

2020 GAR Advocacy Victories

What we were able to regather and get passed once we reconvened:

- “Right to Rent” addresses private property rights and housing affordability. SB 442 grandfathers rental properties when an HOA, through the approval of its members, places new restrictions on rental properties. It does not bring in new rentals, but preserves current owners and their renters.
- “Construction Materials” has been a primary focal-point since the 2018 Session. HB 777 advances the greater use of mass timber, a cost-effective alternative construction material.
- Waiver of Sovereign Immunity for local governments in civil actions will now appear on the ballot this November. If it passes, it will allow citizens to more easily sue local governments for zoning decisions that adversely impact their private property rights.
- HB 857 bans the burning of creosote in biomass plants. This issue has become a problem in the northeast corner of the state.
- “Lien Waiver and Contract Enforceability” became a concern following a recent court ruling. SB 315 fixes a loophole in Georgia law that has been exploited to not pay subcontractors for work they had performed.
- Condominium owners will now have the right to request insurance information from the HOA related to water, or potential water damage, under HB 1070.

What we were able to block:

- The freezing of rental rates and stymying of development in areas defined as “naturally occurring affordable housing.”
- The repeal of a 2018 victory protecting the use of wood as a construction material
- Language that would have allowed HOA management companies to charge up to \$350 for a closing letter and removed the waiver of lien rights for failing to provide such a letter within 5 days.
- A requirement of consent by all heirs and beneficiaries for a benefiting party to be able to receive compensation, or a referral fee in the settling of an estate.
- The granting of chiropractors the ability to lien real property for unpaid services.
- A tax exemption for multi-family properties owned by a nonprofit entity, but used as income producing investments.
- The ability of out-of-state licensees to practice real estate in Georgia without a Georgia license.

What did not exist until the June portion of Session, but in shifting gears, we got done:

- SB 359 provides liability protections for responsible licensees, businesses and HOAs from lawsuits related to COVID-19. This bill does not provide protections when there is gross negligence, or reckless behavior.
- HB 426 removes Georgia from the (very) short list of states without a hate crimes law. This bill has already been signed by the Governor and is active Georgia law adding additional penalties to bias-motivated crimes based on race, gender, sexual orientation, sex, national origin, religion, or physical or mental disability.

What kept the industry alive amidst the State of Emergency:

- Working with the Governor’s Office, Georgia REALTORS® were considered critical infrastructure. So too were the related industries that support real estate. Thus, Georgia REALTORS® were able to legally transact business during the mandatory shelter-in-place.
- In a dual effort working with the Office of the Governor and the Georgia Supreme Court, Georgia REALTORS® were able to conduct virtual closings and use remote online notarization.
- The Federal CARES Act brought some additional financial resources to support small businesses and contractors. We worked closely with the Labor Commissioner, the Governor and other state entities to ensure Georgia REALTORS® were able to benefit from these resources.