



# **2023 Legislative Report**

## **Georgia Apartment Association**

# SESSION IN REVIEW

The 2023 Georgia Legislative Session began on January 9 and ended in the early minutes of March 30. Lt. Governor Burt Jones and Speaker Jon Burns completed their first session as presiding officers of the Senate and House, respectively. More than one-fifth of the General Assembly also completed their first session, as fifty-seven new lawmakers were elected during the 2022 cycle.

The multifamily housing industry survived another busy and challenging legislative session. The Association was active on dozens of issues until the final gavel fell. It's become increasingly trendy to demonize landlords as tenants' rights organizations continue to peddle the narrative that Georgia laws are one-sided. The media has amplified this inaccurate representation in search of trophies and policymakers on both sides of the aisle have found this to be fertile ground for popularity. Many more legislative challenges lie ahead for an industry still reeling from the pandemic-era eviction moratorium.

Governor Brian Kemp had forty days following the conclusion of the session to review legislation sent to him by the General Assembly. The Governor can sign, veto, or take no action on a bill. As we have reached the end of that forty-day window, any bill that he did not take action on has automatically become law. Those that did not make it to the Governor remain eligible for consideration again in the 2024 General Assembly.

The conclusion of the session is just a temporary respite from legislative action. The House and Senate will delve into legislation that did not pass this year, in some cases doing so as part of an official study committee. Your Government Affairs Team will continue to engage as these policy issues are deliberated in the coming months.

## TABLE OF CONTENTS

### ISSUES OF INTEREST

### ENACTED LEGISLATION

### PENDING LEGISLATION

Landlord Tenant

Page 6

Legal and Tort Reform

Page 2

Page 7

Property Management

Page 3

Page 7

Property Taxation and Valuation

Page 5

Page 9

Code Enforcement, Land Use,  
and Development

Page 5

Page 9

A Primer: The Legislative Process

Page 12



# ENACTED LEGISLATION

## LEGAL AND TORT REFORM LEGISLATION

**Revise when an Action may Operate as a Lis Pendens (HB 444)**

**Rep. Matt Reeves, R-Duluth**

**Sen. Brian Strickland, R-McDonough**

**Act 338, signed by the Governor on May 4**

**Effective July 1, 2023**

A lis pendens is a written notice that a lawsuit has been filed in superior court concerning a property's title or ownership interest, potentially making the property less attractive to a buyer or lender. Once filed, the title is subject to the outcome of the lawsuit.

HB 444 provides that no action involving an interest in real property will operate as a lis pendens until it is issued by a court. The legislation goes on to describe the requirements for the issuance and effectiveness of a court-issued lis pendens.

The clerks of superior courts must keep a lis pendens docket in which they record all notices of lis pendens on real property filed with them. Dismissal of any action by a plaintiff, the plaintiff's withdrawal, or the settlement or final judgment will be indicated on the face of the lis pendens record by the clerk. Actions involving claims against real property related to domestic relations are exempted from these new provisions.

**Curing Defective Deeds and Other Instruments (HB 182)**

**Rep. Matt Reeves, R-Duluth**

**Sen. Brian Strickland, R-McDonough**

**Act 337, signed by the Governor on May 4**

**Various Effective Dates**

HB 182 incorporates language recommended by the United States Eleventh Circuit Court of Appeals in *Pingora Loan Servicing, LLC, v. Scarver*. It aligns the Georgia recording statute regarding deeds and other instruments with the savings statute in OCGA 44-2-18, allowing an improperly executed instrument to be corrected by having the savings statute apply to both attestations and acknowledgments. This portion of the legislation takes effect upon the Governor's signature and applies to all deeds and other instruments recorded since July 1, 2015.

The bill also contains language from HB 292 regarding the nonjudicial foreclosure of timeshare estates. It allows for a procedure for foreclosing on time-share estates through a trustee foreclosure procedure, in addition to judicial and nonjudicial foreclosure procedures provided for in the Code. A mortgage must permit the trustee foreclosure procedure. If it does not, an amendment to the time-share instrument must be adopted and recorded prior to the procedure being used. The trustee must be a member of the State Bar and use good faith, skill, and diligence in discharging the trustee's duties. This section takes effect on July 1, 2023.



