

House Bill 110

By: Representatives Jacobs of the 80<sup>th</sup>, Willard of the 49<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Powell of the 171<sup>st</sup>, Welch of the 110<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,  
2 relating generally to mortgages, conveyances to secure debt, and liens, so as to provide for  
3 a vacant property registry; to provide for a definition; to provide for required elements of a  
4 form for such registration; to provide for exemptions and maximum fees for such registration  
5 and for removal from the registry; to provide for related matters; to provide for an effective  
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating  
10 generally to mortgages, conveyances to secure debt, and liens, is amended by adding a new  
11 Code section to read as follows:

12 "44-14-14.

13 (a) For purposes of this Code section, the term 'vacant real property' means and includes  
14 exclusively:

15 (1) Any building that is not occupied for an amount of time specified by a county or  
16 municipal ordinance, but at least two months, by one or more persons who are  
17 responsible for the maintenance of the building and the land on which it is located; and

18 (2) Any land on which no improvements are located.

19 Such term shall not include new buildings under construction pursuant to building permits  
20 in full force and effect, existing buildings being renovated or remodeled pursuant to  
21 building permits in full force and effect, real property owned by any governmental entity,  
22 unabandoned residential real property occupied by the owner or a tenant under the owner,  
23 or real property otherwise exempted by county or municipal ordinance.

24 (b) Effective January 1, 2012, this Code section shall preempt all county or municipal  
25 ordinances or resolutions governing any requirement for the registration of vacant real

26 property to the extent that such county or municipal ordinances or resolutions are not in  
 27 accordance with this Code section.

28 (c)(1) The governing body of a county or municipal corporation may by ordinance  
 29 require the registration of vacant real property and provide administrative procedures for  
 30 such registry, subject to and in accordance with the requirements of this Code section.

31 (2) No county or municipal corporation shall require registration of vacant real property  
 32 solely by virtue of its:

33 (A) Having been foreclosed upon judicially or under power of sale contained in a deed  
 34 to secure debt or other mortgage instrument; or

35 (B) Being owned by a purchaser at a foreclosure sale.

36 (d) Any vacant real property registry shall include provisions substantially as follows:

37 (1) The owner of vacant real property, or a duly designated agent of such owner, may  
 38 request exemption from registration requirements upon findings that:

39 (A) The vacant real property will remain unoccupied for longer than two months; and

40 (B) Reasonably acceptable arrangements have been made for the securing and routine  
 41 and customary maintenance of the vacant real property during the period of vacancy;

42 (2) Each registrant shall be required to file with a specifically designated office or officer  
 43 of the county or municipal corporation a registration form requiring submission of only  
 44 the following information:

45 (A) The vacant real property owner's name, street address, phone number, fax number,  
 46 and e-mail address;

47 (B) If applicable, the vacant real property owner's agent's name, street address, phone  
 48 number, fax number, and e-mail address;

49 (C) The vacant real property's street address and tax parcel number; and

50 (D) Recording information, including deed book and page numbers, of the instrument  
 51 conveying the vacant real property to the owner;

52 (3) The administrative procedures adopted pursuant to a county or municipal ordinance  
 53 shall include the right to appeal to the state or superior court of the county in which the  
 54 vacant real property is located, subject to applicable jurisdictional requirements. Any  
 55 vacant real property owner affected by a county or municipal ordinance requiring vacant  
 56 real property registration may challenge any determination made pursuant to such  
 57 ordinance;

58 (4) A county or municipal corporation shall deposit all vacant real property registration  
 59 fees and penalties into a separate account, which shall be used solely to:

60 (A) Improve public safety efforts, especially for police and fire personnel;

61 (B) Administer the vacant real property registry; or

62 (C) Repair, close, condemn, or demolish vacant real property as otherwise authorized  
63 by law;  
64 (5) The sole remedy of a county or municipal corporation for failure of a vacant real  
65 property owner to comply with the vacant real property registration requirements shall  
66 be to institute a civil action against such owner; and  
67 (6) A registered vacant real property owner, or the duly appointed agent of such owner,  
68 may remove such vacant real property from the registry at such time as the real property  
69 no longer constitutes vacant real property.  
70 (e) A county or municipal ordinance which requires vacant real property registration may  
71 include provisions substantially as follows:  
72 (1) A vacant real property owner subject to registration may be charged a fee for  
73 registration and removal from the registry, but such fees shall not exceed \$25.00 in each  
74 instance;  
75 (2) When the owner of vacant real property resides outside of this state, such owner, or  
76 a duly authorized agent of such owner, shall provide the name and address of a person  
77 who resides within this state who is authorized to accept service of process and notices  
78 of fees due under the county or municipal ordinance, as applicable, on behalf of the  
79 owner and who is designated as the party authorized to receive notification on behalf of  
80 the owner in the event of an emergency affecting the public health, safety, or welfare; and  
81 (3) The county or municipal corporation, as applicable, may impose a fine not to exceed  
82 \$100.00 for each month of delinquency in a required registration of a vacant real  
83 property."

84 **SECTION 2.**

85 This Act shall become effective on January 1, 2012.

86 **SECTION 3.**

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