

House Bill 1026

By: Representatives Carter of the 92<sup>nd</sup>, Oliver of the 82<sup>nd</sup>, Kaiser of the 59<sup>th</sup>, Drenner of the 85<sup>th</sup>, Mitchell of the 88<sup>th</sup>, and others

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 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 such property owner relative to such 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.

24 (c) This Code section shall not apply to an owner of real property who has claimed an  
25 exemption of homestead, as such term is defined in Code Section 48-5-40."

26

**SECTION 2.**

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

31 "44-3-223.

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

45 (b) The contact information of any purchaser of a lot at foreclosure shown on the  
 46 postforeclosure registry established pursuant to Code Section 44-14-166 shall be the  
 47 presumptive address for sending any notices required by this article. Any fines for  
 48 noncompliance against any such owner shall constitute a lien against the lot as provided  
 49 in Code Section 44-3-232."

50

**SECTION 3.**

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

52 "44-14-166.

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

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

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

73

**SECTION 4.**

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