**Legal Services and Apex Doctrine (SB 74)****Sen. Blake Tillery, R-Vidalia****Rep. James Burchett, R-Millwood****Act 77, signed by the Governor on May 1****Effective May 1, 2023**

As introduced, SB 74 makes it unlawful to misrepresent oneself as an attorney or misrepresent an entity as engaged in providing legal services unless that person is a duly licensed attorney at law in Georgia or unless the entity is entitled to furnish legal services. The bill provides that it is unlawful to represent that a person featured in legal media can offer legal services in Georgia when that person is not a duly licensed attorney at law. Failing to provide accurate language reflecting the legal services, the scope of work, success rate, or fees of a person practicing law is also unlawful.

As the session advanced, language was added to incorporate apex doctrine language in Georgia code. A June GA Supreme Court ruling rejected the apex doctrine, which protects high-ranking corporate and government officials from unwarranted depositions.

The bill allows for protective orders to prohibit depositions of high-ranking officers of private, public, and governmental organizations by showing that the officer lacks unique personal knowledge of any relevant subject matter to the pending action. The person seeking a protective order has the burden of establishing the factors necessary to be granted the protective order. If the party seeking discovery demonstrates that they have exhausted reasonable means of discovery but the discovery remains inadequate, a protective order will not be issued. When a party seeking a protective order shows that an officer knows some but not all relevant matters, the court may limit the scope of the deposition rather than prohibit the deposition. The bill requires that a chief executive officer of a state government entity provide at least one designee for service of process for civil actions brought against the state.

**PROPERTY MANAGEMENT LEGISLATION****Taxing Energy used in Electric Vehicles (SB 146)****Sen. Steve Gooch, R-Dahlonega****Rep. Rick Jasperse, R-Jasper****Act 248, signed by the Governor on May 2****Various Effective Dates**

SB 146 is the product of significant effort following the close of the 2022 session dealing with public electric vehicle charging infrastructure. It allows for the sale of electricity at electric vehicle charging stations, making it like the sale of gasoline. It gives regulatory authority over electric vehicle charging stations to the Department of Agriculture and clarifies that the supply of electricity by an electric utility to premises that are electric vehicle charging stations will be considered a sale at retail. The bill provides gallon-equivalent rates for electricity and hydrogen used as motor fuel and specifies that vehicles using these methods as a form of motor fuel are not exempt from public motor fuel and road taxes. The Association successfully worked to exempt multifamily properties from the bill.

Charging stations are permitted to “sell” electricity without being regulated as a utility if charging services occur on the same property as the charging station. The bill states that an electric utility may not provide, own, operate, or maintain any publicly available electric vehicle charging station, other than community charging equipment unless the station is provided through a separate legal entity that is not regulated by the Georgia Public Service Commission.

All electric vehicle charging providers will register with the Department of Agriculture before operating any electric vehicle charging station and do so annually thereafter. Certificates of registration and conformity will be prominently displayed at each charging station. All electric vehicle charging stations will be capable of accurately measuring and displaying the amount of electricity delivered to each electric vehicle on a per kilowatt-hour basis either on the charging station or on a digital network. Such stations will be further equipped with meters to record the total kilowatt-hours dispensed. The commissioner of the Department of Agriculture may hire charging station inspectors and investigators. The department is given the power to implement rules necessary to carry out inspections.

The overall legislative becomes effective July 1, 2023; however, Parts II and III, which provide for the regulatory authority of the Department of Agriculture and taxation, are delayed until January 1, 2025.



### **Gas-Powered Landscape Equipment ([HB 374](#))**

**Rep. Brad Thomas, R-Holly Springs**

**Sen. Shawn Still, R-Norcross**

**Act 257, signed by the Governor on May 2**

**Effective May 2, 2023**

As introduced, HB 374 provides guidelines and requirements for municipal deannexations. The bill prohibits deannexations that result in the formation of unincorporated islands or non-contiguous areas within the municipality.

