

SENATE SUBSTITUTE TO HB 309**ADOPTED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 8, Title 12, Title 50, and Title 36 of the Official Code of Georgia Annotated,
2 relating 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 amend Code Section 50-14-1 of the Official Code of Georgia Annotated,
18 relating to meetings open to the public, limitation on action to contest agency action,
19 recording, notice of time and place, access to minutes, and teleconference, so as to revise a

20 provision authorizing community service boards to conduct teleconference meetings under
21 certain circumstances; to provide for related matters; to repeal conflicting laws; and for other
22 purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

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

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

44 private professional provider or otherwise delay the progress of the project related to the
45 private professional provider's inspection."

46 **SECTION 2.**

47 Title 12 of the Official Code of Georgia Annotated, relating conservation and natural
48 resources, is amended in Chapter 7, relating to control of soil erosion and sedimentation, by
49 revising paragraph (10.3) of and adding new paragraphs to Code Section 12-7-3, relating to
50 definitions, to read as follows:

51 "(3.1) 'Completed application' means a submitted plan, application, or request for
52 inspection that contains all information and supporting documentation required by the
53 local issuing authority in making its determination as to whether the plan, application, or
54 request is in compliance with regulatory requirements."

55 "(10.3) 'Material addition' means anything added to a resubmitted application that is not
56 directly related to a comment or request of the local issuing authority.

57 (10.4) 'Operator' means the party or parties that have:

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

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

65 **SECTION 3.**

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

69 "12-7-9.

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

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

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

96 Code Section 12-7-11, then the local issuing authority shall cause the permit to be issued
97 or denied as soon as practicable after such resubmission, but in any event not later than:
98 (1) Twenty days after the first resubmission by the applicant; or
99 (2) Fourteen days after any subsequent resubmission by the applicant;
100 provided, however, that, for any review by the local issuing authority following a
101 resubmission by the applicant, the local issuing authority may not issue any comments on
102 aspects of the application that are not related to its initial comments on such application or
103 any changes made in a resubmission of the application. The provisions of this subsection
104 shall not apply to any development of regional impact, as determined by the Department
105 of Community Affairs pursuant to Article 1 of Chapter 8 of Title 50.
106 (d) If a local issuing authority requires compliance with additional regulatory items by the
107 applicant beyond erosion and sediment control, including, but not limited to, storm-water
108 management or utility approvals that are subject to the approval of such local issuing
109 authority, all such requirements shall be subject to the review time frames imposed in
110 subsection (c) of this Code section.
111 (e) If a local issuing authority is required to utilize a state or federal agency, local
112 government other than the local issuing authority, or utility provider to conduct a portion
113 of its plan or permit review pursuant to this chapter, the local issuing authority shall
114 provide to the applicant a list of such items that require external review. The review time
115 frames imposed in subsection (c) of this Code section shall be tolled while such reviews
116 are being conducted by a state or federal agency."

117 **SECTION 4.**

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

121 "12-7-11.

122 (a) Within the time frames specified by Code Section 12-7-9, the local issuing authority
123 shall issue or deny the permit. In the event that such authority does not issue or deny a
124 permit within the provided time frame, the local issuing authority shall refund all fees
125 collected in association with the applicant's permit application. The local issuing authority,
126 upon denial of a permit, shall state its reasons for the denial, setting forth specifically
127 wherein where such application is found to be deficient. No local issuing authority shall
128 deny or deem not accepted a permit for any reason that is not an authorized reason for
129 denial or nonacceptance under local, state, or federal law with which the application or
130 plans do not comply. Concurrently with denial or nonacceptance, the local issuing
131 authority shall provide to the applicant a written list of the reasons for such denial or
132 nonacceptance and sufficient information and documentation supporting each such reason.
133 Should the applicant make material additions to the resubmitted application that are
134 unrelated to the cited reasons for the denial or nonacceptance of the original application,
135 the local issuing authority shall also address such additions in reviewing the resubmitted
136 application. Material additions to any resubmitted application or to any application which
137 the local issuing authority has notified the applicant is incomplete shall be deemed new
138 applications subject to the review timeline provided for in subsection (c) of Code
139 Section 12-7-9. Any land-disturbing activity permitted under this chapter shall be carried
140 out in accordance with this chapter and the ordinance, resolution, or rules and regulations
141 adopted and promulgated pursuant to this chapter. The local issuing authority shall specify
142 on the permit the conditions under which the activity may be undertaken.

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

149 any portion of the land affected by the approved plan of the conditions contained in the
150 permit.

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

154 **SECTION 5.**

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

158 "36-8-2.

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

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

171 (2) Any county governing authority seeking to abolish a police force created pursuant
172 to subsection (b) of Code Section 36-8-1 may authorize, through proper resolution or
173 ordinance, the abolishment of such county police force. No resolution or ordinance
174 adopted pursuant to this paragraph shall become effective until the governing authority

175 of the county has submitted to the qualified electors of the county the question of whether
176 the resolution or ordinance shall be approved or rejected. The county governing authority
177 shall establish the date of the election in compliance with Code Section 21-2-540, which
178 shall be not less than 30 days after the call of the election, and shall notify the county
179 election superintendent of its decision as to the date. The election superintendent shall
180 issue the call for the election and shall specify that the election shall be held on the date
181 determined by the county governing authority. The election superintendent shall cause
182 the date and purpose of the election to be published once a week for two weeks
183 immediately preceding the date thereof in the official organ of the county. The ballot
184 shall have written or printed thereon the following:

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

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

201 **SECTION 6.**

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

204 "36-60-34.

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

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

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

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

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

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

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

220 (1) Permit application number;

221 (2) Date of application submission;

222 (3) Property address or parcel identification number;

223 (4) Type of permit applied for;

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

225 (A) 'Submitted';

226 (B) 'Under review';

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

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

253 **SECTION 7.**

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

255 "36-60-35.

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

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

264 **SECTION 8.**

265 Code Section 50-14-1 of the Official Code of Georgia Annotated, relating to meetings open
266 to the public, limitation on action to contest agency action, recording, notice of time and
267 place, access to minutes, and teleconference, is amended by revising subparagraph (A) of
268 paragraph (1) of subsection (h) as follows:

269 "(h)(1) The following bodies and committees thereof shall be authorized to conduct
270 meetings by teleconference, provided that any such meeting shall be considered to be
271 conducted in compliance with this chapter so long as the notice required by this chapter
272 is provided and, if fewer than a quorum of the members of a body or committee thereof
273 are physically present, means have been afforded for the public to have simultaneous
274 access to the teleconference meeting:

275 (A) ~~Development~~ Authorities created pursuant to or authorized by the provisions of
276 Chapter 41 or Chapter 61 of Title 36, development authorities created pursuant to or
277 authorized by the provisions of Chapter 42 or Chapter 62 of Title 36, by or pursuant to
278 Article IX, Section VI, Paragraph III of the Georgia Constitution, or by or pursuant to

279 any amendment to the Constitution continued pursuant to the authority of Article XI,
280 Section I, Paragraph IV of the Constitution;"

281 **SECTION 9.**

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