

Design Standards Preemption – Letter Asking for County Resolutions

Association County Commissioners of Georgia

November 12, 2019

Good Day ACCG County Legislative Coordinators:

ACCG sincerely appreciates Georgia's counties actively participating in advocacy efforts important to preserving home rule and local control. Both are likely to be under assault at the Georgia General Assembly during the 2020 legislative session.

If your county is interested, I write seeking your invaluable assistance by adopting the **attached resolution** supporting a county's continued ability to adopt local residential design standards. This is different from a resolution we distributed last legislative session which simply opposed HB 302.

Whether you support adopting design standards or not, this is a decision that should be made by you and your constituents at the local government level. Once this decision-making authority is usurped by the state government, it will likely never come back to Georgia's counties and cities.

Background:

As you are likely aware, during the 2019 legislative session two bills ([HB 302](#) and [SB 172](#)) were introduced that would prohibit local governments from adopting any design standards on single family homes and duplexes – with very limited exceptions. This preemption legislation, which was held in 2019 but is still alive for the 2020 legislative session, would prohibit any local design standards on:

- type or style of exterior cladding material,
- style or materials of roof structures or porches,
- exterior nonstructural architectural ornamentation,
- location or architectural styling of windows and doors, including garage doors,
- the number and types of rooms,
- the interior layout of rooms, and
- types of foundation structures approved under state minimum standard codes.

Attacks on Local Control Continue: [House Resolution 591](#) created a [study committee](#) that has worked from the misleading premise that design standards are the main barrier to more affordable housing. This study committee has met three times over the summer and is expected to submit a report to the General Assembly in December of 2019 supporting the preemption legislation.

Powerful Lobby Supports this Preemption: This legislation is supported, or expected to be supported, by the Home Builders Association of Georgia, the Georgia Chamber of Commerce, the Georgia Association of Realtors, the Council for Quality Growth and the Vinyl Siding Institute. To boot, the Georgia Apartment Association, mortgage bankers, commercial developers, the Ready-Mix Concrete Association and the Georgia Manufactured Housing Association have all spoken in favor of preempting local housing regulations and design standards during the above study committee's hearings.

Why Stop at Residential? From the above line-up, it is possible that the legislation will be expanded to preempt local design standards on commercial development, multi-family housing and manufactured homes next session. If not next session, then sometime soon if the legislation passes.

Next Steps Are Needed: Citizens - not special interests - should set local design standards. ACCG and the Georgia Municipal Association are requesting that Georgia's counties and cities, if interested, adopt the **attached resolution** in support of the ability to establish residential design standards locally, then

share it with your local media and legislative delegation. We will have a very tough time preserving this aspect of local control during the 2020 legislative session and would certainly benefit from having strong local government engagement.

***Please let me (Todd Edwards, tedwards@accg.org) know if and when your county has adopted this resolution.

Thanks for your valued time and consideration. We sincerely appreciate your continued commitment to local control.