In its final version, HB 374 also includes language from [SB 145](#) by Sen. Shawn Still (R-Norcross), which prohibits local prohibitions or regulations that distinguish or create differing standards for gasoline-powered leaf blowers from any other gasoline-powered, electric, or other types of leaf blowers or lawn equipment.

Finally, it contains language from [HB 438](#), which prohibits governmental entities from adopting any policy that restricts the connection or reconnection of any utility service or sales of certain fuels based on the type of source of energy or fuel delivered or the appliance used by the customer.

### **Public Camping and Homelessness ([SB 62](#))**

**Sen. Carden Summers, R-Cordele**

**Rep. Katie Dempsey, R-Rome**

**Act 274, signed by the Governor on May 3**

**Effective July 1, 2023**

SB 62 prohibits local governments from not enforcing ordinances intended to prohibit public camping, sleeping, or obstructing sidewalks. It requires the state auditor to review spending on homeless programs, including federal and local government expenditures. Hospitals and local governments are prohibited from intentionally transferring unhoused people to another jurisdiction unless there is a family member, support program, or other resources available to the person.

### **Secondary Metal Recycling and Catalytic Converters ([SB 60](#))**

**Sen. Bo Hatchett, R-Clarkesville**

**Rep. Lauren McDonald, R-Cumming**

**Act 31, signed by the Governor on April 26 Various**

**Effective Dates**

SB 60 addresses rampant catalytic converter theft. According to the [National Insurance Crime Bureau](#) catalytic theft claims have tripled in the last two years and cost up to \$3,500 to replace. Part I of the measures criminalizes the purchase, solicitation for the purchase of, or advertisement for the purchase of a used, detached catalytic converter, or any non-ferrous metal parts of a catalytic converter unless the person is a registered secondary metals recycler. It also criminalizes the purchase, possession, transportation, or sale of these components unless properly registered. This language takes effect on July 1, 2023.

The bill amends current law and allows secondary metals recyclers to pay in cash in certain circumstances, but cannot pay cash for catalytic converters or coils, used utility wire, used communications copper, copper wire, or a battery. This language takes effect on January 1, 2024.

Part II removes limitations on how payments can be made for regulated metal property by second metals recyclers. Implementation of this portion is delayed until January 1, 2026, and applies only to transactions on or after that date.

## PROPERTY TAXATION & VALUATION LEGISLATION

### **Ad Valorem Tax Relief in Disaster Areas (HB 311)**

**Rep. Lynn Smith, R-Newnan**

**Sen. Matt Brass, R-Newnan**

**Act 3, signed by the Governor on March 16**

**Effective March 16, 2023**

Last year, Georgia voters overwhelmingly amended the state's constitution to allow local governments the option of offering temporary tax relief to certain properties located in nationally declared federal disaster areas. HB 311 is the second part of that process and contains the enabling legislation necessary for full enactment.

During a disaster response operation, the local emergency management director of an impacted area will travel to and assess whether buildings damaged by the disaster are qualified as either "major" or "destroyed". Assessments will be provided to the relevant county tax commissioners, who will identify eligible tax parcel numbers within the assessment before providing the assessment to each affected governing authority located within the disaster area.

Upon receipt of the report, a governing authority may adopt a resolution providing a defined amount of temporary tax relief to eligible damaged or destroyed buildings. The temporary tax relief may be offered in the form of either a millage rate reduction or a credit.

## CODE ENFORCEMENT, LAND USE & DEVELOPMENT LEGISLATION

### **Uses of Ungraded Lumber (HB 132)**

**Rep. David Jenkins, R-Grantville**

**Sen. Lee Anderson, R-Grovetown**

**Act 261, signed by the Governor on May 3**

**Effective July 1, 2023**

HB 132 requires the Department of Community Affairs to amend minimum codes to allow ungraded lumber to be used in the construction or repair of accessory structures not containing habitable space on property zoned or primarily used for residential or agricultural purposes.



