

House Bill 1625

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to housing
2 generally, so as to prohibit discrimination in housing based on source of income; to provide
3 that the use or existence of restrictive covenants based on race or certain other characteristics
4 constitutes unlawful discrimination; to provide that such covenants are void and contrary to
5 public policy; to criminalize the recording of such covenants for the express purpose of
6 discrimination; to require county recorders, real estate closing attorneys, real estate brokers,
7 real estate agents, and property and condominium associations to provide certain notices,
8 procedural information, and restrictive covenant modification forms when delivering certain
9 real estate documents; to provide for and authorize a process for recording restrictive
10 covenant modifications; to provide requirements for such process; to provide for the effect
11 of such modifications; to require county recorders to establish a restrictive covenant program;
12 to provide requirements for such program; to require reports and meetings; to provide
13 exemptions from liability; to provide for definitions; to provide for construction; to amend
14 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
15 tenant, so as to prohibit residential landlords from using certain credit information; to provide
16 for the sealing of court files for certain dispossessory proceedings; to amend Chapter 8 of
17 Title 50 of the Official Code of Georgia Annotated, relating to the Department of
18 Community Affairs, so as to require the department to employ an individual to advise on

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19 available housing resources and another individual to accept, refer, and report on residential
20 landlord complaints; to require the department to provide translation services for such
21 employees; to require a study of the housing stock in Georgia every five years; to require the
22 department to administer a design competition; to require notice before closing application
23 periods for its programs; to provide for a farmworker housing loan program and the
24 requirements and limitations of such program; to provide for and require a master service
25 agreement between the department and local loan administrators for the administration of
26 such program; to provide for application requirements; to require the department to establish
27 certain criteria; to amend Chapter 26 of Title 50 of the Official Code of Georgia Annotated,
28 relating to Housing and Finance Authority, so as to require recipients of funds related to
29 housing through the authority to consider and set rent based in part on the cost of upkeep; to
30 provide a bond program for the financing of the acquisition and construction of affordable
31 housing; to provide for applicability; to provide for related matters; to repeal conflicting
32 laws; and for other purposes.

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

34 **SECTION 1.**

35 Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to housing generally,
36 is amended by revising subsection (a) of Code Section 8-3-202, relating to unlawful practices
37 in selling or renting dwellings and exceptions, as follows:

38 "(a) Except as exempted by subsection (b) or (d) of this Code section or Code Section
39 8-3-205, it shall be unlawful:

40 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate
41 for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person
42 because of race, color, religion, sex, disability, familial status, ~~or~~ national origin, or
43 source of income;

44 (2) To discriminate against any person in the terms, conditions, or privileges of sale or
45 rental of a dwelling, or in the provision of services or facilities in connection therewith,
46 because of race, color, religion, sex, disability, familial status, or national origin, or
47 source of income. Discrimination under this paragraph includes, but is not limited to, the
48 use or existence of a restrictive covenant based on race, color, religion, sex, disability,
49 familial status, or national origin, regardless of whether accompanied by a statement that
50 such restrictive covenant is repealed or void;

51 (3) To make, print, or publish or cause to be made, printed, or published any notice,
52 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates
53 any preference, limitation, or discrimination based on race, color, religion, sex, disability,
54 familial status, or national origin, or source of income, or an intention to make any such
55 preference, limitation, or discrimination;

56 (4) To represent to any person because of race, color, religion, sex, disability, familial
57 status, or national origin, or source of income that any dwelling is not available for
58 inspection, sale, or rental when such dwelling is in fact so available;

59 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by
60 representations regarding the entry or prospective entry into the neighborhood of a person
61 or persons of a particular race, color, religion, sex, familial status, or national origin, or
62 source of income or with a disability;

63 (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a
64 dwelling to any buyer or renter because of a disability of:

65 (A) That buyer or renter;

66 (B) A person residing in or intending to reside in that dwelling after it is sold, rented,
67 or made available; or

68 (C) Any person associated with that buyer or renter;

69 (7)(A) To discriminate against any person in the terms, conditions, or privileges of sale
70 or rental of a dwelling, or in the provision of services or facilities in connection with
71 such dwelling, because of a disability of:

- 72 (i) That person;
- 73 (ii) A person residing in or intending to reside in that dwelling after it is sold, rented,
74 or made available; or
- 75 (iii) Any person associated with that person.

