

House Bill 155 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10th, LaHood of the 175th, Cannon of the 172nd, Thomas of the 21st, Cox of the 28th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to procedure for resolving annexation disputes, so as to revise procedures for the
3 selection and objection to arbitrators; to revise how arbitration panels report their findings
4 and recommendations; to revise provisions relating to compensation of arbitrators; to amend
5 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development
6 authorities, so as to provide that county development authorities for certain counties shall not
7 operate within certain municipalities; to provide for a definition; to amend Article 2 of
8 Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice,
9 and Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
10 procedures as pertaining to counties and municipal corporations, so as to provide for the
11 appeal of superior court decisions on zoning decisions of counties and municipal
12 corporations; to repeal provisions authorizing administrative officers to exercise zoning
13 powers; to repeal provisions authorizing quasi-judicial boards and agencies to hear and
14 render decisions on applications for special administrative permits and conditional permits;
15 to revise definitions; to amend Code Section 36-36-20 of the Official Code of Georgia
16 Annotated, relating to "contiguous area" defined, so as to revise provisions for certain
17 properties owned by municipalities; to provide for related matters; to provide for effective
18 dates and applicability; to repeal conflicting laws; and for other purposes.

H. B. 155

- 1 -

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to procedure for resolving annexation disputes, is amended by revising Code Section 36-36-114, relating to arbitration panel, composition and membership, assistance in formulating record, and regulation, as follows:

"36-36-114.

(a) Not later than the ~~fifteenth calendar~~ twentieth business day following the date that the department ~~received the first~~ receives an objection of a proposed annexation as provided for in Code Section 36-36-113, ~~an arbitration~~ a panel of five arbitrators shall be appointed by the department using the selection process detailed as provided in subsection (c) of this Code section.

~~(b)(1) The arbitration panel shall be composed of five members to be selected as provided in this subsection.~~ The department shall develop and maintain three pools of potential arbitrators, comprised as follows:

(A) One ~~one~~ pool which consists of persons who are currently or within the previous six years have been municipal elected officials, managers, or administrators;

(B) One ~~one~~ pool which consists of persons who are currently or within the previous six years have been county elected officials, managers, or administrators; and

(C) One ~~one~~ pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government of the University of Georgia.

(2) ~~Each~~ The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than four panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year.

(3) The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, ~~the Council of Local Governments,~~ and similar organizations in developing and maintaining such pools.

(c)(1) Within 15 business days of the date that the department first receives an objection of a proposed annexation as provided for in Code Section 36-36-113, Upon receiving notice of a disputed annexation, the department shall ~~choose at random four names~~ submit to the county and municipal corporations a list of 11 potential arbitrators consisting of four potential arbitrators randomly selected by the department from the pool of municipal officials, four ~~names~~ potential arbitrators randomly selected by the department from the pool of county officials, and three ~~names~~ potential arbitrators randomly selected by the department from the pool of academics; provided, however, that the department shall ensure that none of such selections shall include a person who:

(A) ~~Is~~ is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county;;

(B) Actively seeks employment in the county which has interposed the objection or any municipal corporation located wholly or partially in such county;

(C) Is or has been employed within the preceding six years by the county which has interposed the objection or any municipal corporation located wholly or partially in such county; or

(D) ~~Has and further provided that none of such selections shall include a person who has already served on four other arbitration panels in the then-current calendar year.~~

(2) Until noon on the twentieth business day following the date that the department receives the notice of disputed annexation:

69 (A) The municipal corporation shall be permitted to strike or excuse up to two of the
70 ~~names chosen~~ four arbitrators that were randomly selected by the department from the
71 county officials pool by submitting written notice of any such strikes to the department;

72 (B) ~~The~~ the county shall be permitted to strike or excuse up to two of the ~~names chosen~~
73 four arbitrators that were randomly selected by the department from the municipal
74 officials pool by submitting written notice of any such strikes to the department; and

75 (C) ~~The~~ the county and municipal ~~corporation~~ corporations shall each be permitted to
76 strike or excuse one of the ~~names chosen~~ three arbitrators that were randomly selected
77 by the department from the academic pool by submitting written notice of any such
78 strikes to the department.

