

2019 Legislative Session

Legislative Days 21-25

March 1, 2019

Critical Crossover Day Approaches

Next Thursday is Crossover Day, a critical procedural milestone in Georgia's forty-day legislative session. March 7 is the last day for Senate Bills to pass the Senate and House Bills to pass the House if they are to have a chance at making it to the Governor's desk this year.

As a result, this has been a remarkably busy week as committees work to get bills in position to be considered by the full chambers before the deadline. Legislation that does not crossover is technically dead as a standalone measure, but contents of entire bills are often added to other germane legislation in an effort to keep issues alive.

Legislators will convene each day next week except for Wednesday. Lawmakers will likely work well into the evening on Monday, Tuesday and Thursday in an effort to pass as many bills as possible.

BOMA Day 2019

Tuesday, February 26 was BOMA Georgia Day at the Capitol. Leaders from the Association were able to address the Senators from the Rostrum before the group enjoyed a casual lunch with members of the House and Senate. Senator **Brian Strickland** (R-McDonough) presented the Association with

a copy of **SR 169**, declaring it to be BOMA Georgia Day. Thanks to everyone who joined colleagues for a fun and informative day on the hill.



Priority Issue

HB 469: Prohibit Vehicle Booting

Rep. Matt Dollar, R-Marietta

Passed out of a House Public Safety Subcommittee on 3/1

HB 469 prohibits the use of vehicle immobilization devices (like boots) statewide *unless* authorized by a governing authority of a county or municipal corporation. The local

government also has the option of imposing additional requirements that exceed the minimum standards set forth in the legislation.

The bill allows for the use of boots when towing a vehicle is not feasible, but that first requires the property owner to contact a towing firm and request the towing firm perform a site evaluation. If they determine the location of the vehicle is not conducive for towing, the towing firm must provide a written notice. It appears the property owner would need to contact a towing firm each time they wish to have a vehicle immobilized.

Further, the bill prohibits a property owner or property management from patrolling and booting improperly parked vehicles on their property. Rather, the property must enter into a valid written contract for booting services. It requires signage warning of booting to be posted at each designated entrance to the parking area or where there is no designated entrance, to be posted so that they are clearly visible from each parking space.

The Association testified in opposition to the measure during a subcommittee meeting on March 1. Our primary concern remains that property owners should maintain the right to control parking on their premises.

Management & Property Rights

SB 153: Trauma Scene Cleanup Providers

Sen. Tyler Harper, R-Ocilla

Favorably reported from the Senate Regulated Industries and Utilities Committee on 2/27

SB 153 requires the Georgia Bureau of Investigation to license and regulate trauma scene waste cleanup providers and maintain a current list of registered providers on the Bureau's website. The bill limits "trauma scenes" to locations of homicide, suicide, or advanced decomposition of a human body. If a private property owner wants to employ a person or company to provide these services, they must use a licensed and regulated provider; however, a private property owner is not prohibited from cleaning their own property. Similar legislation (**HB 417**) is also moving through the House.

HB 307: Abandoned Motor Vehicle Act

Rep. Alan Powell, R-Hartwell

Favorably reported from the House Motor Vehicles Committee on 2/26

HB 307 provides a comprehensive and streamlined process for businesses removing motor vehicles from public rights of way and private property. While the bill places additional obligations on towing and booting companies, it is clear that it does not prohibit a business owner from towing, removing or immobilizing a car left without authorization on private property.

HB 346: Retaliatory Evictions

Rep. Sharon Cooper, R-Marietta

Favorably reported from the House Judiciary Committee on 3/1

HB 346 prohibits retaliation by a landlord against a tenant for taking certain actions, including giving notice to repair the unit or establishing a tenant organization. The bill has undergone a number of revisions that make it more palatable for property owners.

