

Senate Bill 213

By: Senators Burns of the 23rd, Goodman of the 8th, Payne of the 54th, Watson of the 11th,
Dixon of the 45th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to
2 zoning procedures, so as to prohibit local governments from preventing the continuance of
3 lawful nonconforming use of property when a preexisting manufactured home or mobile
4 home is replaced with another such home; to provide for exceptions; to provide for
5 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
9 procedures, is amended by adding a new Code section to read as follows:

10 "36-66-7.

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

12 (1) 'Manufactured home' has the same meaning as provided in Code Section 8-2-131.

13 (2) 'Mobile home' has the same meaning as provided in Code Section 8-2-131.

14 (3) 'New home' means a manufactured home or mobile home that is purchased from
15 either the original manufacturer or a dealer in the ordinary course of such dealer's
16 business and has never been titled or previously occupied.

17 (4) 'Single-family dwelling' means a manufactured home or mobile home used as a
18 single-family residence.

19 (b) Notwithstanding any other provision of this chapter, when there is a replacement of a
20 preexisting manufactured home or mobile home with a new home within a manufactured
21 home community or mobile home park, or on any other residential land, a local
22 government shall not adopt or enforce any zoning decision or zoning ordinance, or any
23 other regulation or restriction, or impose any conditions on the new home, the property
24 upon which the home sits, or the owner's property that were not required of the preexisting
25 home, home site, or property, that would prevent the continuance of the property owner's
26 lawful nonconforming use that had existed relating to the preexisting home, the property
27 upon which the home sat, or the owner's property.

28 (c) The provisions of subsection (b) of this Code section shall not apply if:

29 (1) A discontinuance is necessary for the safety of life or property;

30 (2) The nonconforming use has been discontinued for the period of time established by
31 ordinance which shall not be less than 12 months, unless such discontinuance is caused
32 by circumstances outside the control of the property owner;

33 (3) The replacement home would result in a change from the lawful nonconforming use
34 as a single-family dwelling to any other type of dwelling; or

35 (4) The replacement home results in an obstruction to a shared driveway or shared
36 sidewalk providing vehicular or pedestrian access to other homes and uses, unless the
37 property owner makes modifications to such shared driveway or shared sidewalk that
38 extinguishes such obstruction or the effects of such obstruction."

39 **SECTION 2.**

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