

Senate Bill 262

By: Senators Ramsey, Sr. of the 43rd, Thompson of the 5th, Albers of the 56th and Davis of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to counties and municipal corporations, so as to provide that the
3 owner of real property against which a notice of code violation has been sent who fails to
4 correct such violation within 48 days shall be subject a daily fine; to provide for a lien,
5 creation, and foreclosure; to amend Title 44 of the Official Code of Georgia Annotated,
6 relating to property, so as to provide for a lien against lots by a home owners' association;
7 to provide for the establishment of a postforeclosure registry; to provide for the submission
8 of certain information by the purchasers of real property at a foreclosure sale; to provide for
9 a presumption that such information is valid for all legal notices; to provide for penalties; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
14 provisions relative to counties and municipal corporations, is amended by adding a new Code
15 section to read as follows:

16 "36-60-27.

17 (a) Any owner of real property against which a notice of code violation has been sent who
18 fails to correct such violation within 48 days shall be subject to a fine of \$100.00 for every
19 day thereafter during which such violation remains uncorrected. Such fine shall be in
20 addition to all other fines assessed against the property owner relative to that parcel of
21 property.

22 (b) The fines levied as provided in this Code section shall constitute a lien against the
23 property and may be created and foreclosed in the same manner as a tax lien."

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SECTION 2.

25 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by
 26 revising Code Section 44-3-223, relating to compliance with provisions of property owners'
 27 association instrument and with rules and regulations and penalties for noncompliance, as
 28 follows:

29 "44-3-223.

30 (a) Every lot owner and all those entitled to occupy a lot shall comply with all lawful
 31 provisions of the property owners' association instrument. In addition, any lot owner and
 32 all those entitled to occupy a lot shall comply with any reasonable rules or regulations
 33 adopted by the association pursuant to the instrument which have been provided to the lot
 34 owners and with the lawful provisions of the bylaws of the association. Any lack of such
 35 compliance shall be grounds for an action to recover sums due, for damages or injunctive
 36 relief, or for any other remedy available at law or in equity, maintainable by the association
 37 or, in any proper case, by one or more aggrieved lot owners on their own behalf or as a
 38 class action. If and to the extent provided in the instrument, the association shall be
 39 empowered to impose and assess fines and suspend temporarily voting rights and the right
 40 of use of certain of the common areas and services paid for as a common expense in order
 41 to enforce such compliance; provided, however, that no such suspension shall deny any lot
 42 owner or occupants access to the lot owned or occupied.

43 (b) The contact information of any purchaser of a lot at foreclosure shown on the
 44 postforeclosure registry established pursuant to Code Section 44-14-166 shall be the
 45 presumptive address for sending any notices required by this article. Any fines for
 46 noncompliance against any such owner shall constitute a lien against the lot as provided
 47 in Code Section 44-3-332."

48

SECTION 3.

49 Said title is further amended by adding a new Code section to read as follows:

50 "44-14-166.

51 (a) The clerk of each superior court shall establish and maintain a registry, which shall be
 52 known as a postforeclosure registry, for the purpose of maintaining information relating
 53 to purchasers of real property at foreclosure sales as provided by this Code section. Within
 54 ten business days after the date of a purchase of real property at a foreclosure sale, the
 55 purchaser at foreclosure, or his or her agent, shall file with the clerk of the superior court
 56 of the county in which the real estate is located the mailing address and contact telephone
 57 number of the new owner or his or her agent. The clerk shall enter such information in the
 58 registry. Each such owner shall update the information in the registry within five business
 59 days of a change in such information.

60 (b) The name and address entered in the post-foreclosure registry shall be deemed to be
61 the correct address for purposes of all notices required by law to be sent to the owner of the
62 property, including, without limitation, notices from county and city code enforcement
63 officers and homeowners' associations, for purposes of penalties and liens relating to the
64 failure to comply with ordinances or contractual obligations, as otherwise provided by law
65 or contract.

66 (c) The failure of the owner to provide the information as required by subsection (a) of this
67 Code section, or to comply with ordinances or contractual obligations relating to the
68 property purchased at foreclosure, shall subject the owner to pay treble damages to any
69 party damaged by such failure, and further to pay reasonable attorney's fees to any party
70 which prevails on the merits."

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SECTION 4.

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