

House Bill 389

By: Representatives Buckner of the 82nd, Dodson of the 84th, Post 1, Fludd of the 48th, Post 4, Mosby of the 59th, Post 3, Barnes of the 84th, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated,
2 relating to covenants and warranties affecting real property, so as to provide that with respect
3 to newly established residential subdivisions subject to restrictive covenants, all lots in the
4 subdivision shall be subject to the same covenants; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated, relating to
9 covenants and warranties affecting real property, is amended by adding a new Code Section
10 44-5-60.1 to read as follows:

11 "44-5-60.1.

12 (a) On and after July 1, 2003, the requirements of this Code section shall apply when:

13 (1) The owner of a tract of real property subdivides or has subdivided such tract for
14 purposes of residential development; and

15 (2) Any restrictive covenants apply or are to apply to any of the lots in such subdivision.

16 (b) The restrictive covenants applied to each lot in the subdivision shall be identical; and
17 such covenants shall apply to all lots sold as well as to any lots remaining under the
18 ownership of the subdividing owner or any successor in interest to the subdividing owner.

19 (c) The requirements of this Code section shall not apply with respect to any subdivision
20 in which one or more individual lots have been sold prior to July 1, 2003.

21 (d) This Code section shall not prohibit the owner of a tract of property from establishing
22 two or more separate subdivisions of such land. In such case, each separate subdivision so
23 established shall be subject to this Code section; but this Code section shall not require
24 identity of covenants between the two subdivisions.

25 (e) For any subdivision subject to this Code section, the restrictive covenants shall refer
26 to a single recorded plat showing the entire subdivision subject to this Code section and

1 each lot thereof; and a copy of such plat shall be provided to the purchaser prior to the
2 execution of a sales contract or sale."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.