# LEGISLATION FOR CONSIDERATION FOR 2024

## LANDLORD-TENANT LEGISLATION

### **Safe at Home Act** ([HB 404](#))

**Rep. Kasey Carpenter, R-Dalton**

**Sen. Chuck Hufstetler, R-Rome**

**Remanded to the Senate Judiciary Committee**

Introduced by a bipartisan group of lawmakers, the Safe at Home Act makes several changes throughout the landlord-tenant act including:

- Requiring leases to state explicitly that the dwelling is fit for human habitation
- Adding “cooling” to the list of utilities that the landlord must make available
- Limiting security deposits to no more than two months' rent
- Creating a three-business day right to cure, posted on the door, and sent by terms agreed to in the lease.

As introduced, the bill allowed for a separate dispossession track if it is initiated based on criminal activity. The House Judiciary Committee removed that provision during a lengthy hearing on February 23. There was considerable discussion about whether the standard should be limited to charges and convictions.

The bill went on to pass the House unanimously on March 2. Enthusiasm among Senators was not as conspicuous, despite persistent calls from tenants' rights advocates to push the legislation even further in favor of renters. It ultimately came out of the Senate Judiciary Committee unchanged.

While HB 404 was placed on the Senate's final debate calendar, it was not called for a vote before the chamber adjourned sine die. This bill, along with other pro-tenant language introduced in other measures, will certainly be at the forefront of work during the interim.

### **Housing and Mental Health** ([HB 520](#))

**Rep. Todd Jones, R-Cumming**

**Remains in the Senate Health and Human Services Committee**

HB 520 builds on last year's landmark mental health bill. The bill is more than 50 pages and touches on several code sections. Specific to housing, it aims to reduce barriers by prohibiting housing authorities from refusing to accept a person as a tenant if criminal offenses are unrelated to their fitness as a tenant. The bill requires the Department of Community Affairs to issue guidance on tenant selection plans that comply with this policy.

### **Uniform Residential Landlord and Tenant Act**

([HB 304](#))

**Rep. Yasmin Neal, D-Morrow**

**Remains in the House Judiciary Committee**

Based on model law first promulgated in 1972, HB 304 seeks to implement the Revised Uniform Residential Landlord and Tenant Act. This 60-page bill completely replaces Georgia's existing landlord-tenant statute.

### **Military Fair Housing Act** ([HB 323](#))

**Rep. Sandra Scott, D-Rex**

**Remains in the House Judiciary Committee**

HB 323 enacts the "Military Fair Housing Act" to prohibit housing and financial discrimination based on veterans or military status, among other criteria including race, color, religion, sex, and gender. It also includes source of income as a protected class and would require landlords to accept housing vouchers.

### **Crime Notices to Tenants** ([HB 329](#))

**Rep. Mesha Mainor, D-Atlanta**

**Remains in the House Judiciary Committee**

HB 329 requires landlords with more than fifty units to provide notices to existing and prospective tenants regarding certain crimes occurring on the premises being leased every six months. Failure to provide notice or retain proof of notice is a violation of the state's Fair Business Practices Act. The author introduced a similar measure in 2021, but ultimately it was not enacted.

At the time, the Association and others voiced concern regarding the availability of specific crime data and lawmakers amended the bill to place the requirement of compiling crime information on local law enforcement.

### **Habitability Standards ([HB 344](#))**

**Rep. Marvin Lim, D-Norcross**

**Remains in the House Judiciary Committee**

HB 344 provides a detailed list of specific landlord obligations linked to a residential rental dwelling. It provides tenants to withhold rent or terminate a lease if any of those obligations are unmet, regardless of the severity of the deficiency.

### **Cannot Suspend Air Conditioning ([HB 420](#))**

**Rep. Shea Roberts, D-Sandy Springs**

**Remains in the House Judiciary Committee**

HB 420 provides that conditioned air is a utility a landlord cannot knowingly and willfully suspend. "Conditioned air" appears to be undefined within the landlord-tenant act.

### **Rent Control ([SB 125](#))**

**Sen. Donzella James, D-Atlanta**

**Remains in the Senate State and Local Governmental Operations Committee**

SB 125 repeals OCGA 44-7-19, the statute that prohibits local governments from enacting rent control measures.

