

House Bill 1015

By: Representatives Cannon of the 58th, Sharper of the 177th, Ealum of the 153rd, Dreyer of the 59th, Smyre of the 135th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 41-2-9 of the Official Code of Georgia Annotated, relating to county
2 or municipal ordinances relating to unfit buildings or structures, so as to provide for notice
3 of hearings regarding nuisance abatement complaints; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 41-2-9 of the Official Code of Georgia Annotated, relating to county or
8 municipal ordinances relating to unfit buildings or structures, is amended by revising
9 paragraph (3) of subsection (a) as follows:

10 "(3) That whenever a request is filed with the public officer by a public authority or by
11 at least five residents of the municipality or by five residents of the unincorporated area
12 of the county if the property in question is located in the unincorporated area of the
13 county charging that any dwelling, building, structure, or property is unfit for human
14 habitation or for commercial, industrial, or business use and not in compliance with
15 applicable codes; is vacant and being used in connection with the commission of drug
16 crimes; or constitutes an endangerment to the public health or safety as a result of
17 unsanitary or unsafe conditions, the public officer shall make an investigation or
18 inspection of the specific dwelling, building, structure, or property. If the officer's
19 investigation or inspection identifies that any dwelling, building, structure, or property
20 is unfit for human habitation or for commercial, industrial, or business use and not in
21 compliance with applicable codes; is vacant and being used in connection with the
22 commission of drug crimes; or constitutes an endangerment to the public health or safety
23 as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in
24 rem against the lot, tract, or parcel of real property on which such dwelling, building, or
25 structure is situated or where such public health hazard or general nuisance exists and
26 shall cause summons and a copy of the complaint to be served on the interested parties

27 for such dwelling, building, or structure. The complaint shall identify the subject real
28 property by appropriate street address and official tax map reference; identify the
29 interested parties; state with particularity the factual basis for the action; and contain a
30 statement of the action sought by the public officer to abate the alleged nuisance. The
31 summons shall notify the interested parties that a hearing will be held before a court of
32 competent jurisdiction as determined by Code Section 41-2-5, at a date and time certain
33 and at a place within the county or municipality where the property is located. Such
34 hearing shall be held not less than 15 days nor more than ~~45~~ 30 days after the filing of
35 said complaint in the proper court. The interested parties shall have the right to file an
36 answer to the complaint and to appear in person or by attorney and offer testimony at the
37 time and place fixed for hearing;"

38 **SECTION 2.**

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