

Senate Bill 217

By: Senators Thompson of the 5th, Shafer of the 48th, Weber of the 40th and Stoner of the 6th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to property owners' associations, so as to provide that certain property owners'  
3 associations and similar organizations shall have standing as a party to bring a legal action  
4 to enforce certain covenants; to provide for related matters; to provide an effective date; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to  
9 property owners' associations, is amended by designating the existing text of the article as  
10 Part 1 and adding a new Part 2 to read as follows:

11 **"Part 2**

12 44-3-250.

13 As used in this part, the term 'homeowners' association' includes but is not limited to a  
14 property owners' association subject to Part 1 of this article. The term also includes any  
15 homeowners' association, community association, or other similar organization which has  
16 as one of its principal purposes the preservation or promotion of its member homeowners'  
17 enjoyment of their property in any residential neighborhood or community. The term shall  
18 include any such organization without regard to whether it consists of a corporation, an  
19 association, or some other form of organization. The term shall include any such  
20 organization without regard to whether membership in the organization is voluntary or  
21 mandatory and without regard to the number of eligible homeowners who are members.

22 44-3-251.

23 (a) Any homeowners' association shall have legal standing as a party to bring or intervene  
24 in a legal action to enforce any covenant where a violation of the covenant diminishes one

1 or more member homeowners' enjoyment of their property. The covenant in question may  
2 be one running with a member's property or one running with nearby property not that of  
3 a member. The homeowners' association shall have standing to bring suit on behalf of its  
4 members for this purpose when:

5 (1) One or more of its members would otherwise have standing to sue in their own right;

6 (2) The interests it seeks to protect are germane to the homeowners' association's  
7 purpose; and

8 (3)(A) Neither the claim asserted nor the relief requested requires the participation as  
9 parties of individual members; or

10 (B) Any individual member whose participation is required joins as a party.

11 (b) The final disposition of an action subject to this Code section shall be res judicata with  
12 respect to the members of the association as well as the association.

13 44-3-252.

14 Where there exists a property owners' association subject to Part 1 of this article for a  
15 particular development, no other homeowners' association may act under this part with  
16 respect to the enforcement of covenants running with land within that development."

17 **SECTION 2.**

18 This Act shall become effective upon its approval by the Governor or upon its becoming law  
19 without such approval.

20 **SECTION 3.**

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