### **Georgia Residential Tenant Safety Bill ([SB 280](#))**

**Sen. Sonya Halpern, D-Atlanta**

**Remains in the Senate Judiciary Committee**

SB 280 requires landlords to conduct background screening on employees, maintain a log for the issuance and return of keys, and develop policies and procedures regarding unissued keys. The landlord must provide at least 24 hours notice of their intent to enter a residential unit; in emergencies, the landlord must leave a notice of the entry in a conspicuous place stating the time, date, and reason for the entry. It also prohibits motels from renting rooms at an hourly rate.

## **LEGAL AND TORT REFORM LEGISLATION**

### **Premises Liability ([SB 186](#))**

**Sen. Greg Dolezal, R-Alpharetta**

**Remanded to the Senate Insurance and Labor Committee**

SB 186 limits landowner liability regarding invitees, licensees, and trespassers and removes landowner liability due to alleged constructive notice of prior crimes or violent nature. The bill passed out of the Senate Insurance and Labor Committee on February 28. It was eligible for a vote in the full Senate on March 6 but was tabled. Special thanks to Laurel Hart, Vice President of Asset Management at Columbia Residential for presenting the multifamily industry's perspective during a February 22 hearing.

## **PROPERTY MANAGEMENT LEGISLATION**

### **Prohibit Vehicle Booting ([HB 119](#))**

**Rep. John Corbett, R-Lake Park**

**Sen. Josh McLaurin, D-Atlanta**

**Remanded to the Senate Public Safety Committee**

HB 119 and [SB 247](#) prohibit vehicle booting statewide. Proponents attempted several maneuvers during the final days of the session to advance the concept but were unsuccessful. This perennial issue is sure to receive continued attention heading into 2024.

### **Civil Rights for Housing ([HB 108](#))**

**Rep. Sandra Scott, D-Rex**

**Remains in the House Judiciary Committee**

HB 108 creates a comprehensive state civil rights law protecting individuals from discrimination in housing, public accommodations, and employment. It amends Georgia's fair housing statute to include sexual orientation, gender identity, and age as protected classes. Legislation [\(SB 82\)](#) has also been introduced in the Senate to prohibit discrimination based on hairstyles associated with race, color, or national origin.



### **Second Amendment Infringement Protections** **(HB 293)**

**Rep. Charlice Byrd, R-Woodstock**  
**Remains in the House Judiciary Non-Civil**  
**Committee**

HB 293 finds that federal acts, laws, executive orders, administrative orders, rules, and regulations infringe on a law-abiding citizen's right to bear arms if it forbids the possession, ownership, or use or transfer of a firearm, firearm accessory, or ammunition by law-abiding citizens. It is unclear if this legislation would preclude landlords from prohibiting tenants from possessing a firearm.

### **Study Committee on Water Customer Rights** **(HR 169)**

**Rep. Karla Drenner, D-Avondale Estates**  
**Remains in the House Natural Resources and**  
**Environment Committee**

HR 169 creates an avenue to study the feasibility of a program that protects the rights of such customers while ensuring that local governments and private systems are not hindered in their provision of services.

### **Reasonable Suspicion of a Code Violation** **(SB 278)**

**Sen. Jason Esteves, D-Atlanta**  
**Remains in the Senate Judiciary Committee**

SB 278 provides for investigations or inspections of certain residential rental property when there is a reasonable suspicion of a code violation. It also allows local governments to require registration of residential rental properties containing four or more units.

### **Criminal Trespass and Damage to Property** **(HB 567)**

**Rep. Mike Cheokas, R-Americus**  
**Remains in the House Public Safety and Homeland**  
**Security Committee**

HB 567 allows peace officers to serve as authorized representatives of a property owner or rightful occupant in certain instances relating to the enforcement of criminal trespass. It authorizes the establishment of trespass enforcement programs by governing authorities of counties and municipal corporations.