HB 499: Electric Easements

Rep. Trey Kelley, R-Cedartown

Favorably reported from the House Energy, Utilities and Telecommunications Committee on 2/28

This legislation allows easements granted for electricity services to also be used for broadband services. Broadband providers may use an electric easement to install, maintain, lease, and operate broadband services without incurring liability or paying additional compensation to the owner or occupant of the property so long as no additional poles or other ground-based structures are installed.

HB 465: Water Customer Bill of Rights

Rep. Don Parsons, R-Marietta

Assigned to the House Energy, Utilities and Telecommunications Committee on 2/26

HB 465 creates the Georgia Water Customer Bill of Rights Act to ensure that customers receive water and sewer services at reasonable terms and at reasonable prices from community water systems.

HB 241: Indoor Air Quality Assessments

Rep. Kim Schofield, D-Atlanta

Pending in the House Natural Resources and Environment Committee

HB 241 requires the building operator of *public buildings* to undertake an assessment of the air quality, pursuant to the Indoor Air Quality Building Education and Assessment Model (I-BEAM). It applies only to public buildings, including building owned or leased by the state and open to the public; this includes dormitories and university buildings.

Property Taxation & Fair Market Value Legislation

HB 451: Rehabilitation of Historic Structures

Rep. Houston Gaines, R-Athens

Assigned to the House Ways and Means Committee on 2/25

HB 451 increases the value of credits available for the rehabilitation of historic structures from \$25 to \$40 million per calendar year. It also increases the credit available per project from \$300,000 to \$500,000. A similar bill (**HB 494**) was also introduced this week.

HB 507: Calculation of Fair Market Value

Rep. Michael Wilensky, D-Dunwoody

Scheduled for a vote in the House Ways and Means Committee on 3/1

HB 507 requires tax assessors to "consider" rather than "utilize" available data when using the income approach to determine the fair market value of income-producing property. It also changes the terms "rehabilitated historic property" to "rehabilitated property" and "landmark historic property" to "landmark property."

HB 291: CIDs in Peachtree City

Rep. Josh Bonner, R-Fayetteville

Eligible for enactment by the Governor

HB 291 authorizes the local government in Peachtree City to create one or more community improvement districts. According to the state Constitution, the CIDs would have the authority to tax up to 2.5% (25 mils) of the assessed value of the commercial properties in the district.

SB 216: Prepayment of Ad Valorem Taxes
Assigned to the Senate Finance Committee on 2/28

Sen. Jeff Mullis, R-Chickamauga

SB 216 allows local governments to accept prepayments of ad valorem taxes.

HR 238: Savannah Property Rate Cap
Pending in the House Judiciary Committee

Rep. Ron Stephens, R-Savannah

HR 238 asks voters to amend the Constitution to impose an ad valorem rate increase cap of 8% annually on commercial property located within the City of Savannah.

HB 411: Nontax Fees on Property Tax Bills
Pending in the House Ways and Means Committee

Rep. Brett Harrell, R-Snellville

Similar to legislation the author has pursued in the past, HB 411 prohibits local governments from including any nontax related fees or assessments on a property tax bill.

HB 219: Property Restrictions
Pending in the House Ways and Means Committee

Rep. Lynn Smith, R-Newnan

HB 219 requires the local tax assessor to list the exact restrictions or limitations on the use of property resulting from state or federal laws/rules/regulations and how they are used to determine the fair market value of the property.

HB 102: Clarify Exemption for Non-Profits
Pending in the House Ways and Means Committee

Rep. Chuck Martin, R-Alpharetta

HB 102 clarifies that property owned by certain nonprofits are exempt from ad valorem taxes, even if portions of their property or buildings are used to generate income.

Transportation & Economic Development

HR 214: House Rural Development Council
Adopted by the House on 2/27

Rep. Sam Watson, R-Moultrie

During the last legislative session, the House authorized the creation of the Rural Development Council to focus on sustainable economic development outside the metro Atlanta area. The Council met extensively in 2017 and 2018 and their recommendations yielded significant legislation but the Council was automatically dissolved at the end of 2018. HR 214 reauthorizes the Council for another two-year period.