79 (3) At the close of the period for permitted strikes as allowed in paragraph (2) of this
80 subsection, the department shall finalize the arbitration panel for the given annexation
81 dispute by appointing:

82 (A) Two arbitrators from the county officials subset identified in subparagraph (A) of
83 paragraph (2) of this subsection who were not stricken;

84 (B) Two arbitrators from the municipal officials subset identified in subparagraph (B)
85 of paragraph (2) of this subsection who were not stricken; and

86 (C) One arbitrator from the academic subset identified in subparagraph (C) of
87 paragraph (2) of this subsection who was not stricken.

88 (4) In the event that more than the required number of arbitrators remains within any
89 given subset, the department shall randomly appoint the number of arbitrators needed for
90 such subset from among those arbitrators remaining within such subset.

91 (5) In the event that an arbitrator refuses or becomes unable to serve on a given panel to
92 which he or she has been appointed pursuant to paragraph (3) of this subsection, the
93 department shall randomly appoint a new arbitrator to such panel by randomly selecting
94 an eligible arbitrator from the specific pool of arbitrators from which the original
95 arbitrator was randomly selected under paragraph (1) of this subsection; provided,

96 however, that such new arbitrator shall not have been previously stricken by the county
97 or municipality.

98 (d) Prior to being eligible to serve on any of the three pools, persons interested in serving
99 on such panels shall receive joint training in alternative dispute resolution together with
100 zoning and land use training, which may be designed and overseen by the Carl Vinson
101 Institute of Government of the University of Georgia in conjunction with the Association
102 County Commissioners of Georgia and the Georgia Municipal Association, provided such
103 training is available. Provided that the General Assembly appropriates sufficient funds in
104 an applicable fiscal year, the Carl Vinson Institute of Government of the University of
105 Georgia shall provide at least one training program per year to train new potential panel
106 members.

107 (e) At the time any person is selected to serve on a panel for any particular annexation
108 dispute, he or she shall sign the following oath: 'I do solemnly swear or affirm that I will
109 faithfully perform my duties as an arbitrator in a fair and impartial manner without favor
110 or affection to any party, and that I have not and will not have any ex parte communication
111 regarding the facts and circumstances of the matters to be determined, other than
112 communications with my fellow arbitrators, and will only consider, in making my
113 determination, those matters which may lawfully come before me.'

114 (f) The department shall develop and maintain a list of court reporters and hearing officers
115 that may be employed by the department at the request of an arbitration panel to assist the
116 panel in formulating the record before the panel. An arbitration panel may by majority
117 vote of its members elect to employ court reporters and hearing officers from such list.
118 Any costs or charges related to the employment of court reporters and hearing officers
119 pursuant to this subsection shall be evenly divided between the city and the county.

120 (g) The department shall promulgate rules and regulations to provide for uniform
121 procedures and operations of arbitration panels established pursuant to this article.
122 Notwithstanding any provision of Chapter 13 of Title 50, the 'Georgia Administrative

Procedure Act,' to the contrary, such proposed rules and regulations shall be submitted to the chairperson of the House Governmental Affairs Committee and the Senate Committee on State and Local Government Operations."

SECTION 1-2.

Said article is further amended by revising Code Section 36-36-115, relating to meetings of arbitration panel, duties, findings and recommendations, and compensation, as follows:

"36-36-115.

(a)(1)(A) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than 60 days following such appointment, provided that the chairperson of the arbitration panel shall be authorized to extend such deadline one time for a period of up to ten business days; provided, however, that ~~Notwithstanding anything in this subparagraph to the contrary,~~ the municipal corporation and county may by mutual agreement, postpone the arbitration procession for a period of up to 180 days to negotiate a potential settlement, and such postponement shall stay the 60 day deadline provided herein.

(B) Meetings of the panel may occur in person, virtually, or via teleconference. The meetings of the panel in which evidence is submitted or arguments of the parties are made, whether such meeting is in person, virtual, or via teleconference, shall be open to the public pursuant to Chapter 14 of Title 50.

