

Senate Bill 442

By: Senators Ligon, Jr. of the 3rd, Kennedy of the 18th, Tillery of the 19th and Cowsert of the 46th

**AS PASSED SENATE**

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 prohibit amendments to property owners' association instruments and covenants that restrict  
3 rental of residential lots and plots; to provide for related matters; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in Code  
8 Section 44-3-226, relating to amendment of instrument and presumption of validity in court  
9 action, by revising subsection (a) as follows:

10 "(a)(1) Except to the extent expressly permitted or required by other provisions of this  
11 article, the instrument shall be amended only by the agreement of lot owners of lots to  
12 which two-thirds of the votes in the association pertain or such larger majority as the  
13 instrument may specify; provided, however, that, during any such time as there shall exist  
14 an unexpired option to add any additional property to the property owners' association or  
15 during any such time as the declarant has the right to control the association under the  
16 instrument, the agreement shall be that of the declarant and the lot owners of lots to  
17 which two-thirds of the votes in the association pertain, exclusive of any vote or votes  
18 appurtenant to any lot or lots then owned by the declarant, or a larger majority as the  
19 instrument may specify.

20 (2) Notwithstanding any other provisions of this subsection, ~~during~~:

21 (A) During such time as the declarant shall own at least one lot primarily for the  
22 purpose of sale of such lot, no amendment shall be made to the instrument without the  
23 written agreement of the declarant if such amendment would impose a greater  
24 restriction on the use or development by the declarant of the lot or lots owned by the  
25 declarant; and

26 (B) No amendment shall be made to the instrument so as to prohibit or restrict a  
27 nonowner occupied lot from continuing to be leased or rented pursuant to the  
28 preamended instrument."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.