

House Bill 1063

By: Representative Martin of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to
2 covenants running with the land, effect of zoning laws, covenants and scenic easements for
3 public use, and renewal of certain covenants, so as to provide for renewal of covenants which
4 restrict land to certain uses affecting planned subdivisions containing no fewer than 15
5 individual plots; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to covenants
10 running with the land, effect of zoning laws, covenants and scenic easements for public use,
11 and renewal of certain covenants, is amended by revising subsection (d) as follows:

12 "(d)(1) Notwithstanding the limitation provided in subsection (b) of this Code section,
13 covenants restricting lands to certain uses affecting planned subdivisions containing no
14 fewer than 15 individual plots shall ~~automatically~~ be renewed beyond the period provided
15 for in subsection (b) of this Code section ~~unless terminated as provided in this subsection.~~
16 Each such renewal shall be for an additional 20 year period upon approval of 51 percent
17 of persons owning plots in such planned subdivision, and there shall be no limit on the
18 number of times such covenants ~~shall~~ may be renewed.

19 ~~(2) To terminate a covenant as provided in paragraph (1) of this subsection, at least 51~~
20 ~~percent of the persons owning plots affected by such covenant shall execute a document~~
21 ~~containing a legal description of the entire area affected by the covenant, a list of the~~
22 ~~names of all record owners of plots affected by the covenant, and a description of the~~
23 ~~covenant to be terminated, which may be incorporated by reference to another recorded~~
24 ~~document. By signing such document, each such person shall verify that he or she is a~~
25 ~~record owner of property affected by the covenant. Such document shall be recorded in~~
26 ~~the office of the clerk of the superior court of the county where the land is located no~~

27 ~~sooner than but within two years prior to the expiration of the initial 20 year period or any~~
28 ~~subsequent 20 year period. The clerk of the superior court shall index the document~~
29 ~~under the name of each record owner appearing in the document.~~

30 (3) No covenant that prohibits the use or ownership of property within the subdivision
31 ~~may~~ shall discriminate based on race, creed, color, age, sex, or national origin.

32 (4)(3) Notwithstanding any other provision of this Code section or of any covenants with
33 respect to the land, no change in the covenants which imposes a greater restriction on the
34 use or development of the land will be enforced unless agreed to in writing by the owner
35 of the affected property at the time such change is made."

36 **SECTION 2.**

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