76 (B) For purposes of this paragraph, discrimination includes:

- 77 (i) A refusal to permit, at the expense of the person with disabilities, reasonable
78 modifications of existing premises occupied or to be occupied by such person if such
79 modifications may be necessary to afford such person full enjoyment of the premises,
80 except that, in the case of a rental, the landlord may where it is reasonable to do so
81 condition permission for a modification on the renter's agreeing to restore the interior
82 of the premises to the condition that existed before the modification, reasonable wear
83 and tear excepted;
- 84 (ii) A refusal to make reasonable accommodations in rules, policies, practices, or
85 services when such accommodations may be necessary to afford such person equal
86 opportunity to use and enjoy a dwelling; or
- 87 (iii) In connection with the design and construction of covered multifamily dwellings
88 for first occupancy after March 13, 1991, a failure to design and construct those
89 dwellings in such a manner that:
 - 90 (I) The public use and common use portions of such dwellings are readily
91 accessible to and usable by persons with disabilities;
 - 92 (II) All the doors designed to allow passage into and within all premises within
93 such dwellings are sufficiently wide to allow passage by persons with disabilities
94 in wheelchairs; and

95 (III) All premises within such dwellings contain the following features of adaptive
96 design: (a) an accessible route into and through the dwelling; (b) light switches,
97 electrical outlets, thermostats, and other environmental controls in accessible
98 locations; (c) reinforcements in bathroom walls to allow later installation of grab
99 bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair
100 can maneuver about the space.

101 (C) Compliance with the appropriate requirements of the American National Standard
102 for buildings and facilities providing accessibility and usability for physically
103 disabled people (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements
104 of subdivision (B)(iii)(III) of this paragraph.

105 (D) In regard to persons with disabilities, discrimination includes, in connection with
106 the design and construction of covered multifamily dwellings for first occupancy after
107 March 13, 1991, a failure to design and construct dwellings in such a manner that the
108 dwellings have at least one building entrance on an accessible route, unless it is
109 impracticable to do so because of the terrain or unusual characteristics of the site; or
110 (8) To require, as a condition of tenancy in public housing, any prohibition or restriction
111 of any lawful possession of a firearm within an individual dwelling unless required by
112 federal law or regulation."

113 **SECTION 2.**

114 Said chapter is further amended by adding a new article to read as follows:

115 "ARTICLE 4A

116 8-3-250.

117 (a) As used in this article, the term:

118 (1) 'Association' has the same meaning as provided in paragraph (2) of Code Section
119 44-3-71 or paragraph (16) of Code Section 44-3-221.

120 (2) 'County recorder' means the office of the clerk of the superior court of the county
121 where the property is located.

122 (3) 'Declaration' has the same meaning as provided in paragraph (14) of Code Section
123 44-3-71 or paragraph (6) of Code Section 44-3-221.

124 (4) 'Governing document' means a declaration or any other document, such as bylaws,
125 operating rules, articles of incorporation, or articles of association, which govern the
126 operation of an association.

127 (5) 'Redacted' means the result of the rerecording of a document that originally contained
128 unlawfully restrictive language, and when presented to the county recorder for
129 rerecording no longer contains the unlawfully restrictive language or the unlawful
130 language is masked so that it is neither readable nor visible.

131 (6) 'Redaction' means the process of rerecording of a document that originally contained
132 unlawfully restrictive language, and when presented to the county recorder for
133 rerecording no longer contains the unlawfully restrictive language or the unlawful
134 language is masked so that it is neither readable nor visible.

135 8-3-251.

136 (a) Any restrictive covenant and any related reversionary interest, purporting to restrict
137 occupancy or ownership of property on the basis of race, color, religion, sex, disability,
138 familial status, or national origin, whether heretofore or hereafter included in an instrument
139 affecting the title to real or leasehold property, shall be declared to be void and contrary to
140 the public policy of the state.

141 (b) Any person that records a document for the express purpose of adding a restrictive
142 covenant based on race, color, religion, sex, disability, familial status, or national origin

143 shall be guilty of a misdemeanor. No county recorder shall incur any liability for recording
144 such a document.

145 8-3-252.