### **End Monopolies in Housing Act (HB 630)**

**Rep. Marvin Lim, D-Norcross**  
**Remains in the House Judiciary Committee**

HB touches on several Georgia code sections in the following ways:

- Title 7 - Banking and Finance
  - Provides for reporting requirements related to loans for the creation, acquisition, or rehabilitation of housing units.
- Title 10 - Commerce and Trade
  - Specifies that certain conduct related to the rental of real property to be used as a dwelling shall constitute an unfair trade practice.
  - Allows actions for certain violations to be brought in a representative capacity.
  - Changes certain requirements for exemptions from registration for investment advisors.
- Title 14 - Corporations
  - Requires corporations to provide certain information as part of filing an annual registration.
- Title 44 - Property
  - Prohibits bundled sales of certain foreclosure.
- Title 48 - Revenue and Taxation
  - Provides for separate bidding for certain ad valorem tax foreclosure sale.
  - Provides for certain reporting relating to tax credits for qualified low-income buildings.



## PROPERTY TAXATION & VALUATION LEGISLATION

### County Boards of Equalization [\(HB 264\)](#)

**Rep. Vance Smith, R-Pine Mountain**

#### Remanded to the Senate Finance Committee

HB 264 revises certain deadlines and procedures for the handling of appeals of property tax assessments. As adopted by the House, the bill reduced the time in which a taxpayer must appeal the asserted value. The Senate Finance Committee returned the period to its original state. It also changes certain provisions specific to so-called 299c locks.



### C-PACER Program [\(HB 206\)](#)

**Rep. Steven Sainz, R-Woodbine**

#### Remains in the Senate State and Local Governmental Operations Committee

Commercial Property Assessed Conservation, Energy, and Resiliency (C-PACER) is a public-private partnership that is intended to enable commercial building owners to invest in their property. Under these programs, a private lender finances energy-saving building upgrades and is repaid via a special assessment added to the property's tax bill. Senators expressed concerns that taxpayers could be liable for failed projects and questioned the constitutionality of the overall framework.

### Taxes for Charges Paid by Vouchers [\(HB 40\)](#)

**Rep. Marvin Lim, D-Norcross**

#### Remains in the House Ways and Means Committee

HB 40 provides for an exemption from county and municipal excise taxes on rooms, lodgings, or accommodations for charges paid using hotel/motel vouchers certified by the Department of Community Affairs or any local government designated as an "entitlement community" by the US HUD.

### "Intent to Increase" Advertisements [\(HB 90\)](#)

**Rep. Ron Stephens, R-Savannah**

#### Remains in the House Ways and Means Committee

HB 90 provides that the provisions requiring advertisement of intent to increase property taxes shall not apply to levying authorities and recommending authorities with base year homestead exemptions.

### Waive Delinquent Property Taxes [\(SR 82\)](#)

**Sen. Carden Summers, R-Cordele**

#### Remains in the Senate Rules Committee

SR 82 proposes an amendment to the Constitution to authorize the tax commissioner, subject to local governing authority approval, to waive certain delinquent ad valorem property taxes, penalties, and interest to place non-revenue generating and tax delinquent property back to effective utilization status.

### Buckhead City [\(SB 114\)](#)

**Sen. Randy Robertson, R-Cataula**

#### Lost in the Senate

SB 114 creates the City of Buckhead City. The author also introduced SB 113, which provides for the transition of services and facilities from an existing municipality to a newly incorporated municipality. These measures will presumably travel together. The bill was voted down by the Senate 23-33 on March 2.

## CODE ENFORCEMENT, LAND USE & DEVELOPMENT LEGISLATION

### Rezoning Moratorium [\(HB 514\)](#)

**Rep. Dale Washburn, R-Macon**

**Sen. Mike Dugan, R-Carrollton**

#### Pending in Conference Committee

HB 514 limits zoning moratoriums to no more than 180 days. The Association worked to amend the measure to protect all residential property from zoning moratoriums, not just single-family. It allows local governments to levy, collect, use, and waive fees related to zoning decisions and related permits so long as the proceeds are used for the administration and enforcement of zoning ordinances.

HB 514 was one of the first bills voted on by the Senate on the final day. Sen. Mike Dugan (R-Carrollton) amended it on the floor to incorporate language from his [SB 136](#) which allows local governments to waive development impact fees if the project creates workforce housing. There is concern that local governments would raise impact fees on non-qualifying projects to replace revenue from the waived fees.

