

House Bill 987 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 33rd and Powell of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona
2 fide conservation use property, residential transitional property, application procedures,
3 penalties for breach of covenant, classification on tax digest, and annual report, so as to
4 provide a clarification of an existing exception to a breach of covenant for bona fide
5 conservation use property; to provide for a new exception to a breach of covenant for bona
6 fide conservation use property; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide
10 conservation use property, residential transitional property, application procedures, penalties
11 for breach of covenant, classification on tax digest, and annual report, is amended by revising
12 subsection (o) and by revising subsection (p) by deleting "or" at the end of paragraph (8), by
13 deleting the period and inserting "; or" at the end of paragraph (9), and by adding a new
14 paragraph to read as follows:

15 "(o) The transfer of a part of the property subject to a covenant for a bona fide conservation
16 use shall not constitute a breach of a covenant if:

17 (1) The part of the property so transferred is used for single-family residential purposes,
18 starting within one year of the date of transfer and continuing for the remainder of the
19 covenant period, and the residence is occupied within 24 months from the date of the start
20 by a person who is related within the fourth degree of civil reckoning to an owner of the
21 property subject to the covenant; and

22 (2) The part of the property so transferred, taken together with any other part of the
23 property so transferred to the same relative during the covenant period, does not exceed
24 a total of five acres;

25 and in any such case the property so transferred shall not be eligible for a covenant for bona
26 fide conservation use, but shall, if otherwise qualified, be eligible for current use

27 assessment as residential transitional property and the remainder of the property from
28 which such transfer was made shall continue under the existing covenant until a
29 terminating breach occurs or until the end of the specified covenant period."

30 "(10) Allowing all or part of the property subject to the covenant to be used to host a not
31 for profit rodeo event to which spectator admission and participant entry fees are charged
32 in an amount that in aggregate does not exceed the cost of hosting such event."

33 **SECTION 2.**

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