146 (a) A county recorder, real estate closing attorney, real estate broker, real estate agent, or
147 association that provides a copy of a declaration, governing document, or deed to any
148 person shall place a cover page or stamp on the first page of the previously recorded
149 document or documents stating, in at least 14 point boldface type, the following:

150 'If this document contains any restriction based on race, color, religion, sex, disability,
151 familial status, or national origin such restriction violates state and federal fair housing
152 laws and is thereby considered to be void and may be removed pursuant to Code Section
153 8-3-253 by submitting a restrictive covenant modification form, together with a copy of
154 the attached document with the unlawful provision redacted to the county recorder's
155 office. The restrictive covenant modification form may be obtained from the county
156 recorder's office or its website. The form may also be available from the party that
157 provided you with this document. Lawful restrictions under state and federal law on the
158 age of occupants in senior housing or housing for older persons shall not be construed as
159 restrictions based on familial status.'

160 (b) The requirements of paragraph (a) of this Code section shall not apply to documents
161 submitted for recordation to a county recorder.

162 (c) A real estate closing attorney or association that delivers a copy of a declaration,
163 governing document, or deed directly to a person that holds an ownership interest of record
164 in property shall also provide the restrictive covenant modification form provided for in
165 Code Section 8-3-253 and shall include procedural information for appropriate processing
166 along with the document.

167 8-3-253.

168 (a)(1) Any person that holds or is acquiring an ownership interest of record in property
169 that such person believes is the subject of an unlawfully restrictive covenant in violation
170 of paragraph (2) of subsection (a) of Code Section 8-3-202 may record a restrictive
171 covenant modification form. A real estate closing attorney, county recorder, real estate
172 broker, real estate agent, or other person may also record the restrictive covenant
173 modification form provided for in subsection (f) of this Code section. A complete copy
174 of the original document containing the unlawfully restrictive language with the
175 unlawfully restrictive covenant language redacted shall be recorded with the restrictive
176 covenant modification form.

177 (2) If a real estate closing attorney, real estate broker, or real estate agent has actual
178 knowledge that a declaration, governing document, or deed that is being directly
179 delivered to a person that holds or is acquiring an ownership interest in property includes
180 an unlawfully restrictive covenant, such individual shall notify the person that holds or
181 is acquiring the ownership interest in the property of the existence of such covenant and
182 their ability to have it removed through the filing of the restrictive covenant modification
183 form. There shall be no presumption that a party providing a document has read the
184 document to be recorded or has actual knowledge of its content.

185 (3) If requested before the close of escrow, the real estate closing attorney directly
186 involved in the pending transaction shall assist in the preparation of a restrictive covenant
187 modification form pursuant to this article, but the real estate closing attorney shall have
188 no liability associated with the recordation of any restrictive covenant modification form
189 that contains modifications not authorized by this article on behalf of the person
190 requesting such modification.

191 (b) Before recording a restrictive covenant modification form, a county recorder shall
192 consult with the legal counsel for such county recorder's office to determine whether the
193 language in the original document to be recorded contains an unlawful restriction based on

194 race, color, religion, sex, disability, familial status, or national origin. The county recorder
195 shall refuse to record the modification document if the county recorder in consultation with
196 legal counsel finds that the original document to be recorded does not contain an unlawful
197 restriction as specified in this article or the modification document contains modifications
198 not authorized by this article.

199 (c) If a person requests to record a restrictive covenant modification form, the person shall
200 provide a return address in order for the county recorder to notify such person of the action
201 taken by the county recorder in consultation with legal counsel on the respective property.
202 The notice required pursuant to this subsection may be made on a postcard mailed by
203 first-class mail.

204 (d) The restrictive covenant modification form shall be indexed in the same manner as the
205 original document being modified. It shall contain a recording reference to the original
206 document in the form of a book and page or instrument number and date of the recording.

207 (e) Subject to covenants, conditions, and restrictions recorded after the recording of the
208 original document that contains the unlawfully restrictive language and subject to
209 covenants, conditions, and restrictions that will be recorded after the restrictive covenant
210 modification form, the restrictions in such form, once recorded, are the only restrictions
211 having effect on the property. The effective date of the terms and conditions of the
212 modification document shall be the same as the effective date of the document originally
213 recorded.

214 (f) A restrictive covenant modification form shall be prepared and accepted for submission
215 and recordation in all counties in substantially the following form:

216 'RESTRICTIVE COVENANT MODIFICATION

217 The following reference document contains a restriction based on race, color, religion,
218 sex, disability, familial status, or national origin as provided in Code Section 8-3-202.