SR 19: Commission on Freight and Logistics
Pending in the House Transportation Committee

Sen. Brandon Beach, R-Alpharetta

Following last year's historic legislation to create a regional transit authority, this year the transportation focus is shifting to freight and logistics. SR 19 creates the Georgia Commission on Freight, Innovation and Logistics, with the aim of increasing the use of rail and the development of inland ports. The Commission will include 17 members and must submit a report and proposal by the end of the year. The House has filed similar legislation (**HR 37**).

Codes, Planning & Development

HB 493: Private Permitting Review and Inspection Act **Rep. Kevin Tanner, R-Dawsonville**
Assigned to the House Regulated Industries Committee on 2/27

HB 493 provides for a procedure for alternative plan review, permitting, and inspection by private providers so as to simplify regulations on businesses at the local level.

HB 508: Professional Licensing Division Funding **Rep. Brett Harrell, R-Snellville**
Assigned to the House Regulated Industries Committee on 2/28

HB 508 essentially requires the professional licensing division within the Secretary of State's Office to be self-funded. This would apply to all licensed professionals, including architects, conditioned air contractors, electrical contractors, engineers, plumbers, etc. Regulated professions have long argued that members pay the state far more in licensing fees than they receive back from the General Assembly for operations, oversight and public safety.

HB 422: Erosion and Sediment Control Plans **Rep. Timothy Barr, R-Lawrenceville**
Pending in the House Natural Resources and Environment Committee

HB 422 authorizes county and municipal governing authorities to approve erosion and sediment control plans in lieu of approval by soil and water conservation commission districts in certain circumstances. It allows counties and municipalities to contract with qualified personnel to implement land disturbance activity ordinances.

HB 302: Prohibition of Building Materials **Rep. Vance Smith, R-Pine Mountain**
Pending in the House Rules Committee

Introduced at the request of the Home Builders Association and other building material industries, HB 302 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. Similar legislation (**SB 172**) has been introduced in the Senate; it was given a hearing on February 28 but did not advance.

Courts & Court Fee Legislation

HB 239: Georgia Business Court **Rep. Chuck Efstrotation, R-Dacula**
Favorably reported from the House Judiciary Committee on 2/26

In 2018, the Association tracked **HR 993**, which proposed an amendment to the Constitution to create a statewide business court. The amendment passed with 69% of the vote in November. HB 239 and **SB 110** represent enabling legislation to form and fund the Georgia Business Court. The goal is to provide an efficient and dependable forum for litigants and was one of the final legislative priorities of former Governor Nathan Deal.

HB 288: Superior Court Filing Fees **Rep. Alan Powell, R-Hartwell**
Scheduled for a vote in the House Judiciary Committee on 3/1

HB 288 imposes a flat fee of approximately \$25 for documents and instruments filed in Superior Courts pertaining to real estate or personal property. The bill applies to deeds, liens on real estate and personal property, financial statements, maps or plats and security deeds.

HB 177: Burial of Construction Waste
Pending in the House Rules Committee

Rep. Michael Caldwell, R-Woodstock

This legislation creates a new cause of action for damage caused by buried construction waste. It provides for a two-year window to recover damages from the time the damage is discovered or should have been discovered with reasonable diligence. It applies to causes of action related to projects completed after July 1, 2019, and does not revive any cause of action that was barred by law before this date.

SB 38: Electronic Filing Fees
Pending in the House Judiciary Committee

Sen. William Ligon, R-Brunswick

Last year, the Association monitored **SB 407**. It was signed into law on May 7 and requires all pleadings and other related documents filed in conjunction with a civil case in a state or superior court to be filed electronically. This year's SB 38 excludes certain types of filings from this requirement, including those made by the Attorney General, district attorneys, solicitors-general and public defenders. It also allows individuals who are not attorneys to file pleadings and documents in paper form.

The next legislative update will be available March 8