

UPDATE ON KEY AFFORDABLE HOUSING BILLS

2020 Georgia General Assembly

February 5, 2020

Welcome to another session of the Georgia General Assembly. Your active engagement in advocacy is important to make housing affordability a priority issue for legislators. To become an active advocate and knowledgeable about the top legislative issues, please join Georgia ACT, Enterprise Community Partners Southeast, and the Empire Board of Realtists, Inc. for a free pre-Housing Day webinar on February 11, 2020, at Noon to hear from State Rep. Kim Schofield about the importance of advocacy and how you can make a difference, from Mary Ayala of Enterprise on how health and housing intersect in critical ways, and from Attorney and Public Policy Advocate Elizabeth Appley on how to effectively talk to your legislator, build a lasting relationship, and get briefed on the top housing issues of the day. And please join us on February 26, 2020, for Housing Day at the Capitol -- a fabulous day of meeting with your colleagues from across Georgia, advocating with the legislators who represent you, hearing from legislative leaders on homelessness and housing, and learning what is most important to be effective and getting all the tools to make it happen.

Here are brief summaries of important housing legislation introduced in 2020 or holding over from 2019.

Resources to Support Housing Affordability:

[SB 322](#) Development Impact Fees (Sen. Frank Ginn)

Allows local communities to waive the development impact fee for affordable housing without replenishing the funds from another source. (Note: SB 322 is the same as the House Committee Substitute to [HB 388](#) from 2019 that passed out of the House Governmental Affairs Committee but was held in the House Rules Committee and did not receive a House floor vote in 2019.

Status: Passed Senate Economic Development and Tourism Committee. Senate Rules.

[HR 164](#) Dedication of Revenue by General Law (Rep. Jay Powell)

Constitutional amendment to authorize the General Assembly to dedicate revenue by general law for up to 1% of the total state budget, upon a 2/3 vote of the House and Senate, without a statewide referendum.

Status: Passed House; Passed Senate by Committee Substitute.

[HB 427](#) Property Tax Exemption for Nonprofit Multifamily Housing (Rep. Park Cannon)

Property tax exemption for real property owned by a non-profit that is used exclusively for multi-family housing that is rented, leased or otherwise used for the purpose of securing an income. Requires statewide referendum.

Status: House Ways & Means.

[HB 313](#) and [HB 461](#) Property Tax Exemption for Non-Profit Owned Multi-Family Housing (Rep. Cannon)

Would exempt from property taxes all multi-family housing owned by a 501c3 non-profit organization. Statewide referendum required.

Status: House Ways & Means Committee.

Veterans and Military Homelessness, Housing etc.

SB 54 Georgia Lottery for Veterans Act (Sen. Ed Harbison)

Status: Senate Finance

SR 85 Proceeds of Lottery Games to Benefit Veterans (Sen. Ed Harbison)

Status: Senate Finance

HB 14 Georgia Lottery for Assistance of Homeless Veterans (Rep. Sandra Scott)

Status: House Appropriations

HB 15 Housing Authority Housing Preferences to Homeless Veterans (Rep. Sandra Scott)

Status: House Governmental Affairs

HR 166 House Study Committee on Veterans Services and Benefits (Rep. Sandra Scott)

Status: House Defense and Veterans Affairs

HB 776 Protection of Active Duty Military re: Foreclosure and Other Proceedings (Rep. Billy Mitchell)

Status: House Judiciary Committee

HB 768 Bans Discrimination Against Current or Former Military Personnel (Rep. Sandra Scott)

Status: House Judiciary Committee

HB 769 Tuition and Housing Assistance to Disabled Veterans (Rep. Sandra Scott)

Status: House Defense and Veterans Affairs

Budget and Taxes:

HB 792 FY 2020 Amended Budget – See, [Tracking Sheet Reflecting Governor's Proposals](#)

- **Department of Behavioral Health and Developmental Disabilities**
 - Cut Adult Mental Health Services - \$3.5 M
 - Cut Adult Addictive Disease Services - \$4.9 M
- **Department of Community Affairs**
 - Homeownership programs – no state funds
 - Rental Housing programs – no state funds
 - Special Housing initiatives – Cut SILC Home modification funds \$100K
 - Cut House Rural Development Council recommendation for Blight Removal and Code Enforcement (BRACE) program - \$300K
 - State Economic Development Programs – REBA cut \$500K
 - OneGeorgia Authority – Cut special purpose grants \$3.7 M
- **Department of Community Supervision**
 - Governor's Office of Transition, Support and Reentry – Cut \$1.8 M
- **Office of the Governor, Georgia Commission on Equal Opportunity**
 - Cut funds for Fair Housing Assistance Program for intake coordinator position that investigates and resolves housing complaints effective Oct. 1, 2019- \$36.4K

Status: House Appropriations Committee.