219 Pursuant to Code Section 8-3-253, this document is being recorded solely for the purpose
 220 of redacting and eliminating that restrictive covenant as shown on page(s) _____ of the
 221 document recorded on _____ (date) in book _____ and page _____ or
 222 instrument number _____ of the official records of the County of
 223 _____, State of Georgia.

224 Attached hereto is a true, correct, and complete copy of the document referenced above,
 225 with the unlawfully restrictive covenant redacted.

226 This modification document shall be indexed in the same manner as the original
 227 document being modified, pursuant to subsection (d) of Code Section 8-3-253.

228 The effective date of the terms and conditions of the modification document shall be the
 229 same as the effective date of the original document.

230 _____
 231 (Signature of submitting party)

232 _____ County Recorder, after consultation with legal counsel pursuant to
 233 subsection (b) of Code Section 8-3-253, hereby states that it has been determined that the
 234 original document referenced above contains an unlawful restriction and this modification
 235 may be recorded.

236 or

237 _____ County Recorder, after consultation with legal counsel pursuant to
 238 subsection (b) of Code Section 8-3-253, finds that the original document does not contain

239 an unlawful restriction or that the modification document contains modifications not
 240 authorized and this modification may not be recorded.

241 _____

242 (County Recorder) _____

243 This _____ day of _____, _____.'

244 (g) The county recorder shall make available to the public restrictive covenant
 245 modification forms onsite in an appropriately designated and accessible area or on the
 246 county recorder's website. Such forms shall permit multiple submissions on behalf of
 247 different homes and for processing submitted forms in batches with respect to a
 248 modification document that affects multiple homes or lots. The forms shall also permit the
 249 submission of a restrictive covenant modification form for an association to modify
 250 covenants, conditions, and restrictions that will correct unlawfully restrictive covenants for
 251 multiple dwellings within a subdivision.

252 (h) If a person causes to be recorded a modified document pursuant to this article that
 253 contains modifications not authorized by this article, the county recorder shall not incur
 254 liability for recording such document. The liability that may result from the unauthorized
 255 recordation is the sole responsibility of the person that caused the modified recordation as
 256 provided in subsection (a) of this Code section.

257 (i) A restrictive covenant modification that is approved by a county recorder in
 258 consultation with the office's legal counsel and recorded pursuant to this article removes
 259 the illegal covenant from all property affected by the original covenant regardless of who
 260 submits the modification.

261 8-3-254.

262 (a) Each county recorder shall establish a restrictive covenant program to assist in the
263 redaction of unlawfully restrictive covenants in violation of paragraph (2) of subsection (a)
264 of Code Section 8-3-202.

265 (b) Each county recorder as part of the restrictive covenant program shall:

266 (1) By July 1, 2023, prepare an implementation plan which shall be publicly available
267 and may be posted on the website of the county recorder, that:

268 (A) Outlines how the county recorder will carry out the identification and redaction of
269 unlawfully restrictive covenants;

270 (B) Provides timelines for when elements of the plan will be accomplished; and

271 (C) Provides how the county recorder's office plans to track and maintain a record of
272 homes identified to have unlawfully restrictive covenants;

273 (2) Identify unlawfully restrictive covenants in violation of paragraph (2) of
274 subsection (a) of Code Section 8-3-202 in the records of the county recorder's office;

275 (3) Beginning January 1, 2023, index all restrictive covenant modification documents
276 under the title of 'Restrictive Covenant Modification' and make such index available to
277 the public in the office of the county recorder; provided, however, that if the county
278 recorder has such index online, such title shall be included as part of the online index; and

279 (4) Redact unlawfully restrictive covenants in the records of the respective county
280 recorder's office, subject to approval by the office's legal counsel, by rerecording a copy
281 of the original document with the unlawfully restrictive language redacted so that it is
282 neither readable nor visible, using a restrictive covenant modification form substantially
283 similar to the form set forth in subsection (f) of Code Section 8-3-253.

284 (c) The county recorder shall retain each nonredacted record for future reference and
285 public request needs.

286 (d)(1) The Superior Court Clerks' Association of Georgia, Inc., shall annually submit to
287 the General Assembly status reports on the progress of county recorders' restrictive

288 covenant programs established pursuant to this article by January 1, 2024, and January 1,
289 2025. Each report shall describe the number of documents identified for redaction and
290 the implementation timelines for actions taken by each county recorder's office.