(C) The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel

has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.

(2) In arriving at its determination, the panel shall consider:

- (A) The existing comprehensive land use plans of both the county and city;
- (B) The existing land use patterns in the area of the subject property;
- (C) The existing zoning patterns in the area of the subject property;
- (D) Each jurisdiction's provision of infrastructure to the area of the subject property and to the areas in the vicinity of the subject property;
- (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
- (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
- (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.

(3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property, which may include, but not be limited to, adopted planning documents and capital or infrastructure plans.

(4) The cost of the arbitration shall be equally divided between the city and the county; provided, however, that if the panel determines that any party has advanced a position that is not valid, the costs shall be borne by the party or parties that have advanced such position.

(5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.

(6) The panel shall deliver its written findings and recommendations to the parties and the department by verifiable delivery. The written findings and recommendations shall include a signed statement for each panel member as to whether or not he or she voted in support of or against such findings and recommendations. The department shall maintain a data base and record of arbitration panel results and at least annually publish a report on such decisions and make such report freely available on the department's website.

(b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.

(c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.

(d) Notwithstanding the provisions of subsection (b) of Code Section 45-7-21, the members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the panel as authorized by law for members of the General Assembly plus \$100.00 in total for all days of service for serving on an arbitration panel.

(e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property."

SECTION 1-3.

Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development authorities, is amended by adding a new Code section to read as follows:

202 "36-62-4.1.

203 (a) As used in this Code section, the term 'massively municipalized county' means any
204 county without a consolidated or unified government in which the corporate limits of two
205 or more municipalities cover 95 percent or more of the land area of the county.

206 (b) No county development authority for a massively municipalized county shall
207 purchase or accept title to any real or personal property in connection with a property tax
208 incentive project within the parts of such county that are within the corporate limits of
209 any municipality that is located north of the northernmost corporate limit of the
210 municipality in which the county site of such county is located if the governing authority
211 of the municipality in which such property is located has adopted a resolution to limit
212 such development authority from operating within such municipality.

213 (c) The provisions of this Code section shall not apply to any project approved by a
214 development authority prior to January 1, 2026, nor shall any amendments, refinancing,
215 renewals, or the transfer of any property related to such prior projects be affected by this
216 Code section."

217 **PART II**

218 **SECTION 2-1.**

219 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
220 appellate practice, is amended by revising subsection (a) of Code Section 5-6-34, relating to
221 judgments and rulings deemed directly appealable, procedure for review of judgments,
222 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
223 involving a capital offense for which death penalty is sought, and appeals involving
224 nonmonetary judgments in child custody cases, as follows:

225 "(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the
226 following judgments and rulings of the superior courts, the Georgia State-wide Business

Court, the constitutional city courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this state:

(1) All final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35;

(2) All judgments involving applications for discharge in bail trover and contempt cases;

(3) All judgments or orders directing that an accounting be had;

(4) All judgments or orders granting or refusing applications for receivers or for interlocutory or final injunctions;

(5) All judgments or orders granting or refusing applications for attachment against fraudulent debtors;

(6) Any ruling on a motion which would be dispositive if granted with respect to a defense that the action is barred by Code Section 16-11-173;

(7) All judgments or orders granting or refusing to grant mandamus or any other extraordinary remedy, except with respect to temporary restraining orders;

(8) All judgments or orders refusing applications for dissolution of corporations created by the superior courts;

(9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a will;

(10) All judgments or orders entered pursuant to subsection (c) of Code Section 17-10-6.2;

(11) All judgments or orders in child custody cases awarding, refusing to change, or modifying child custody or holding or declining to hold persons in contempt of such child custody judgment or orders;

(12) All judgments or orders entered pursuant to Code Section 35-3-37; ~~and~~

(13) All judgments or orders entered pursuant to Code Section 9-11-11.1; and

(14) All final judgments or orders reviewing a zoning decision, as such term is defined in paragraph (4) of Code Section 36-66-3."

SECTION 2-2.