HB 793 FY 2021 Budget- See, [Tracking Sheet Reflecting Governor's Proposals](#)

- **Department of Behavioral Health and Developmental Disabilities**
 - Cut Adult Mental Health Services for behavioral health services - \$8.34 M
 - Cut Adult Addictive Disease Services - \$4.9 M
- **Department of Community Affairs**
 - Coordinated Planning – Cut \$405K

- Homeownership programs – no state funds
- Rental Housing programs – no state funds
- Special Housing initiatives – Cut SILC Home modification funds \$100K
- Cut House Rural Development Council recommendation for Blight Removal and Code Enforcement (BRACE) program - \$300K
- State Economic Development Programs – REBA cut \$500K
- OneGeorgia Authority – Cut special purpose grants \$3.7 M
- **Department of Community Supervision**
 - Governor’s Office of Transition, Support and Reentry – Cut \$3.6 M
- **Office of the Governor, Georgia Commission on Equal Opportunity**
 - Cut funds for Fair Housing Assistance Program for intake coordinator position that investigates and resolves housing complaints effective Oct. 1, 2019- \$53K

Status: House Appropriations Committee.

[HB 540](#) Low Income Housing Tax Credit (Rep. Trey Rhodes)

HB 540 proposes to add an insurance premium retaliation tax to the taxes that may be utilized with the Low Income Housing Tax Credit. Passed Senate by Committee Substitute with surprise billing added.

Status: Passed House. Passed Senate by Committee Substitute.

Short Term Rental Housing:

[HB 448](#) Innkeepers and Short Term Rental Facilitators (Rep. Matt Dollar)

HB 448 would among other things, authorize a tax on facilitators of short term rentals, like AIR BNB itself that would be dedicated exclusively to transportation.

Status: House Ways and Means Committee.

[HB 523](#) Short Term Rentals - Pre-Empt Local Control (Rep. Kasey Carpenter)

Would pre-empt local governments from prohibiting, regulating, imposing occupancy limits, restricting the use of or regulating duration or frequency of residential short term rentals (less than eight consecutive nights), or requiring inspection, licensure or registration of property, owners or operators.

Status: Passed House Regulated Industries Committee by Committee Substitute. In House Rules.

Property Taxes:

[HB 829](#) Authorize Local Referenda to Assess Homestead Exemption for Persons 65 and Older at 20% Fair Market Value (Rep. Ron Stephens)

Status House Ways & Means Committee.

[HB 837](#) County Development Authority where 95% Incorporated Requires Approval of Board of Ed or City Where Property, Project or Abatement Located (Rep. Chuck Martin)

Status: House Ways and Means Committee.

[HR 962](#) Authorize Assessing Residential Homestead at 20% Fair Market Value for Persons of Certain Ages (Rep. Ron Stephens)

Status: House Ways and Means Committee.

[HR 934](#) Constitutional Amendment for Recent Sale Price Appraisal of Real Property (Rep. Brett Harrell)

This proposes a Constitutional amendment authorizing local governments to opt to establish the value of property by using the most recent sales price for the property, which shall remain the valuation until there is a substantial improvement increasing the fair market value by more than \$50,000 or at the time of another sale.

Status: House Ways and Means Committee.

Homeowner and Rental Protections:

[HB 729](#) Land Installment Contracts (Contract for Deed) (Rep. Deborah Bazemore)

Provides for consumer protections to address problems created by land installment contracts that consumers believe is the purchase of real property, but provides none of the protections of ownership and all of the obligations.

Status: House Judiciary Committee.

[SB 286](#) Prohibits Housing or Employment Discrimination Against Persons Based on Braids, Locks and Twists (Sen. Tonya Anderson)

Status: Senate Insurance and Labor Committee.

[HB 749](#) Protection of Naturally Occurring Affordable Housing and Workforce Housing (Rep. McLaurin)

Status: House Government Affairs Committee.

[HR 933](#) House Study Committee: Homeowners, Condo, Property Owners Associations (Rep. Boddie)

Status: House Special Rules Committee.

Construction Materials and Design:

[HB 302](#) Bans Local Control of Residential Design Elements (Rep. Vance Smith)

See also [SB 172](#) (Sen. John Wilkinson) Senate Government Oversight Committee

Status: House Agriculture and Consumer Affairs.

[HB 777](#) Department Review of Tall Mass Timber Construction (Rep. John Corbett)

Status: House Agriculture and Consumer Affairs.

[SB 292](#) Repeals Local Government Ability to Ban Wood in Multifamily Construction (Sen. Sally Harrell)

Status: Senate Agriculture and Consumer Affairs.

Broadband and Transit:

[HB 511](#) Major Transportation and Transit Bill (Rep. Kevin Tanner)

HB 511 would reorganize the major transit and transportation oversight agencies, create districts, provide incentives and SPLOST options for rural transportation, assesses a per ride fee on Lyft/Uber and dedicate it to rural transit purposes, etc.

Status: Passed House; Senate Transportation Committee.

Submitted by
Elizabeth J. Appley, Esq.
ēja@appleylaw.com