

## Get the FACTS about HB 1150 and its Assault on Georgians' Property Rights

*Myth: HB 1150 is needed to protect GA farmers.*

**FACT:** GA farmers are already protected by existing law in two ways: (1) they are protected under the current Right to Farm law from nuisance liability when new neighbors arrive and complain, and (2) they retain the ability to sue and protect their property rights if other agricultural facilities move next to them and cause nuisances. HB 1150 repeals both of those existing protections for farmers.

*Myth: HB 1150 is needed to fix ambiguities raised in a North Carolina judicial decision.*

**FACT:** The NC judicial opinion does not apply to GA. The NC judge was interpreting a former version of NC's Right to Farm law, which was vague and lacked definitions. GA's Right to Farm law is well-defined and significantly stronger. No GA court would look to that NC case for guidance on how to interpret GA's clear Right to Farm law.

*Myth: HB 1150 is needed because farms are being forced to settle expensive nuisance lawsuits.*

**FACT:** In each of the small handful of cases identified by bill supporters, an industrial-sized animal operation started operating next to existing residents. The residents were there first and have a fundamental right to protect their properties. The residents also alleged that the nuisances were caused by negligent and improper behavior, and bad actors are not protected by HB 1150. Supporters of HB 1150 have failed to produce any evidence that lawfully operating family farms are suffering because of nuisance lawsuits.

*Myth: HB 1150 will not hurt Georgians' property rights because impacted neighbors still have 4 years to sue for nuisance under the statute of limitations.*

**FACT:** Under HB 1150, agricultural facilities can only be nuisances during the first two years of operation. But in real life, nuisances can take many years to show up. Anytime a new nuisance is created after the second year of operation, an affected neighbor has no legal recourse unless they can show the operation is a bad actor, even if the neighbor was there first and sues within the 4-year statute of limitations. This is wrong.

*Myth: The amended bill that passed out of Senate Agriculture and Consumer Affairs is a good compromise.*

**FACT:** Farmers, including Farm Bureau members, as well as rural landowners, hunting and fishing groups, conservationists, and faith leaders still oppose this bill. Under current law, residents who were there first can protect their property rights any time an agricultural nuisance occurs, even if the nuisance occurs 20 years after the agricultural facility began operating. Under HB 1150, existing residents can only protect their property rights from nuisances created during the first two years of the facility's operation. That is not a compromise; it's an assault on property rights.

**VOTE NO ON HB 1150**