

PROTECT PROPERTY RIGHTS

STOP HB 545

Current Law

150+ years of protection for property owners

A nuisance is “anything that causes hurt or damage to another.” Examples are noxious odors, polluted well water, or swarms of flies. For more than 150 years, family farmers and property owners in Georgia have had the right to bring a case within 4 years of a nuisance damaging them or their property.

30+ years of effective Right to Farm Law

For 30+ years, Georgia’s Right to Farm Law has protected farmers operating for at least 1 year from nuisance lawsuits brought by new neighbors. For example, if a new subdivision moves near an existing farm, the farmer is protected from nuisance claims. This is fair. If the farm was there first, it deserves protection. The farm can even expand and adopt new technologies and remain protected from nuisance claims.

Protects existing farmers and property owners

Example: if a new industrial-scale animal feeding operation with waste lagoons moves in next to an existing small farmer and other rural residents, the new operation is responsible if it causes a nuisance. The farmers and residents were there first and have 4 years from the time the new operation causes a nuisance to bring a case to protect their families and properties.

HB 545

Takes away 150+ year old property rights

HB 545 changes definitions in existing law and shortens the amount of time property owners have to file nuisance claims. HB 545 takes away the right of family farmers and property owners to file a claim to stop a nuisance unless the nuisance starts within just 24 months of the new operation moving in, instead of 4 years from the new operation causing damage.

Weakens the Right to Farm Law

HB 545 weakens the Right to Farm Law. For example, if a small family farm creates a nuisance within 24 months of a new “date of operation,” that farm may be liable to residents of a new subdivision built next to the existing farm, even though the farm was there first.

Favors new, damaging operations over existing property owners

Example: if a new industrial-scale animal feeding operation with waste lagoons starts up next to an existing farm or other rural residents, it does not matter who was there first. The farmer and residents only have 24 months to protect their properties, instead of 4 years, and only if the nuisance begins within 24 months of the start of operations, no matter how big the operation gets or how much damage it causes.

