

Georgia's HB 155: Zoning and Annexation Compliance Deadline is December 31, 2026 – What Counties Must Do and What Developers Should Expect

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Georgia's overhaul of its zoning and annexation laws (House Bill 155) is already in force, and its compliance grace period ends **December 31, 2026**.¹ The General Assembly passed the legislation during its 2025 session. Rep. Victor Anderson (10th District) sponsored it in the House, and Sen. Drew Echols carried it in the Senate.² The Georgia Municipal Association (GMA) and the Association of County Commissioners of Georgia (ACCG) supported the bill, which GMA described as improving the annexation dispute process and clarifying zoning procedures.³

The zoning procedure changes took effect July 1, 2025, and the annexation arbitration changes took effect January 1, 2026.⁴ Until December 31, 2026, no zoning or quasi-judicial decision will be voided because a local government failed to implement the new judicial review procedures in O.C.G.A. § 36-66-5.1. After that date, that protection is gone.

That deadline raises two practical questions. First, what must counties (and, where applicable, cities) do now to implement the new rules, including written standards, designated decision-makers, and notice, hearing and record procedures? Second, what should developers expect from local governments: published criteria, timely notice, a

hearing and record, and defined review, appeal and annexation procedures?

Zoning Procedure Changes

Part II amends Georgia's Zoning Procedures Law (O.C.G.A. Chapter 36-66) and requires counties and cities to distinguish between legislative and quasi-judicial land use actions.⁵ That classification determines the applicable notice, hearing, record, standard of review and appeal path.⁶

Legislative "zoning decisions"

A "zoning decision" includes the adoption or repeal of a zoning ordinance; text amendments; the adoption or denial of a rezoning; the adoption or denial of zoning for property to be annexed; the grant or denial of a special use permit; and the grant or denial of a variance, or the imposition or modification of conditions, made concurrently with a rezoning or special use decision (as well as later modifications of such variances or conditions).⁷

"Quasi-judicial decisions"

The Act defines a "quasi-judicial decision" as a final quasi-judicial action, including appeals of administrative decisions and decisions on

¹H.B. 155, 158th Gen. Assemb., Reg. Sess. (Ga. 2025) (as passed House and Senate), § 3-1 (effective dates and grace period).

²Ga. Mun. Ass'n, Governor Kemp Signs GMA-Supported Legislation, <https://www.gacities.com/articles/governor-kemp-signs-gma-supported-legislation> (last visited Oct. 5, 2026).

³*Id.*

⁴H.B. 155, *supra* note 1, § 3-1(a)-(b).

⁵*Id.* §§ 2-3 to 2-4.

⁶*Id.* §§ 2-5 to 2-7.

⁷*Id.* § 2-4 (O.C.G.A. § 36-66-3(4)).

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variances, administrative permits or similar permits. It excludes permits and decisions issued by administrative staff under ordinance authority that contains an express right to appeal to a local board subject to the quasi-judicial provisions.⁸ “Quasi-judicial officers, boards, or agencies” are those appointed by a local government to exercise delegated quasi-judicial zoning powers, such as hearing appeals of administrative decisions and deciding variances, special administrative permits, special exceptions, conditional use permits or similar permits not enumerated as a zoning decision.⁹

The bill's title describes the repeal of provisions authorizing administrative officers to exercise zoning powers and authorizing quasi-judicial boards to decide special administrative permits and conditional permits. In committee, litigators characterized this as a rollback of earlier procedural changes that had swept special administrative permits into the broader zoning procedures.¹⁰ To implement the current framework, local governments should designate by ordinance the officers or boards that will exercise delegated quasi-judicial zoning powers. They should also establish hearing and notice procedures consistent with the chapter's minimum due process requirements.¹¹

Notice, hearings and standards¹²

- **Owner-initiated rezonings.** Local governments must state the property's location and its present and proposed zoning classifications in the notice and must post a sign on the property not less than 15 nor more than 45 days before the hearing.

Developers should expect this notice and sign-posting window to be observed.

- **Quasi-judicial hearings.** Local governments must hold a hearing for each quasi-judicial action, with notice at least 15 but not more than 45 days before the hearing, plus mailed notice to the property owner. Developers should expect timely notice and a hearing before the decision is made.
- **Written standards.** Local governments must adopt written standards and criteria for quasi-judicial decisions, identifying the factors to be evaluated, as part of the zoning ordinance and make those standards available to the public. Developers should expect published criteria against which an application will be evaluated.
- **Reapplication after denial.** When a rezoning is denied, the same property may not be reconsidered for rezoning until at least six months after the denial or the conclusion of related judicial proceedings. Developers should expect the reapplication bar to continue through related litigation.

