) Available to the public without charge, registration, or login; and
235 (3) Presented in a format that is continuously accessible and reasonably usable by the
236 general public.
- 237 (e) Local governments shall ensure that permit status information is accurate and updated
238 in real time. A local government may satisfy the requirements of this Code section by
239 providing a direct public link to a third-party permitting or records management system,
240 provided such system displays the information required by subsection (c) of this Code
241 section.
- 242 (f) This Code section shall not require the disclosure of:
243 (1) Information protected from public disclosure under state or federal law; or
244 (2) Personal identifying information of permit applicants beyond what is otherwise
245 publicly available under state law.
- 246 (g) Nothing in this Code section shall be construed to alter substantive permitting
247 standards, review timelines, or appeal rights otherwise provided by law."

248 **SECTION 7.**

249 Said title is further amended in said chapter by adding a new Code section to read as follows:

250 "36-60-35.

251 (a) As used in this Code section, the term 'zoning decision' shall have the same meaning
252 as set forth in Code Section 36-66-3.

253 (b) In the event that a county or municipality adopts or enacts a temporary moratorium on
254 the issuance of one or more permits or zoning decisions, such moratorium shall not apply
255 to any property where the governing authority for such local government has given, in good
256 faith, official written approval, or confirmation for a specific development scope for such
257 property, or where such local government issued permits not related to the matters subject
258 to the moratorium for the development of such property."

259

SECTION 8.

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