



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



# 2021 Legislative Review

Todd Edwards

Deputy Legislative Director

ACCG – Georgia's County Association

PROMOTING EXCELLENCE IN GOVERNMENT



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



What one issue do you think dominated the most legislation and conversation during the 2021 legislative session?

# Elections!!!

The gift that just keeps giving!

PROMOTING EXCELLENCE IN GOVERNMENT



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## Elections:

- Over 95 bills introduced.
- Senate passed 10 major bills.
- House passed one omnibus bill.
- Only one omnibus bill (SB 202) passed both chambers.
- At a whopping 98 pages, SB 202 included provisions from dozens of previous bills.
- Politically divisive.
- Dominated most all discourse.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **There was other legislation:**

- Overall, ACCG tracked 629 bills impacting counties.
- Preemptions didn't seem as prevalent.
- Planning and zoning not real big – but stay tuned.
- All bills that didn't pass are still alive for 2022.



**UNIVERSITY OF  
GEORGIA**  
Carl Vinson  
Institute of Government



# Bills That Passed

PROMOTING EXCELLENCE IN GOVERNMENT



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## HB 98 – Public Hearings:

- Authorizes via teleconference.
- Must be during a declared federal, state or local emergency.
- Means full participation of members.
- Public must be able to participate and provide feedback (just as in current law).
- “Meetings” were already covered in law.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **HB 150 – Locals Can't Discriminate on Energy Types:**

- No locals can prohibit the connection or reconnection of any utility service based on the type or source of energy or fuel to be delivered to any customer.
- Locals may still choose their own utility services for their property.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **HB 317 – Lodging Facilitator Tax Collection:**

- Online lodging platforms (e.g., VRBO, Airbnb) must collect and remit county and city hotel/motel taxes on short-term rentals.
- Must also pay state's \$5 transportation fee.
- Estimated to increase local tax collections by \$30 million annually.





UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **HB 392 – Locals Can Set Distances for Beer/Wine Sales**

- State law prohibits sale of beer/wine within 100 yards of school grounds and buildings.
- HB 392 allows locals to authorize sales within 100 yards of school “grounds”, but not school “buildings”.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## HB 470 – Plats and Plans:

- Condominium unit plans do not have to be recorded.
- Sub-condominiums do not require a sperate plat or survey.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **SB 49 – Private Plan Review and Inspection:**

- Governor's bill; more changes to HB 493.
- Permit applicant can immediately go to private provider for plan review or inspection.
- Regardless of whether local gov can do job.
- Local gov can currently still collect 50% of fees.
- This bill will likely decrease that amount.
- Qualified inspectors can perform plan review.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **SB 144 – City Housing Authorities:**

- State law allowed city authorities to operate their powers up to 10 miles outside their jurisdiction in unincorporated areas.
- Now, cities must get county's permission to do so.
- Current housing projects are grandfathered in.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **SB 145 – Remove 35% Petition for Liquor Sales:**

- Applies to package liquor sales.
- Cities and counties had to get petition signed by 35% of registered voters to go to referendum.
- Now have option to avoid petition mandate.
- Local gov can now pass ordinance/resolution and then voters must still approve via referendum.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **SB 182 – Preemption - Fence Detection Systems:**

- Specifically, and strictly defines this fence system.
- Has alarm system that signals law enforcement.
- Only applies to non-residential property.
- Has battery ( $\leq 12$  volts) to warn intruder.
- Locals must treat as alarm system in zoning and permitting matters.
- These fences cannot be banned from a jurisdiction.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **SB 236 – Mixed Drinks to Go:**

- Applies to restaurants.
- Limited to 2 drinks per entrée ordered.
- Must be in approved container.
- Local ordinances may prohibit this.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **SB 260 – Soil Amendments – Buffers and Setbacks:**

- HB 1057 in 2020 allowed locals to regulate the application of “soil amendments” derived from industrial byproducts.
- Locals may still adopt zoning; however, buffers cannot exceed 100-ft in width.





UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## **HR 222 – House Annexation Study Committee:**

- Composed of 5 House members.
- Likely will examine:
  - Impacts of annexation.
  - Annexation dispute/arbitration process.
  - Laws/rules governing creation of new cities.
- Will issue its report before next legislative session.



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



# Bills that did Not Pass

PROMOTING EXCELLENCE IN GOVERNMENT



**UNIVERSITY OF  
GEORGIA**  
Carl Vinson  
Institute of Government



- HB 23 – Annexation – Include Schools in Dispute Resolution
- HB 79 – Fireworks – Authorize Locals to Regulate Use
- HB 186 – Website Publication of Zoning Notices
- HB 121 – School Board Appointees to all Zoning/Planning Commissions
- HB 243 – Annexation – Clarify Contiguity Requirements
- HB 257 – Zoning Preemption for Maternity Supportive Housing
- HB 302 – Latest County Permitting Preemption (Building Inspections/Fees)

**P R O M O T I N G   E X C E L L E N C E   I N   G O V E R N M E N T**



**UNIVERSITY OF  
GEORGIA**  
Carl Vinson  
Institute of Government



- HB 449 – Call Before You Dig Mandates
- HB 812 – Disparate Impact Zoning Standards
- HB 814 – Written Explanation of Zoning Decisions
- No Gambling Bills
- HB 449 – Call Before You Dig Mandates
- SB 94 – Requirements for Building Below Category II Dams
- SB 227 – Condemnation of Blighted Properties
- SB 265 – Buffer Requirements Around New Landfills

**P R O M O T I N G   E X C E L L E N C E   I N   G O V E R N M E N T**



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



## What to Look Out for Next Session:

- Short term rental preemption
- Design standards and affordable housing
- Continued assault on local permitting processes
- Property assessments and taxes
- New cities
- All bills having failed to pass
- Hats off to Georgia Restaurant Association
- Elections – no session complete without



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



# Questions?

PROMOTING EXCELLENCE IN GOVERNMENT



UNIVERSITY OF  
**GEORGIA**  
Carl Vinson  
Institute of Government



# Thank You

Todd Edwards

Deputy Legislative Director

ACCG

[tedwards@accg.org](mailto:tedwards@accg.org)