Judicial Review and Appeals

O.C.G.A. § 36-66-5.1, as amended, provides that quasi-judicial decisions and special use permit decisions are reviewed by the superior court on the record, through a petition for review under Title 5. Local governments therefore need procedures for compiling and preserving the record created before the local board. Developers should expect the

⁸*Id.* § 2-4 (O.C.G.A. § 36-66-3(1.1)).

⁹*Id.* §§ 2-3 to 2-4 (O.C.G.A. §§ 36-66-2(b)(1), 36-66-3(1.2)).

¹⁰H.B. 155, *supra* note 1 (title) Citizen Portal, Senate committee approves annexation arbitration fixes and zoning procedure tweak in HB155, <https://citizenportal.ai/articles/6637921/georgia/2025->

[legislature-georgia/senate-committee-approves-annexation-arbitration-fixes-and-zoning-procedure-tweak-in-hb155](https://citizenportal.ai/articles/6637921/georgia/2025-) (last visited Oct. 5, 2026).

¹¹H.B. 155, *supra* note 1, §§ 2-3, 2-5(g), 2-6(b.1), (c).

¹²*Id.* § 2-5 (O.C.G.A. § 36-66-5) (supporting this entire subsection.)

evidence, testimony and findings presented at the hearing to frame what the court considers.¹³

The Act also clarifies the path beyond the superior court. Developers should expect final superior court judgments reviewing a legislative “zoning decision” to be directly appealable to the Court of Appeals or the Supreme Court under O.C.G.A. § 5-6-34(a)(14). By contrast, superior court decisions reviewing quasi-judicial decisions of local boards proceed by discretionary application under O.C.G.A. § 5-6-35(a)(1), meaning the appellate court must first agree to hear the case.¹⁴

Annexation Dispute Arbitration

Since January 1, 2026, Part I has governed the arbitration process under O.C.G.A. §§ 36-36-114 and 36-36-115 for county objections to municipal annexations. Counties must work within the statutory process when objecting, and the Georgia Department of Community Affairs (DCA) has been revising its rules at Chapter 110-12-8 to implement the changes. Developers with annexation-dependent projects should expect a structured process with defined panel-selection and decision timelines.

Panel selection

Within 15 business days of first receiving an objection, DCA must provide the county and city a list of 11 potential arbitrators drawn from three pools: four municipal, four county and three academic.¹⁵ Excluded are residents of the objecting county or its cities; persons actively seeking employment with, or employed within the prior six years by, the county or its cities; and persons already serving on four panels that calendar year. Until noon on the 20th business day, the city may strike up to two county-pool names, the county may

strike up to two municipal-pool names, and each may strike one academic. DCA then finalizes a five-member panel (two county, two municipal and one academic), using random draws if more names remain than needed. The panel must be appointed no later than the 20th business day after the objection, and a panelist who cannot serve is replaced from the same pool with a name not previously stricken. These steps give cities and counties a defined panel-selection process and give developers a clearer timeline for participation.

Process and decision¹⁶

- The panel decides by majority vote within 60 days of appointment. The chair may extend that deadline once by up to 10 business days, and the city and county may by mutual agreement postpone proceedings for up to 180 days to negotiate a settlement, staying the deadline. Developers should plan for these possible extensions and postponements.
- Meetings may be in person, virtual or by teleconference; evidentiary meetings are open to the public. Developers should expect an open evidentiary forum in which the annexation dispute is presented.
- The panel receives evidence from the city, the county and the applicant or property owner. The county must provide evidence supporting its objection, and developers should expect a defined opportunity to present their position.
- The panel considers factors such as comprehensive plans, land use and zoning patterns, infrastructure, and whether the county has approved similar intensity

¹³*Id.* § 2-7 (O.C.G.A. § 36-66-5.1)

¹⁴*Id.* § 2-2 (O.C.G.A. § 5-6-35(a)(1)).

¹⁵*Id.* § 1-1 (O.C.G.A. § 36-36-114).

¹⁶*Id.* § 1-2 (O.C.G.A. § 36-36-115).

elsewhere, and may impose reasonable zoning, land use and density conditions and mitigation measures. Counties should support objections with evidence addressing these factors.

- Written findings must include a signed statement of each member's vote. DCA maintains a database of decisions and publishes an annual report, giving the process a documented outcome.
- Conditions are recorded in the county deed records with an expiration date. Developers should expect any conditions to appear in title and to be reviewed in acquisition and financing diligence.
- Costs are split between the city and county, but a party advancing an invalid position bears the costs. The property owner's reasonable participation costs are borne by the city and county. Panelists receive a per diem plus \$100 total. Developers should expect owner participation costs to be assigned as provided by the statute.
- The panel may consolidate additional disputes arising before its initial meeting that involve similar issues or property within 2,500 feet.

