

The Senate Judiciary Committee offered the following substitute to HB 129:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to
2 change certain provisions relating to property; to allow for subdivision of historic property;
3 to prohibit a fee for a future conveyance of real property except under limited circumstances;
4 to provide for a definition; to provide for related matters; to provide for 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 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by
9 revising Code Section 44-10-29, relating to certain changes or uses not prohibited, as
10 follows:

11 "44-10-29.

12 Nothing in this article shall be construed to prevent the ordinary maintenance or repair of
13 any exterior architectural feature in or on a historic property, which maintenance or repair
14 does not involve a material change in design, material, or outer appearance thereof, nor to
15 prevent any historic property owner from subdividing such property in accordance with
16 local subdivision regulations or from making any use of his or her property not prohibited
17 by other laws, ordinances, or regulations."

18 **SECTION 2.**

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

20 "44-14-14.

21 (a) As used in this Code section, the term 'conveyance of real property' shall include a
22 conveyance or other transfer of an interest or estate in real property.

23 (b) A restriction or covenant running with the land applicable to the conveyance of real
24 property that requires a transferee or transferor of real property or the transferee's or
25 transferor's heirs, successors, or assigns to pay a declarant or other person imposing the

26 restriction or covenant on the property or a third party designated by such declarant or other
 27 person, or a successor, assignee, or designee of any thereof, a fee in connection with a
 28 future transfer of the property shall be prohibited. A restriction or covenant running with
 29 the land that violates this Code section or a lien purporting to encumber the land to secure
 30 a right under a restriction or covenant running with the land that violates this Code section
 31 shall be void and unenforceable.

32 (c) This Code section shall not apply to a restriction or covenant that requires a fee
 33 associated with the conveyance of property to be paid to:

34 (1) An association formed for the purposes of exercising the powers of the association
 35 of any condominium created pursuant to Article 3 of Chapter 3 of this title, the 'Georgia
 36 Condominium Act';

37 (2) A property owners' association formed for the purposes of exercising the powers of
 38 the property owners' association pursuant to Article 6 of Chapter 3 of this title, the
 39 'Georgia Property Owners' Association Act';

40 (3) A property owners' association formed for the purposes of exercising the powers of
 41 an association of property owners that has not been formed pursuant to or which has not
 42 adopted the provisions of Article 6 of Chapter 3 of this title, the 'Georgia Property
 43 Owners' Association Act,' provided that such association shall comply with subsection
 44 (d) of Code Section 44-3-232; or

45 (4) A person or entity under the general supervision of the Public Service Commission
 46 as provided for in subsection (a) of Code Section 46-2-20, provided that the fee is
 47 charged for expenses incurred in the administration of ongoing services or rights provided
 48 to the property interest conveyed.

49 (d) A conveyance of an interest in real property by gift, devise, nonjudicial or judicial
 50 foreclosure, deed in lieu of foreclosure, court order, or operation of law shall be exempt
 51 from any permissible fees under this Code section."

52 **SECTION 3.**

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

55 **SECTION 4.**

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