Said article is further amended by revising subsection (a) of Code Section 5-6-35, relating to cases requiring application for appeal, requirements for application, exhibits, response, issuance of appellate court order regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals involving nonmonetary judgments in custody cases, as follows:

"(a) Appeals in the following cases shall be taken as provided in this Code section:

(1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers' Compensation, the State Board of Education, auditors, state and local administrative agencies, ~~and lower courts, and quasi-judicial decisions of boards or agencies of local governments, including those defined in paragraphs (1.1) and (1.2) of Code Section 36-66-3~~ by petition for review; provided, however, that this provision shall not apply to decisions of the Public Service Commission and probate courts and to cases involving ad valorem taxes and condemnations;

(2) Appeals from judgments or orders in divorce, alimony, and other domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony or holding or declining to hold persons in contempt of such alimony judgment or orders;

(3) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

(4) Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34;

(5) Appeals from orders revoking probation;

(5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual Offender Risk Review Board;

(5.2) Appeals from decisions of superior courts granting or denying petitions for release pursuant to Code Section 42-1-19;

(6) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;

- (7) Appeals, when separate from an original appeal, from the denial of an extraordinary motion for new trial;
- (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief upon a complaint in equity to set aside a judgment;
- (9) Appeals from orders granting or denying temporary restraining orders;
- (10) Appeals from awards of attorney's fees or expenses of litigation under Code Section 9-15-14;
- (11) Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings so long as the subject matter is not otherwise subject to a right of direct appeal;
- (12) Appeals from orders terminating parental rights; and
- (13) Appeals from orders under subsection (a) of Code Section 44-14-610 granting or denying an objection to the filing of a lis pendens or granting or denying a motion canceling a lis pendens."

SECTION 2-3.

Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures as pertaining to counties and municipal corporations, is amended by revising paragraph (1) of subsection (b) of Code Section 36-66-2, relating to legislative purpose and local government zoning powers, and by adding a new paragraph to read as follows:

"(1) Provide by ordinance or resolution for such administrative officers, boards, or agencies as may be expedient for the efficient exercise of delegated, quasi-judicial zoning powers and to establish procedures and notice requirements for hearings before such quasi-judicial ~~officers~~, boards, or agencies that are consistent with the minimum procedures provided for in this chapter to assure due process is afforded the general public; and"

SECTION 2-4.

Said chapter is further amended by revising paragraphs (1.1) and (4) of Code Section 36-66-3, relating to definitions, and by adding a new paragraph to read as follows:

~~"(1.1) 'Quasi-judicial officers, boards, or agencies' means an officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government~~ any board or agency designated by ordinance to make quasi-judicial decisions.

(1.2) 'Quasi-judicial decision' means a final quasi-judicial action that is the exercise of quasi-judicial land use powers, including hearing appeals of administrative decisions and hearing and rendering decisions on applications for variances, administrative permits, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government. Such term does not include permits issued or decisions made by administrative staff pursuant to the authority designated by ordinance which contains an express right to appeal to a local government board or authority which is subject to these provisions applicable to quasi-judicial decisions."

~~"(4) 'Zoning decision' means final legislative action by a local government which results in:~~

- ~~(A) The adoption or repeal of a zoning ordinance;~~
- ~~(B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;~~
- ~~(C) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;~~

(D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;

(E) The grant or denial of ~~a permit relating to~~ an application for a special use of property; or

(F) The grant or denial of an application for a variance or the imposition or modification of conditions concurrent and in conjunction with a decision pursuant to subparagraph (C) or (E) of this paragraph, or a subsequent modification to such a variance or condition."

SECTION 2-5.

Said chapter is further amended by revising subsections (b), (c), (g), and (h) of Code Section 36-66-4, relating to adoption of hearing policies and procedures and standards for exercise of zoning power, as follows:

"(b) If a zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government, then:

(1) The notice, in addition to the requirements of subsection (a) of this Code section, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign containing information required by local ordinance or resolution shall be placed in a conspicuous location on the property not less than 15 days nor more than 45 days prior to the date of the hearing.

(c) If the zoning decision of a local government is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is ~~defeated~~ denied by the local government, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the ~~defeat~~ denial of the rezoning by the local government or the conclusion of related judicial proceedings."