“Spoke” Annexation Referendum

Since July 1, 2025, amended O.C.G.A. § 36-36-20(c) has addressed annexation of property owned entirely by a city and approved by county resolution.¹⁷ In that setting, contiguity may be achieved across streets, rivers or creeks, and railroad or public service rights of way. However, an annexation “by the length” of a street, creek or river,

or railroad right of way, sometimes called a “spoke” annexation, also requires approval by a majority of county voters in a referendum.¹⁸ Developers relying on a city to extend its limits to reach a site along a corridor should expect that a countywide vote may be required.

Development Authority Limits in Fulton County

Since January 1, 2026, O.C.G.A. § 36-62-4.1 has applied to a “massively municipalized county,” defined as a county without a consolidated government in which two or more cities cover at least 95 percent of the land area. As a practical matter, that describes Fulton County. In such a county, the county development authority may not take title to property for a property tax incentive project within cities located north of the northernmost limit of the county-seat city if that city adopts a resolution limiting the authority. Counties and cities must account for this limit on the county development authority when structuring new projects.

Projects approved before January 1, 2026, along with their amendments, refinancings, renewals and transfers, are grandfathered. For new projects in North Fulton cities, developers should expect abatement and bond-lease structures potentially to run through a city development authority rather than the county authority.¹⁹

What Counties Need to Do Now

- ☐ **Adopt written standards and criteria.** Add written standards and criteria for quasi-judicial decisions to the zoning ordinance after the required public hearing.

¹⁷ *Id.* §§ 2A-1, 3-1(a) (O.C.G.A. § 36-36-20(c)).

¹⁸ *Id.* § 2A-1; Ga. Mun. Ass’n Bill Tracker, *supra* note 13 (floor amendment).

¹⁹ H.B. 155, *supra* note 1, § 1-3; Ga. Mun. Ass’n Bill Tracker, *supra* note 18 (North Fulton development authority provisions).

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- ❑ **Designate decision-makers and procedures.** Designate quasi-judicial officers and boards and establish hearing procedures by ordinance.
- ❑ **Set up the judicial-review record.** Establish procedures for compiling and preserving the record for on-the-record superior court review.
- ❑ **Update notice and sign-posting.** Revise **procedures** to meet the 15-to-45-day notice and sign-posting windows and mailed owner-notice requirement.
- ❑ **Train staff and boards.** Train staff and boards to distinguish legislative zoning decisions from quasi-judicial decisions and apply the corresponding procedures.
- ❑ **Complete implementation before the deadline.** Complete these compliance steps before **December 31, 2026**, and monitor related local ordinance rewrites.
- ❑ **Prepare for annexation arbitration.** For any annexation objection, prepare evidence supporting the objection consistent with land use plans, and track DCA's arbitration rules.
- ❑ **A hearing and a record.** Developers should expect a required hearing for quasi-judicial actions and an opportunity to build a record through evidence, testimony and findings. They should also expect a defined review and appeal path: direct appeal for legislative zoning decisions and discretionary application for quasi-judicial decisions.
- ❑ **A six-month reapplication bar that runs through litigation.** After a rezoning denial, developers should expect to wait at least six months from the denial or the conclusion of related judicial proceedings before reapplying.
- ❑ **Structured arbitration timelines and owner participation.** For annexation-dependent projects, developers should expect panel appointment within 20 business days, a decision within 60 days subject to the stated extension or postponement, an opportunity for the owner to present evidence, and reasonable participation costs borne by the city and county.
- ❑ **Recorded conditions in title.** Developers should expect arbitration conditions to be recorded in the county deed records with expiration dates and should account for them in title and diligence reviews.
- ❑ **Possible spoke referenda.** Developers relying on corridor-based annexation should expect that a countywide vote may be required for a spoke annexation.
- ❑ **North Fulton incentive structuring.** For new projects in North Fulton cities, developers should evaluate whether abatement and bond-lease structures need to run through a city development authority rather than the county authority.

What Developers Should Expect

- ❑ **Published standards and criteria.** Developers should expect the jurisdiction's written standards and criteria for quasi-judicial decisions to be included in the zoning ordinance and made available to the public.
- ❑ **Proper notice.** Developers should expect the applicable 15-to-45-day notice and sign-posting windows, along with mailed notice to the property owner where required.

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Conclusion

Georgia's zoning and annexation overhaul creates a shared December 31, 2026 deadline.²⁰ Counties and cities should complete the ordinance, notice, hearing and record work needed to operate under the new rules, while developers should approach pending entitlements, annexation-dependent sites and incentive structures with clear expectations about the procedures and protections available to them. Thompson Hine can advise local governments and developers on how the new zoning and annexation rules affect their projects.

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²⁰ H.B. 155, supra note 1, §§ 1-1 to 1-3, 2-3 to 2-7, 2A-1, 3-1