291 (2) The Superior Court Clerks' Association of Georgia, Inc., shall convene a best
292 practices meeting with all Georgia county recorder offices to share concepts on
293 implementation of this article no later than December 31, 2023, and shall meet annually
294 thereafter until December 31, 2028.

295 (e) Nothing in this article shall be construed to restrict, delay, or modify access to any
296 official record, or modify any existing agreements regarding access to any official record.

297 (f) The failure of a county recorder to identify or redact illegal restrictive covenants, as
298 required by this Code section, or the county recorder's identification or redaction of any
299 restrictive covenants that are later determined not to be illegal, shall not result in any
300 liability against the county recorder or the county."

301 **SECTION 3.**

302 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
303 tenant, is amended by adding new Code sections to read as follows:

304 "44-7-25.

305 (a) No residential landlord shall:

306 (1) Refuse to rent, renew an existing rental agreement, negotiate for the rental of, or
307 otherwise make unavailable or deny a dwelling to any person solely on the basis of credit
308 information or absence thereof without consideration of any other applicable factor
309 independent of credit information;

310 (2) Base a tenant's rental rate solely upon credit information without consideration of any
311 other applicable factor independent of credit information;

312 (3) Take an adverse action against a tenant or prospective tenant solely because he or she
313 does not have a credit card account without consideration of any other applicable factor
314 independent of credit information; or

315 (4) Use any of the following as a negative factor in determining the rental rate for a
316 tenant or determining whether to rent to a prospective tenant or to renew a rental
317 agreement:

318 (A) Credit inquiries not initiated by the consumer or inquiries requested by the
319 consumer for his or her own credit information;

320 (B) Inquiries relating to housing, if so identified on a consumer's credit report;

321 (C) Collection accounts related to housing, if so identified on the consumer's credit
322 report;

323 (D) Multiple lender inquiries, if coded on the consumer's credit report by the consumer
324 reporting agency as being from the home mortgage industry and made within 30 days
325 of one another unless only one inquiry is considered; or

326 (E) Multiple lender inquiries, if coded on the consumer's credit report by the consumer
327 reporting agency as being from the automobile lending industry and made within 30
328 days of one another unless only one inquiry is considered.

329 (b) A residential landlord may consider a consumer's history of residential rental payments
330 as a factor in determining the rental rate for a tenant, or whether to rent to a prospective
331 tenant, or renew a rental agreement."

332 "44-7-60.

333 (a) As used in this Code section, the term 'court file' means the files and records created
334 when a dispossessory action is filed with the court.

335 (b) The court may order that a court file in a dispossessory action be placed under seal if
336 the court finds that the plaintiff's action is sufficiently without a basis in fact or law, which
337 may include a lack of jurisdiction, that placing the court file under seal is clearly in the

338 interests of justice, and that those interests are not outweighed by the public's interest in
339 knowing about the record.

340 (c) The court shall order that a court file in a dispossessory action be placed under seal if
341 the action was based solely on the tenant becoming a tenant at sufferance by holding over
342 in a foreclosed residential property and:

343 (1) The tenant vacated the property prior to the commencement of the dispossessory
344 action; or

345 (2) The landlord did not provide the tenant with a demand for possession of such
346 property pursuant to Code Section 44-7-50 prior to the commencement of the
347 dispossessory action."

348 **SECTION 4.**

349 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
350 of Community Affairs, is amended by adding a new Code section to read as follows:

351 "50-8-6.1.

352 (a) The department shall employ:

353 (1) A housing benefits specialist who shall advise the public regarding the affordable and
354 fair housing resources available in this state; and

355 (2) A residential landlord complaint specialist who shall:

356 (A) Accept complaints regarding residential landlords in Georgia;

357 (B) Refer complainants to local, state, or federal agencies or programs, nonprofits, or
358 other providers of relevant housing services, as applicable; and

359 (C) Publish annually on its website a report that provides the total number of
360 residential landlord complaints received and an overall summary and description of
361 such complaints received.

362 (b) The department shall provide the employees required by subsection (a) of this Code
363 section with access to translation services."

364

SECTION 5.