(g) A local government delegating decision-making power to a quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action described in paragraph ~~(1.1)~~ (1.2) of Code Section 36-66-3. Notice of such hearing shall be provided at least ~~30~~ 15 but not more than 45 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (a) of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.

(h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant ~~blanket~~ permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision shall be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of ~~not less than 21~~ at least 15 but not more than 45 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings shall be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(3) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property or when the local government adopts a zoning ordinance or zoning map applicable to the entire land area under the governance of the local government, as opposed to a subset of parcels of land under the governance of the local government."

SECTION 2-6.

Said chapter is further amended by revising subsections (b.1) and (c) of Code Section 36-66-5, relating to adoption of hearing policies and procedures and standards for exercise of zoning power, as follows:

"(b.1) In addition to policies and procedures required by subsection (a) of this Code section, each local government providing for a quasi-judicial ~~officer's, board's, board's~~ or agency's grant, denial, or review of a quasi-judicial matter ~~may~~ shall adopt specific standards and criteria governing the exercise of such quasi-judicial decision-making authority, and such standards shall include the factors by which the local government directs the evaluation of a quasi-judicial matter. Such standards shall be printed and copies thereof made available for distribution to the general public.

(c) The policies and procedures required by subsection (a) of this Code section and the adoption of standards required by ~~subsection~~ subsections (b) and ~~permitted by subsection~~ (b.1) of this Code section shall be included in and adopted as part of the zoning ordinance. Prior to the adoption of any zoning ordinance enacted on or after July 1, 2022, a local government shall conduct a public hearing on a proposed action which may be advertised and held concurrent with the hearing required by subsection (a) of Code Section 36-66-4 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code Section 36-66-4 relating to notices of public hearings for the purposes of that subsection shall also apply to public hearings required by this subsection."

SECTION 2-7.

Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 36-66-5.1, relating to judicial review and procedures, as follows:

"(2) Quasi-judicial decisions as described in this chapter ~~and zoning decisions under subparagraph (E) of paragraph (4) of Code Section 36-66-3~~ shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory

438 body and shall be brought by way of a petition for such review as provided for in Title 5.
439 Such matters shall be reviewed on the record which shall be brought to the superior court
440 as provided in Title 5."

441 **PART IIA**

442 **SECTION 2A-1.**

443 Code Section 36-36-20 of the Official Code of Georgia Annotated, relating to "contiguous
444 area" defined, is amended by revising subsection (c) as follows:

445 "(c) If, at the time annexation procedures are initiated, the entire area to be annexed is
446 owned by the municipal governing authority to which the area is to be annexed and if
447 the annexation of municipally owned property is approved by resolution of the
448 governing authority of the county wherein the property is located, then the term
449 'contiguous area' shall mean any area which, at the time annexation procedures are
450 initiated, abuts directly on the municipal boundary or which would directly abut on the
451 municipal boundary if it were not otherwise separated from the municipal boundary by
452 lands owned by the municipal corporation or some other political subdivision, by lands
453 owned by this state, or by the definite width or by the length of:

454 (1) Any street or street right of way;

455 (2) Any creek or river; or

456 (3) Any right of way of a railroad or other public service corporation

457 which divides the municipal boundary and any area proposed to be annexed; provided,
458 however, that an annexation by the length of paragraphs (1) through (3) of this subsection
459 shall also be approved by a majority of the qualified voters of such county voting on a
460 referendum to approve such annexation."

461 **PART III**
462 **SECTION 3-1.**

463 (a) Part I of this Act shall become effective on January 1, 2026.

464 (b) Part II of this Act shall become effective on July 1, 2025, and shall apply to all zoning
465 and quasi-judicial decisions occurring on and after such date; provided, however, that no
466 zoning or quasi-judicial decision occurring prior to December 31, 2026, shall be rendered
467 invalid or void if a local government fails to implement the provisions set out in Code
468 Section 36-66-5.1.

469 (c) Part IIA and Part III of this Act shall become effective on July 1, 2025.

470 **SECTION 3-2.**

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