The House and Senate volleyed the bill between chambers throughout the day, taking the necessary procedural steps to move the bill to a conference committee. The House appointed their conferees around 9:45pm, while the Senate did not do so until after 11:30pm. Time expired before a compromise could be reached.

#### **Impact Fees for Workforce Housing ([SB 136](#))**

**Sen. Mike Dugan, R-Carrollton**

**Rep. Kimberly New, R-Villa Rica**

**Remanded to the House Governmental Affairs Committee**

SB 136 allows local governments to waive development impact fees if the project creates workforce housing. There is concern that local governments would raise impact fees on non-qualifying projects to replace revenue from the waived fees. As described above, language from SB 136 was added to HB 514 by Rep. Dale Washburn (R-Macon) but it also failed to cross the finish line.

#### **Discount for Wind-Resistant Properties ([HB 279](#))**

**Rep. Matthew Gambill, R-Cartersville**

**Remanded to the Senate Insurance and Labor Committee**

HB 279 requires insurers to offer a premium discount or reduction for home or commercial property owners who build or retrofit a home or commercial property that better resists tornado, hurricane, or other catastrophic windstorm events. The standard for "fortified" buildings is maintained by Insurance Institution for Business and Home Safety. Insurers are permitted to set their discount rate.

#### **Prohibit Certain Countries from Acquiring Property ([SB 132](#))**

**Sen. Brandon Beach, R-Alpharetta**

**Remanded to the House Agriculture and Consumer Affairs Committee**

SB 132 prohibits nonresident aliens from acquiring a "possessory interest" in agricultural land or land within a 25-mile radius of a military base, installation, or airport.

#### **Prohibit Certain Countries from Acquiring Property ([HB 246](#))**

**Rep. Martin Momtahan, R-Dallas**

**Remains in the House Judiciary Committee**

HB 246 prohibits China, Iran, North Korea, and Russia, their citizens, and companies owned or operated by them to acquire title to property in this state.

#### **Indoor Air Quality ([HB 26](#))**

**Rep. Mandisha Thomas, D-Atlanta**

**Remains in the House Public Health Committee**

HB 26 requires the Department of Community Affairs to include certain indoor air quality provisions in applicable state minimum standard codes.

#### **Use of Certain Refrigerants ([HB 336](#))**

**Rep. Brent Cox, R-Dawsonville**

**Remains in the Senate Regulated Industries and Utilities Committee**

HB 336 prohibits state codes from banning the use of a refrigerant that is, or, as of July 1, 2023, was approved for use so long as the equipment containing the refrigerant is listed and installed in accordance with applicable safety standards. This is intended to allow installed equipment to be serviced through its lifespan rather than necessitating equipment be replaced simply because the equipment's refrigerant is no longer available. In a committee meeting on March 23, the Department of Community Affairs requested that the bill not move forward and instead allow the issue to be addressed by the State Codes Advisory Council.



**Restrictions on Residential Dwellings ([SB 188](#))****Sen. Russ Goodman, R-Homerville****Remains in the Senate Regulated Industries and Utilities Committee**

SB 188 comes at the request of built-to-rent developers. It prohibits local governments from enacting or enforcing any restrictions based solely on whether the person owns or rents the dwelling. This was an active issue last year that gave way to the House Study Committee on the Regulation, Affordability, and Access to Housing ([HR 1149](#)). On September 29, 2022, the Association testified before the committee and discussed development and construction costs, inclusionary zoning, management cost drivers, the impact of local policies, and how government can effectively promote housing affordability.

**Local Regulatory Fees ([HB 461](#))****Rep. Brad Thomas, R-Holly Springs****Remains in the House Ways and Means Committee**

HB 461 requires local governments to approximate the actual cost of regulatory services they provide and use the fees exclusively for that regulatory activity. Last year, local governments fiercely opposed a similar bill (HB 302), claiming it would restrict their ability to determine building inspection fees.

**Development Impact Fees ([SR 189](#))****Sen. Greg Dolezal, R-Alpharetta****Remains in the Senate Rules Committee**

SR 189 proposes an amendment to the Constitution to authorize local boards of education to impose, levy, and collect development impact fees and use the proceeds to pay for additional educational facilities. The author has also filed [SB 208](#) related to development impact fees for education.