365 Said chapter is further amended by revising subsection (b) of Code Section 50-8-7, relating
366 to planning and technical assistance activities and gathering and distribution of information
367 and studies, as follows:

368 "(b) The department shall undertake and carry out, and shall coordinate with other state
369 agencies and local governments in undertaking and carrying out, such gathering of
370 information, such distribution of information, and such studies and recommendations as
371 the board or the commissioner may deem necessary for performing local government
372 services and as may be specified by law. Such coordinating, gathering, and distribution of
373 information and studies may include, but shall not be limited to, the following:

374 (1) The department shall coordinate and participate in compiling, and other state
375 agencies and local governments shall participate in compiling, a Georgia data base and
376 network to serve as a comprehensive source of information available, in an accessible
377 form, to local governments and state agencies. The Georgia data base and network shall
378 collect, analyze, and disseminate information with respect to local governments, regional
379 commissions, and state agencies. The Georgia data base and network shall include
380 information obtained or available from other governments and information developed by
381 the department. To maintain the Georgia data base and network, the department shall
382 make, and shall coordinate with other state agencies and local governments in making,
383 comprehensive studies, investigations, and surveys of the physical, social, economic,
384 governmental, demographic, and other conditions of the state and of local governments
385 and of such other aspects of the state as may be necessary to serve the purposes of the
386 department. The department shall make available the Georgia data base and network, or
387 provide access to the Georgia data base and network, to other state agencies, local
388 governments, members of the General Assembly, and residents of the state;

389 (2) The department may assist the Governor, the General Assembly, any committees of
390 the General Assembly, any state department, any state agency, any state authority, or any

391 local government with studies, surveys, investigations, maps, reports, plans,
392 recommendations, advice, and information prepared, developed, or obtained by the
393 department;

394 (2.1) The department may assist any local government or local authority owning or
395 operating a facility for convention and trade show purposes or any other similar or related
396 purposes in identifying and promoting regional economic assistance projects within their
397 respective jurisdictions, and such facility, if the subject of a reciprocal use agreement,
398 shall be an adjacent facility satisfying the criteria of paragraph (1) of subsection (c) of
399 Code Section 50-8-191;

400 (3) The department may undertake studies, investigations, and surveys to identify
401 potential physical, social, economic, governmental, demographic, or other problems and
402 opportunities in the urban, suburban, and rural areas of the state and to assist local
403 governments in preparing to avoid the consequences of such problems or to take
404 advantage of such opportunities; ~~and~~

405 (4) The department may write, draft, prepare, or publish in print or electronically any
406 studies, surveys, investigations, maps, reports, plans, recommendations, advice, and
407 information with respect to local or regional government affairs. The department may
408 distribute or otherwise disseminate any such studies, surveys, investigations, maps,
409 reports, plans, recommendations, advice, and information to any government, any state
410 authority or state agency, or any private entity;

411 (5) By January 1, 2022, and every five years thereafter, the department shall study the
412 housing stock in Georgia, including the current stock, ownership, rental, pricing, and
413 condition of multi-family and single-family housing in the state;

414 (6) The department shall facilitate housing design competitions to promote innovation
415 in housing and economic development; and

416 (7) The department shall, by January 1, 2024, issue a report on racial biases in ad
417 valorem tax assessments under Title 48, as well as private appraisals of property, across
418 the state, and to study the creation of alternative assessment tools."

419 **SECTION 6.**

420 Said chapter is further amended by adding a new subsection to Code Section 50-8-7.1,
421 relating to general powers and duties, to read as follows:

422 "(f) The department shall provide notice of at least a month before closing the application
423 period for any programs that it administers."

424 **SECTION 7.**

425 Said chapter is further amended by adding a new Code section to read as follows:

426 "50-8-19.

427 (a) The department is authorized to make advances to a local loan administrator that has
428 entered into a written master servicing agreement prescribed by the department pursuant
429 to this Code section.

430 (b) The department shall prescribe a master servicing agreement to be executed by the
431 department and local loan administrators. Such agreement shall provide that:

432 (1) Any advances made to a local loan administrator shall be used solely for the purpose
433 of providing loans to agricultural producers for undertaking farmworker housing projects;

434 (2) The total amount of loans made to any single agricultural producer shall not exceed
435 \$200,000.00 per year;

436 (3) The term of any loan shall not exceed ten years;

437 (4) Equal payments of principal payable no less frequently than annually shall be
438 required to be made on such loan during the term such loan is outstanding and such
439 payments will liquidate the entire principal balance of the loan over its term; and

440 (5) The local loan administrator is required to pay to the department all repayments
441 including interest, if any, received from any agricultural producers on account of such
442 loan, except for that portion permitted to be retained by the local loan administrator as a
443 fee pursuant to the master servicing agreement.

