



Protecting Your Business Under the Gold Dome GAR Works Diligently on Behalf of REALTORS® and Consumers

The 2014 Legislative Session was fast and furious as legislators rushed to the finish line to begin their campaigns for the election year. The fast pace increased the possibility of unintended consequences, and highlighted the critical role GAR's Governmental Affairs team plays in protecting the business of our members. To ensure legislators understand the value Georgia REALTORS® place on political advocacy, more than 700 REALTORS® from across the state stood together at the State Capitol during the 2014 Inaugural & Legislative Conference to advocate for private property rights and the real estate industry. Thanks to our member engagement and the work of our Governmental Affairs team, GAR successfully protected the real estate industry with the following legislative victories demonstrating the strength and value of REALTOR® membership.

GAR Successful in Protecting REALTORS® From Auctioneer's Licensing Requirements

If you sell real property via competitive bid, sealed bid or silent bid, the original version of [House Bill 1042](#) would have required you to be licensed as an Auctioneer in the state of Georgia. Under current law, licensed Real Estate Brokers are permitted to sell or attempt to sell real property in a variety of ways, including at auction, without additional licensure requirements. HB 1042, introduced on behalf of the Georgia Auctioneers Association, would have changed this longstanding right, if our Governmental Affairs Team had not been at the Capitol to protect our industry.

When HB 1042 was introduced, Georgia REALTORS'® immediately engaged the bill's sponsor, Rep. Katie Dempsey of Rome, regarding our concerns that the definition of "auction" was overly broad and would require almost all Georgia REALTORS® to become licensed as auctioneers in order to sell real property. After hearing our concerns, House Chairman Howard Maxwell of Dallas insisted on protecting REALTORS® by including an amendment that specified that nothing in the bill would impact current protections provided under real estate license law.

When the bill traveled to the Senate, additional groups came forward with concerns regarding how the broad definition of "auction" would impact their ability to sell property. After hearing such collective concerns, Rep. Dempsey and Senate Chairman Jack Murphy removed the definition from HB 1042, thereby removing those concerns, including those originally expressed by Georgia REALTORS®. The final version of the bill does nothing more than remove the definition of "Apprentice Auctioneer" from the current law. This was a significant victory for Georgia REALTORS®, and a prime example of the importance of representation at the State Capitol and the value of your REALTOR® membership.

REALTORS® Successful in Advocating for Statewide Metal Theft Database Funding

Georgia REALTORS® continued efforts to address the issue of metal theft by successfully advocating for an appropriation of \$150,000 in the state budget to fund a statewide metals database to be operated by the Georgia Bureau of Investigation. This database was approved in a REALTOR® supported bill in the 2012 Legislative Session, but remained unfunded by the General Assembly. The bill created a centralized database containing the critical details of metal transactions that law enforcement can utilize to track metal thieves across jurisdictional lines. This issue was promoted by over 700 REALTORS® during the Legislative Conference in January, making a strong impression on legislators. The final version of the budget approved by both the House and Senate contained the \$150,000 appropriation and we believe this tool will provide greater protection for property owners by better enabling law enforcement to track down and prosecute metal thieves.

REALTORS® Protect Private Property Rights in Solar Financing Bill

[House Bill 874](#), as originally drafted said that any solar technology used for private consumption may be installed on property owned or occupied by an electric customer. The broad language in the original bill undermined private property rights by allowing “occupants” to install solar panels, regardless of ownership rights. Additionally, the original language would have undermined the rights of Condo and Homeowners Associations to restrict the use of solar panels in their communities, allowing the state to override private contracts.

The author of the bill indicated that was not his intention and was willing to address the REALTOR® concerns. Through negotiating with the author, GAR reached an agreement to add language clarifying that nothing in the bill shall be construed to create or alter rights in real property or to change any restrictions or regulations on the use of real property that may exist, including a covenant, ordinance, state or federal law. This issue highlights the potential for unintended consequences in legislation and the critical work conducted by GAR’s Governmental Affairs team. Even though the REALTOR® concerns were addressed, HB 874 remained controversial and did not receive a vote. A House study committee was formed, allowing legislators to examine the issue of solar financing over the 2014 summer and provide the General Assembly with recommendations for 2015.

Bill Passed to Reduce Property Owners Liability in Cases of Trespass

[Senate Bill 125](#) was a reaction to the American Law Institute’s Restatement of Torts, which sought to impose broad new duties on those who own, occupy, or control premises, including the duty to exercise reasonable care to all trespassers. The intent of the bill was to codify existing case law and to preserve the attractive nuisance doctrine and common law as it relates to attractive nuisance. This bill legislates that a lawful possessor of land owes no duty of care to a trespasser except to refrain from causing a willful or wanton injury. Common law, as it exists and is applied to the doctrine of attractive nuisance, shall not be construed to be altered by this bill and shall not affect any immunity from or defense to civil liability to which a lawful possessor of land may be entitled. Georgia REALTORS® worked with a broad coalition over the past two years to pass SB 125 and believe this bill will keep private property owners on firm legal grounds if injuries occur to a trespasser on their property.

Georgia Downtown Renaissance Act Receives Final Passage

Georgia REALTORS® proudly supported [House Bill 128](#), the Georgia Downtown Renaissance Act. This bill implemented many of the recommendations of the Special Downtown Development Task Force, including additional investment and revitalization in Georgia's historic downtowns. HB 128 created a fund to direct investments in downtowns that would be administered by the Department of Community Affairs and authorizes funding at an annual appropriation of up to \$5 million for 4 years, for a total of \$20 million. This revolving loan fund can be accessed by developers seeking to invest in or renovate structures in designated downtown areas across Georgia.

Bill Passed to Modify Watershed Protection Standards

Previous law stated that the Department of Natural Resources could develop minimum standards for the protection of natural resources statewide, including watersheds. However, these standards were “one-size-fits-all” and not customized for local needs. One of the most burdensome requirements was a 300-foot buffer mandate for streams seven miles upstream from a source that provides drinking water for the area. That mandate meant property owners were kept from building on or making improvements to their own land, regardless of the precautions taken to preserve the watershed management regulations and protect landowner rights. [Senate Bill 299](#), supported by Georgia REALTORS®, provided local governments with greater flexibility to draft a customized watershed protection plan that serves the local area’s needs. To take advantage of the increased flexibility provided for in this bill, local governments are required to create a watershed management plan which must be approved by the Georgia EPD. Plans are required to include all measures taken to ensure water can still be treated to meet drinking water standards.