**Building Design Standards ([HB 517](#))****Rep. Dale Washburn, R-Macon****Remains in the House Governmental Affairs Committee**

HB 517 prohibits local governments from adopting or enforcing ordinances or regulations relating to or regulating building design elements as applied to one- or two-family dwellings. The author has offered similar measures in the past.



# A PRIMER: THE LEGISLATIVE PROCESS

On the surface, the legislative process sounds relatively simple: identify a need, introduce legislation, debate it and call the vote, then send it to the Governor for enactment. While this is the foundation of how ideas become law, the actual process is nuanced, complex, and riddled with opportunities for derailment.

A legislator, constituent, the Governor, executive agencies, advocacy groups, and others can identify the need for a new law or a change in existing law. Advocates must persuade a member of the House or Senate to sponsor a bill. Even the Governor and agencies like the Department of Insurance and Department of Transportation must enjoin the services of a member of the legislature to pursue legislation.

The lawmaker then works with a lawyer employed by the General Assembly to research the proposal and draft a bill that incorporates the change into the official code of Georgia. That legislator, now the sponsor, formally files the bill with the Clerk of the House or the Secretary of the Senate and the legislation is officially read into the record and assigned to a standing committee. In 2023, the 180 members of the House of Representatives introduced 850 bills; 56 Senators introduced 331.

Committees play a critical role in the legislative process. They are the workhorses of the legislature, allowing for the division of labor and subject matter expertise. This system enables the scrutiny of many measures during the short forty-day session.

The committee's chairperson controls the committee process and determines if a bill will be considered by the committee members. If the bill is given a hearing, the sponsor will present it to the committee and answer members' questions. Others might testify in support of or opposition to the measure. The committee can make changes – major or minor – to legislation, sometimes doing so without the support of the sponsor. Once the committee believes the bill has been “perfected” they can vote to pass or defeat it. Most frequently, bills are assigned to a committee and never even receive a hearing, languishing unceremoniously until the session expires.

A bill that is favorably reported from a standing committee then goes to the Rules Committee. The Rules Committee acts as a gatekeeper, deciding which measures will make it to the House or Senate floor for a full vote. This is another hurdle where many bills simply fall short. In the House alone, nearly 60 measures made it out of a standing committee only to remain in the Rules Committee this year.

A bill that makes it out of the Rules Committee is placed on the debate calendar. This is the quintessential legislative experience: the sponsor presents the bill to all members in the expansive chamber, members stand at their desks with microphones in hand to ask questions and debate the merits of the legislation. When the debate is over, members vote, and the measure passes or fails. Most bills that make it to the floor are not controversial and overwhelmingly pass. The contentious bills with split votes are the ones that make the news; they are not as common as it may appear.

After all the maneuvering and potential pitfalls, the legislation still has a long way to go. The process repeats in the opposite chamber: a bill is officially read and moves its way through the two-part standing committee and Rules committee process before receiving a second floor vote. The bill can be stalled or defeated at any point in the progression.

As the forty-day session wears on, it is rare for a bill to make it all the way to the floor in the second chamber without being amended along the way. Those that pass cleanly are often technical measures offered by an executive agency; they have been carefully negotiated outside the legislative process and their passage is seen as essential for the operation of state government. These measures are often shielded from some of the more imaginative techniques leveraged against other bills.

Only after legislation has been adopted by both the House and the Senate in the exact same form will it go to the Governor. Preparing legislation for the Governor's consideration is a process known as enrollment. The enrolled copies of measures signed into law are permanently preserved by the Secretary of State as of the official text of the act.

The Governor has forty days after the session ends to act on legislation. He can sign, veto, or take no action; if he takes no action, the bill automatically becomes law at the end of the forty-day window. A veto by the Governor applies to the entire bill, except the two appropriations bills in which the Governor can veto specific budget items or programs. Some bills specify an effective date, but most new laws take effect on July 1.

The successful passage or defeat of legislation takes a dedicated legislative sponsor, key messaging and engagement from stakeholders, and a dash of luck to make it through the gauntlet of the Georgia General Assembly.