444 (c) The master servicing agreement shall also set forth:

445 (1) The form of any note and security agreement to be executed by the agricultural
446 producer in connection with any loan, which shall include a provision that use of the loan
447 to provide housing for a family member of the borrower or its principals shall constitute
448 a default under the loan and security agreement;

449 (2) The rate of interest, if any, to be charged on any loan;

450 (3) The amount of any fee to be retained by the local loan administrator for servicing any
451 loan;

452 (4) The form of application required to be completed by an agricultural producer for any
453 loan;

454 (5) The form of requisition and certification to be required from a local loan
455 administrator to obtain an advance of funds from the department;

456 (6) Any other conditions to be imposed upon an agricultural producer as a condition of
457 receiving a loan;

458 (7) The responsibilities to be performed by the local loan administrator in connection
459 with reviewing, approving, and servicing the loan and the circumstances under which the
460 department may terminate a master servicing agreement;

461 (8) Conditions necessary to ensure prompt closing on loans for which funds are
462 advanced, including payment of interest of funds from the time advanced until utilized;
463 and

464 (9) Such other requirements as the department may from time to time establish by rules
465 and regulations consistent with the purposes of this Code section.

466 (d) Subject to appropriations, the department shall advance to a local loan administrator
467 the amount of funds requested in any requisition within 15 business days after receipt of
468 all of the following:

469 (1) A completed requisition for an advance of funds;

470 (2) Copies of any applications and any supporting documentation to which such
471 requisition pertains; and

472 (3) A certification from the local loan administrator with respect to such requisition in
473 addition to any other representation and statement required by the department. Such
474 certification from the local loan administrator shall state that:

475 (A) The loan administrator has performed its responsibilities in connection with review
476 and approval of applications to which such requisition pertains;

477 (B) To the best of the local loan administrator's knowledge, the loans to which the
478 advances pertain comply with the master servicing agreement and the provisions of this
479 Code section; and

480 (C) The borrowers have demonstrated their ability to make the repayments required
481 under the loan.

482 (e) In the event that funds are not available or the department determines that the
483 requisition, application, or certification is defective, it shall so notify the local loan
484 administrator within 15 business days after receipt of the requisition.

485 (f) The department shall establish criteria for prioritizing loan applications in the event that
486 the requisitions submitted to the department by one or more local loan administrators
487 exceed the amount then available for the purposes of this Code section. Such criteria shall
488 give a priority to housing for farmworkers and take into account:

489 (1) Whether the farmworker housing project to which the application pertains is for the
490 purpose of bringing nonconforming accommodations in compliance with sanitary or
491 building codes;

492 (2) Whether the farmworker housing project to which the application pertains is the most
493 cost-effective approach to enable the agricultural producer to construct or rehabilitate
494 dwelling accommodations for farmworkers;

495 (3) Whether the agricultural producer making application lacks the financial resources
496 to undertake the farmworker housing project without obtaining a loan pursuant to this
497 Code section; and

498 (4) Such other factors as the department deems relevant.

499 (g) In applying the criteria to be utilized for prioritizing loans, the department shall be
500 entitled to rely on the information contained in the copies of the applications submitted
501 with the requisition."

502 **SECTION 8.**

503 Chapter 26 of Title 50 of the Official Code of Georgia Annotated, relating to Housing and
504 Finance Authority, is amended by adding a new subsection to Code Section 50-26-8, relating
505 to powers of authority, as follows:

506 "(f) The authority shall require all recipients of moneys through the authority for the
507 purposes of providing housing to consider and set monthly rent cost at least partially on the
508 cost of upkeep, notwithstanding the cost of the building or property or the mortgage interest
509 used to build."

510 **SECTION 9.**

511 Said chapter is further amended by adding a new Code section to read as follows:

512 "50-26-19.1.

513 The authority shall initiate a bond program for the financing of the acquisition and
514 construction of affordable housing in furtherance of the state's housing goals as provided
515 for in Code Section 8-3-171."

516 **SECTION 10.**

517 Section 3 of this Act shall apply to residential lease agreements entered into or renewed on
518 or after July 1, 2022.

519 **SECTION 11.**

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